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Chairman : Mr. Max HENRÍQUEZ UREÑA (Dominican Republic).

Question of South West Africa (A/1901 and Add.1 to 3) (*continued*)

[Item 38]*

1. The CHAIRMAN requested the Secretary of the Committee to read a letter dated 3 December 1951 from Chief Hosea Kutako to the Secretary-General.

2. Mr. BUNCHE (Secretary of the Committee) read the letter in which the Chief thanked the Secretary-General for acting on his request and reported that the representatives of the Hereros had applied for passports to the Government of the Union of South Africa through the Chief Native Commissioner for South West Africa. No reply had so far been received from the South African Government ; should it refuse to grant the facilities applied for, the Chief asked that the United Nations should consider the dispatch of an impartial commission to South West Africa.

3. Mr. DE PAIVA LEITE (Brazil) pointed out that it had been decided at the 221st meeting on the proposal of Iraq, to consider the question of South West Africa and the documents relating to it, but not formally to close the discussion, in order to enable delegations wishing to do so to submit new proposals or to give the representatives of the tribes an opportunity to state their case. He therefore suggested that the question of South West Africa should be kept on the agenda of each meeting so that the Committee would be in a position to consider any new developments that might come to its notice.

4. The CHAIRMAN said that the Brazilian representative's suggestion would be taken into account. When new developments arose, it would always be possible to place the item on the agenda of the following meeting.

Report of the Trusteeship Council (A/1856) (*continued*)

[Item 12]*

GENERAL DEBATE (*continued*)

5. Mr. STARY (Czechoslovakia) said that his delegation had carefully examined the report of the Trusteeship Council (A/1856) and considered that it did not contain sufficient information on various aspects of the administration of the Trust Territories. As a result, it was impossible, on the basis of the report, to form an accurate picture of political, social, economic and cultural conditions. The information given was tendentious, as well as too brief. However, even from the supplementary material accompanying the Council's report, such as the reports of visiting missions, petitions and the official records of the Trusteeship Council, it could be gathered that the Administering Authorities were not fulfilling their obligations, in particular their obligations under Article 76 of the Charter. They were administering the Territories for their own benefit and not in the interests of the indigenous inhabitants. They were exploiting those natural resources of the Territories which were useful to industry in the metropolitan countries and were keeping the standards of living of the inhabitants at a very low level. They were alienating the lands of the indigenous inhabitants and exploiting indigenous workers. In short, the Administering Authorities were behaving like colonial Powers and were attaching the Trust Territories to neighbouring colonies, to the detriment of the inhabitants of the Territories.

6. He referred to the provisions of Article 76 b of the Charter and said that the report of the Trusteeship Council and the other documents available to the Committee showed that the Administering Authorities were not conforming to the principles of the Charter in administering the Territories placed in their charge.

* Indicates the item number on the General Assembly agenda.

They did not permit the indigenous inhabitants to participate in the administration of their Territory, and the so-called representative organs had in fact no jurisdiction. Legislative, executive and judicial power was entirely in the hands of the administering officials, in spite of the demands of the inhabitants, who had already submitted numbers of petitions. Thus, in petition T/PET.4/35, received from the Cameroons under British administration, the petitioners complained that the inhabitants of the Territory were not being trained for independence. The detestable system of Native Authorities prevailed, the majority of the members of those Authorities holding their office in virtue of hereditary rights; no attempt was being made to find out whether or not they were alive to the interests of the people. Administration based on the tribal system was merely an instrument to enable the Administering Authorities to control the indigenous inhabitants without difficulty. The traditional chiefs were appointed by the Administering Authority and the inhabitants were compelled to obey them. The chiefs merely served the interests of the Administering Authorities, a fact that was attested by petitions T/PET.5/59 and T/PET.5/62, received from the Cameroons under French administration, and petition T/PET.2/96 received from Tanganyika. The Administering Authorities used the threat of force to compel the population to accept chiefs of their choice. It was reasonable to ask how such practices could be reconciled with the obligation to promote the political advancement of the indigenous inhabitants. The report of the Trusteeship Council contained very little information on that aspect of the question.

7. The gradual transfer of lands belonging to the indigenous inhabitants to large plantations owned by monopolies and the investment of capital for working mineral and forest resources were leading to the formation of a class of wage-earners, particularly in the African territories. Since production followed capitalist lines, social conditions were being affected and the obsolete tribal system was being undermined, as could be seen from the report of the United Nations Visiting Mission to Trust Territories in West Africa (T/798).

8. Generally speaking, the needs of the workers were different from those of members of tribes which were still living under a natural economy. The workers needed a labour code establishing wage rates and working hours and guaranteeing fundamental trade-union rights such as the right to strike; they must also receive political rights. In addition, the workers ought to be protected by social legislation making provision for sickness, accident and old age insurance. Those requirements could not be satisfied by the traditional chiefs. The indigenous workers had found that they could not protect their interests unless they enjoyed democratic freedom of expression, which could exist only if they participated effectively in the administration of the Territory through representatives elected by universal suffrage.

9. The General Assembly should recommend the Administering Authorities to take immediate steps to abolish the tribal system, which was contrary to the Charter, and replace it by an administrative system ensuring participation by the elected representatives of the peoples in political, economic and cultural life. The so-called representative assemblies existing in a number of Trust Territories had in fact no real power, having been established solely in order to convey the impression that the people were being progressively led toward independence and self-government. In fact, the procedure for electing indigenous representatives to those assemblies was such that most of the population were disfranchised. In the Cameroons under French administration, for example, only 39,615 electors had taken part in the 1946 elections, out of a population of 3 million. As a result, 3 million indigenous inhabitants were represented by 24 members, while 8,980 French nationals had 16 members. In Togoland under French administration, the 997,000 indigenous inhabitants were represented by only 24 members in the so-called Representative Assembly of Togoland, whereas the 1,443 Europeans in the Territory had 6 representatives. As could be seen from petition T/PET. 6/23—T/PET.7/21 from Togoland under French administration, the Representative Assembly had only a consultative voice in budgetary matters. It had no legislative power and was not even entitled to discuss political questions.

10. After many years of the mandates system and six years of the Trusteeship System, the results obtained were most discouraging. The Trust Territories were in actual fact merely colonies or annexes of the metropolitan Powers, which exploited them without regard for the vital interests of the peoples. In Territories where the indigenous inhabitants had formed progressive political organizations and trade unions, the Administering Authorities followed a policy of persecution and banned meetings and even the sending of petitions, as witnessed by petition T/PET.5/83, from the Cameroons under French administration. Thus not only were the Administering Authorities doing nothing to prepare the peoples for independence, but they were actually resorting to force to suppress any spontaneous initiative by those peoples. The report of the Trusteeship Council was silent on that question also; and instead of criticizing the policies of the Administering Authorities, it contained nothing but complimentary references to them. The delegation of Czechoslovakia was therefore unable to associate itself with the Trusteeship Council's conclusions, and would vote in favour of any proposal that was likely to secure full and complete participation by the indigenous inhabitants in the administration of their Territories.

11. Mr. MACAPAGAL (Philippines) said that the creation of the International Trusteeship System had generated great hope in the breasts of millions of human beings. It had been believed that the effects of the system would spread beyond the confines of the Territories placed under trusteeship—of which there were unfortunately too few—to the entire colonial world, and that it would give the colonial world an example

of speedy progress towards self-government and independence.

12. In actual fact, four years after the establishment of the Trusteeship System, when definite improvements in the moral and material conditions of the inhabitants of the Trust Territories might justifiably have been expected, it was vain to look through the Trusteeship Council's report for any evidence of major changes in the administration of the Trust Territories. In 1951 the peoples of Africa and of the Pacific islands were still, as in 1947, awaiting the day when they would be permitted to take effective part in the direction of their countries' affairs, to have their children educated in well-equipped schools, to enjoy proper living and working conditions and to benefit by all the blessings of modern civilization.

13. In 1947, when the Trusteeship Council had learned that in all the Trust Territories the indigenous peoples were more or less completely debarred from the most elementary rights and left to their miserable lot, it had reacted vigorously and had addressed strong recommendations to the Administering Authorities. In 1951, when circumstances had not materially changed, it frequently went no further than to express aspirations or hopes of the most cautious kind. In fact, the Council seemed to wish to heap praises on the Administering Authorities. Some of the eulogies were undoubtedly justified, but many were called forth by the adoption of measures which should have been taken long before. It could only be hoped that such praises would encourage the responsible Powers to act generously, thus producing satisfactory psychological effects.

14. When the Administering Authorities, instead of giving effect to recommendations adopted by the Council on the most important matters, had merely stated the reasons for which they proposed to take no action on them, the Council had in many cases not tried to press its point of view. That attitude was particularly disquieting. For example, after declaring in 1948 in the most categorical terms that the continuance of the tribal organization was hampering the political and social advancement of the inhabitants of Tanganyika, the Council was in 1951 allowing the Administering Authority to make that organization the very foundation of local administration in the Territory.

15. The case of Nauru was another example of the extreme caution manifested by the Council, which had still not progressed beyond the stage of asking the Administering Authority to transmit the detailed statistical data which alone could enable it to determine whether the Territory was benefiting sufficiently from the phosphate exports on which the island's entire economy was based (A/1856, p. 227). The Council had failed to secure any more positive results with respect to the abolition of corporal punishment, in spite of the General Assembly's express recommendation (resolution 440 (V)).

16. Broadly speaking, it had to be recognized that the fundamental problems existing in the Trust Territories remained unsolved. In the case of the important

Ewe question, the Council's function was apparently more and more being reduced to approving all the measures enacted by the Administering Authorities, even when they met with the most active opposition from the populations concerned. In the matter of administrative unions, it might be said that the Council had virtually been content to note the conditions governing the operation of such unions, and was now allowing them to be drawn closer and reinforced, although the problem of the repercussions which administrative unions might have on the status of Trust Territories had not been satisfactorily solved.

17. Similarly, the Council had failed to state in its report whether it was satisfied with the steps taken by the Administering Authorities to give effect to the recommendation adopted by the Trusteeship Council at its seventh session (resolution 301 (VII)) in pursuance of General Assembly resolution 325 (IV), on the use of the United Nations flag in the Trust Territories. Yet the report itself showed that the United Nations flag was still not being flown everywhere, and at all times, in the Trust Territories. He gathered, in fact, that in four out of the seven Trust Territories in Africa the Administering Authorities proposed to fly the United Nations flag "upon appropriate occasions" (A/1856, p.23), which incidentally were not specified; that in the case of another Territory, all that had been done was to take note of the Council's recommendation; and that no information was given for the remaining two Territories. It might be noted that, though they were expected to do so, the Administering Authorities had not seen fit to inform the General Assembly of the practical difficulties in the way of flying the United Nations flag in the Territories under their administration.

18. In another connexion he said that, in its efforts to improve its methods of work, the Council had not apparently gone as far as the General Assembly had recommended in its resolutions.¹ In particular, the procedure followed in examining the many petitions from the Trust Territories called for the most express reservations. The resolutions adopted after the examination of the petitions clearly showed that in many cases the Council was still unable or unwilling to study the petitions, especially those which raised questions of general interest, except quite superficially. That was obviously a serious state of affairs, particularly if it was remembered that the right of petition, a fundamental right proclaimed by the Charter, lost all its meaning if it was not fully applied. A partial explanation for the Council's attitude was that quite possibly the Administering Authority responsible for the Territory whence the petitions examined by the *Ad Hoc* Committee on Petitions originated was represented on that Committee and consequently, by its vote, could decisively influence the conclusions and recommendations adopted by the Committee. In any case, the Administering Authority could always influence the final decision taken by the Council on the basis of those

¹ See resolutions 432 (V), 433 (V), 434 (V), and 435 (V).

observations and recommendations, as it had a vote in the Council. That meant that the Administering Authority sat in judgment on a matter in which it was directly involved, which, to say the least, was contrary to the principles of law. If it was not proposed to amend the Council's rules of procedure radically, the way to remedy that intolerable situation would be for the Administering Authorities to abstain from taking part in the proceedings whenever the Committee or the Council discussed the conclusions and recommendations to be adopted concerning petitions from Territories administered by them.

19. In addition, it would be desirable to revert to a strict application of the Council's rules or procedure which provided for the appointment by the Administering Authority of a special representative to take part in the discussion of all questions concerning a Trust Territory, but clearly indicated that that representative had no right to vote or take part in the discussion on the final conclusions and recommendations. While Authorities implicated in petitions should quite properly have an opportunity for offering explanations, it was inadmissible that the special representative should act as though he were a member of the *Ad Hoc* Committee on Petitions, as that would have the effect of upsetting the balance between administering and non-administering members in that organ; it was inadmissible for the special representative to take an active part in the discussion of the conclusions and recommendations to be transmitted to the Council by the Committee and even inform the latter which recommendations he considered acceptable and which he did not. The same comments were applicable to the Council's procedure for examining annual reports.

20. It was partly because of the very unsatisfactory circumstances in which petitions were examined that the Philippine delegation would favour amending the terms of reference of the United Nations Advisory Council for the Trust Territory of Somaliland under Italian Administration so as to enable it to take an active part in the study of petitions from that Territory. Moreover, that seemed to be a task inseparable from the task of the Advisory Council, which had been instructed to assist and advise the Administering Authority for the Trust Territory of Somaliland and which could not efficiently help the General Assembly to supervise the Territory's administration unless its powers were strengthened. Such a measure would not be an innovation, as Somaliland under Italian administration occupied a very special place among the other Trust Territories: it was the only Territory placed under international trusteeship by a General Assembly decision (resolution 289 B (V)) with the intention that it should acquire independence within ten years, and the only one for which an advisory council had been established.

21. He hoped that his statement would help to remove some of the difficulties which threatened to wreck the International Trusteeship System, the successful operation of which was so important for the future of the United Nations and the maintenance of international

peace and security. But if that system was to operate successfully, the Administering Authorities must show wider vision and the non-administering States should be still more vigilant in defending the interests of the indigenous peoples. If members of the Fourth Committee wished the International Trusteeship System to operate with the desired efficiency, if they wished it to guide and canalize the just aspirations of the peoples of the Trust Territories along the proper course and so contribute to lessening tension, they should endeavour always to be guided by a high sense of duty and never to allow themselves to be swayed by selfish considerations.

22. Mr. LESCURE (Argentina) said that, as his country was a member of the Trusteeship Council, the Argentine delegation had been able to follow the work of the Council closely and to note the extent of the task it had performed, which was recorded in the report. It had also observed the *rapprochement* between the Administering Authorities and the other members of the Council and had noted some progress towards the objectives set forth in Article 76 of the Charter, the achievement of which would bring immense benefits to the peoples of the Trust Territories. The Argentine delegation had always maintained an impartial attitude, never demanding the impossible as far as progress was concerned nor acquiescing in situations which admitted of improvement, since it always believed that healthy criticism helped to improve institutions.

23. In political questions, the Argentine delegation had always recommended, and continued to recommend, the granting of the right to vote and increasing participation by the indigenous population in the legislative and administrative machinery. For that purpose, it considered it was especially important to intensify adult education, so that those indigenous inhabitants who were to represent their fellow countrymen might be thoroughly familiar with political institutions and administration, which was an essential condition for reaching independence. Some progress had been made in that direction and further appreciable improvement was to be hoped for.

24. In economic affairs, the need was to ensure balanced budgets in the Territories, to diversify their economy and encourage the utilization of the natural resources.

25. The Argentine delegation had given its main attention to the social and cultural position in the Territories. It urged that wages and standards of living should be raised and that due attention should be paid to child welfare, the institution of contracts of employment, compensation for dismissal, compensation for industrial accidents, sickness benefits and the institution of a medical-aid scheme. It was regrettable that the budgets for public health had not been increased. Referring to the question of corporal punishment, he cited the latest General Assembly resolution (440 (V)) and noted the retrogression which had occurred in some Territories. The proposed objectives had not yet been attained, and the Argentine

delegation continued to urge the need for the total abolition of corporal punishment; it therefore intended to vote for any draft resolution to that effect.

26. The Argentine delegation attached special importance to petitions; indeed, Argentina was a member of the *Ad Hoc* Committee on Petitions. That that Committee had been able to cope with its very heavy workload had been due to the extremely helpful co-operation of the staff of the department of Trusteeship of the Secretariat, which had done wonders in preparing the necessary documentation and working material for the Committee on time. But the Committee had not been able to sit for long enough and had had to postpone part of its work. The Argentine delegation had not approved that decision and strongly recommended the appointment of a standing committee.

27. In view of the international importance of the questions with which the Trusteeship Council was concerned, it would also be desirable to increase the number of non-administering Powers taking part in its proceedings. Without going so far as to amend Article 86 of the Charter, the possibility might be considered of allowing States which were not members of the Council to be members of a standing committee on petitions. The Council would thus have the benefit of new ideas, while the experience of delegations whose countries were ex-members of the Council would be put to good use.

28. So far as education was concerned, his delegation recommended an increase in the number of secular schools, the establishment of secondary and technical schools teaching in the vernacular, and the institution of courses for adult illiterates so that they could take part in the political life of their Territory and be prepared for independence.

29. His delegation was glad to have had an opportunity of collaborating in the Council with the delegation of Italy, a country with an age-old civilization; it hoped that Italy would attend the next session of the Council with all the rights required for full participation in its proceedings.

30. Argentina's term of office in the Trusteeship Council would expire in January 1952 since it had been elected a member of the Economic and Social Council. Accordingly, he wished to take the opportunity of thanking the President, the former Presidents and the members of the Council for their goodwill and friendship towards his delegation. He wished the Council every success in the work of its future sessions.

31. Mr. LAWRENCE (Liberia) wished to make a number of observations on certain aspects of conditions in the Trust Territories.

32. It appeared from the report of the Trusteeship Council that, in order to account for the slow rate of progress in some Territories, the Administering Authorities were asserting that the indigenous populations were like backward children, incapable of assimilating modern ideas or higher education and wholly ignorant of their real interests. One Administering Authority

had even stressed the merits of corporal punishment, claiming it was an indigenous institution, and had affirmed that the indigenous populations preferred whipping to imprisonment. That was an inadmissible assumption, inconsistent with Christian ethics and with the principles of the Universal Declaration of Human Rights. The State concerned was displaying a complete disregard of the solemn commitments it had entered into when signing the Charter.

33. Speaking of discriminatory practices, he pointed out that all such practices were intolerable; they served as an accurate gauge of the efforts made by the Administering Authority to lead the indigenous populations towards self-government and independence. From the section of the report dealing with Ruandi-Urundi, it appeared that Europeans, Asians and Africans lived in separate quarters in urban areas, allegedly on account of differences in their way of life. The question inevitably arose why there was such a difference in their way of life and why, over a period of thirty years, nothing had been done to raise the standard of living of the Africans. Moreover, in contravention of the Convention concerning Forced or Compulsory Labour, hundreds of indigenous workers in Ruandi-Urundi had been sentenced for leaving their work. Despite the principles of the Charter, women were not permitted to own or inherit property. The Administering Authority concerned had pointed out that it was contrary to local custom for women to go to school, own property or exercise the same rights as men. Mr. Lawrence felt that the Administering Authority ought to explain the harmful nature of that custom to the population and, if necessary, take energetic steps to eradicate it. Not inconceivably, too, the administrative union between Ruandi-Urundi and the Belgian Congo had led to the imposition on the Trust Territory of many discriminatory practices in force in the colony, since the legislation and decrees of the Belgian Congo might be applied in the Ruandi-Urundi.

34. The economy of most Trust Territories was based on agriculture and their inhabitants were deeply attached to their land. Care must therefore be taken to avoid moving the indigenous population from one part of a Territory to another without due regard for its traditions and economic security. That had unfortunately not always been the case. In some parts of Africa, the indigenous population had been expelled from the land it had inherited from its ancestors to make room for European settlers. The Trusteeship Council should therefore think carefully before pronouncing itself in favour of transfers of indigenous peoples. Similarly, in those Territories where the population was mainly engaged in cattle-raising, care must be taken not to dislocate the economy by ill-considered measures; instead, the Administering Authority's principal role was to instruct the population in modern methods of cattle-raising.

35. The soundest means of preparing the populations of Trust Territories quickly for self-government or independence was education. He felt bound to urge again, however, that teaching must not be given in the

vernacular languages. In Territories where some 30 or 40 languages or dialects were spoken, it would be both difficult and expensive to train the teaching staff required, and to prepare the necessary textbooks. Moreover, people who had been taught in the vernacular would in practice not be eligible for secondary or higher schools, nor would their education fit them for modern life. In the interests of the indigenous people themselves, therefore, education in Trust Territories should be given in the language of the Administering Authority; that would enable the indigenous peoples to advance more rapidly towards self-government and the attainment of all the objectives proclaimed in the Charter.

36. The Liberian delegation had been pleased to note that, in most of the Trust Territories, the Administering Authorities were constantly improving medical and public health services for the indigenous population. Much still remained to be done, of course, but it was gratifying to note that the indigenous populations were being given increasing opportunities for appreciating the advantages of scientific medicine over witchcraft. Everyone should realize that, of all the resources of Trust Territories, the human resources were the most valuable.

37. His delegation sincerely hoped that the views expressed by the representative of Iraq in the general debate (220th meeting) would be borne in mind by all Member States. Those views were especially pertinent for States which at present held control of the fate of millions of human beings less fortunate than themselves—even, to a certain extent, the fate of mankind itself. Those States had given to the world the undying spirit of freedom and the doctrine of democracy.

38. The map of the world was changing gradually as more and more people were obtaining or seizing self-government or independence. There was talk also of peace; but how could peace reign in a world where half was free and the other half enslaved? So long as there were centres of oppression, of discrimination and of disregard of human rights, storms of despair and destruction were inevitable.

39. He thanked the Trusteeship Council for placing before the Committee a full and comprehensive report, which showed that the Council was fulfilling its work conscientiously and intelligently.

Programme of work

40. Mr. PEREZ CISNEROS (Cuba) thought the Committee might usefully devote the end of the meeting to electing the two new members of the Special Committee on Information transmitted under Article 73 e of the Charter. Since only Ecuador and Indonesia had offered themselves as candidates, the election would be a mere formality.

41. The CHAIRMAN pointed out that the question was not on the agenda for the meeting, and he would

be unable to accede to the Cuban representative's suggestion unless the Committee agreed.

42. Mr. KHALIDY (Iraq) supported the Cuban representative's suggestion.

43. Mr. LANNUNG (Denmark) opposed the suggestion on the grounds that the Committee, in agreeing to, deal with an item which was not on the agenda for the meeting, would be setting a precedent which might prove dangerous. The election of the two members should, according to the order of the items on the agenda, not take place until after study of the item on Non-Self-Governing Territories.

44. Mr. RYCKMANS (Belgium) agreed with the Danish representative. He pointed out that, according to the order set for studying the questions referred to the Committee, the election was not to take place for several days; other States might come forward as candidates in the interval, and the election might well not be a mere formality. It would be preferable to complete its work in connexion with the draft resolution on the establishment of a new *ad hoc* committee on South West Africa (A/C.41/L.156), by settling the membership of that committee.

45. Mr. PEREZ CISNEROS (Cuba) withdrew his suggestion, but asked that the election in question should be placed on the agenda for the following meeting.

46. He inquired what procedure would be followed after the Committee had settled the composition of the *ad hoc* committee on South West Africa. He did not think that the study of the question of South West Africa would thereby be completed, since the Committee would still have to give a decision on the problems presented by the hearing of the Herero representatives.

47. Mr. DE PAIVA LEITE (Brazil) said he had mentioned the subject at the beginning of the meeting. The question of South West Africa should remain on the Committee's agenda until the question whether the Herero representatives were to be heard had been finally settled. Only then would the Committee be able to adopt its report on the question for submission to the General Assembly.

48. The CHAIRMAN said that was in fact the correct description of the position so far as the question of South West Africa was concerned.

49. Mr. PEREZ CISNEROS (Cuba) again asked that the question of the election of two new members of the Special Committee on Information transmitted under Article 73 e of the Charter should be placed on the agenda for the following meeting.

50. Mr. LANNUNG (Denmark) moved the adjournment of the meeting.

The motion for adjournment was adopted by 33 votes to 3, with 7 abstentions.

The meeting rose at 5.15 p.m.