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**President: Mr. Awni KHALIDY (Iraq).**

*Present:*

The representatives of the following States members of the Trusteeship Council: Australia, Belgium, China, Dominican Republic, El Salvador, France, Iraq, New Zealand, Thailand, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United States of America.

The representative of the following State non-member of the Trusteeship Council: Italy.

The representative of the following specialized agency: United Nations Educational, Scientific and Cultural Organization.

**Examination of the annual report on the Trust Territory of Togoland under French administration for the year 1951 (T/994, T/1012) (*continued*)**

[Agenda item 4 (e)]

*At the invitation of the President, Mr. Doise, special representative of the Administering Authority for the Trust Territory of Togoland under French administration, took a place at the Council table.*

1. Mr. PIGNON (France): I shall leave it to the special representative to answer more precisely and in greater detail the remarks made and the questions put during the general discussion, and shall confine myself to a few brief observations.

2. Speaking as the representative of France, I should like to assure my colleagues that I shall faithfully transmit to my Government the advice, the suggestions and also the criticisms that have been formulated here, and that I personally shall do my utmost to see that they are followed up.

3. That is not enough: I also wish to thank the members of the Council for the valuable co-operation and encouragement they have given us. They have also, it is true, noted imperfections and shown a desire for more rapid progress in certain fields.

4. There have been statements that I shall not contest; there have been others, on the contrary, which I should like to compare with the realities of Africa and the present potentialities of the Territory if I were not afraid of abusing the Council's patience.

5. It is enough for me to remember that in the opinion of the great majority of the Council our endeavours in 1951 were in the right direction — in other words, we are on the right road. I say "the great majority" because, whatever subject was being discussed, France's activities in Togoland found no favour in the eyes of the Soviet Union representative.

6. I should scruple to take up the Council's time by expatiating on the possible reasons for this attitude of systematic criticism. Possibly we do not speak exactly the same language and a preliminary meticulous definition of certain fundamental ideas should be established, or perhaps we should draw up a list of corresponding terms. Perhaps, too, our colleague, despite his learning and the vast erudition we know him to possess, is unaware, owing to lack of personal experience, of the practical day-to-day difficulties of the Administration. Perhaps he will forgive me if I am rash enough even to suspect him, from time to time, of allowing himself the relaxation of making a joke, to which I personally have no objection whatever, although he has rather a wry sense of humour.

7. That is why I felt justified in not becoming unduly excited by his allegations and in listening serenely and

*cum grano salis* to his description of the terrible state of affairs in Togoland under French administration. Be that as it may, I shall never cease to try to make him understand, and, since he professes to respect facts, I shall present him with some which are hard to contest or to harmonize with a theoretical construction in which deduction rests upon hypothesis or, more exactly, upon assumption.

8. The representative of the Soviet Union spoke [440th meeting] of threats for the future of the Territory implicit in the integration of Togoland in the French Union. I would point out to him that article 60 of the Constitution of 1946 simply names the *Territoires associés* without defining their status, since their status is laid down in an international instrument and article 26 proclaims that international treaties take precedence over national laws.

9. I would also point out to him that there is no kind of administrative union between Togoland and the neighbouring Federation, French West Africa. Furthermore, in this very Council it has been noted that, despite the artificial nature of the Territory's origin, there is an awakening of solidarity among the various races which inhabit it, a rudimentary national consciousness. Finally, if he will allow me, I shall recall the solemn pledges given repeatedly before the Council by the representative of France to abide by the will of the people at the end of the trusteeship period.

10. The USSR representative asserted that the Territorial Assembly had no powers and was merely an advisory body. I shall ask him to read carefully the text of the organic decree.<sup>1</sup> He will see that the Assembly's deliberative functions are already numerous and that, in particular, it has the fundamental power of voting taxes, which has been the first right gained by all democracies and all parliaments. I would add that, contrary to his statement, the Assembly follows up the implementation of the budget through its permanent committee and that it approves the final accounts.

11. The Soviet Union representative criticized the small part played by the indigenous inhabitants in the administration of their country. If he will study the statistics, he will see that the part they play is much larger than he admits, and that it is constantly growing. In any event, he cannot deny that every post and every grade is open to indigenous inhabitants, without discrimination, the only condition being that they possess the necessary diplomas. The fact is that the first Togolandians who obtained degrees from French universities and who had qualifications which would have enabled them to apply for senior posts in the Administration have chosen the liberal professions — medicine or the law — rather than business or politics. There has been a great step forward in the direction of making public office attractive. I do not know if the term "discriminatory" will be applied to the law of 30 June 1950 — the Lamine-Gueye Act — which laid down that all officials, of whatever origin, should receive exactly the same pay.

12. The Soviet Union representative said, when questions were being put to the special representative [438th meeting], that there was no secondary education in

Togoland. I suppose that was either a joke or was said for effect. As he did not repeat that allegation in his final statement, I shall not labour the point or demonstrate that the teaching given at the Lomé college is in every way comparable to that which I myself received earlier and elsewhere.

13. On the other hand, I feel compelled to refer to the judgment he emitted [437th meeting] on the officials and agents who were on duty at the time of the Vogan incident. I must remind him that these men were exonerated of all blame after an administrative investigation and a judicial investigation; that the action of justice may appear to him slow, but that it is at all events thorough and even meticulous. I shall add a factual consideration which should have some weight in his eyes. What happened was not a police measure to break up a mob or to crush a demonstration, but simply and solely a natural defensive reaction by a tiny garrison besieged in a ludicrously inadequate fort.

14. The USSR representative is of course entitled to judge, according to his own ideas and criteria, that progress in Togoland is too slow. But in all good faith, and without bitterness, I do not think that, in the light of the facts, he can refuse to acknowledge the efforts made by the Administering Authority to bring about the progressive development of the Territory, in conformity with the provisions of the Charter.

15. Mr. President, I ask your pardon for having spoken at such length. I can assure you that I should have very much liked to have been able merely to thank you and the Council for the attention paid to the special representative and myself and, in the name of the French Government, to wish a successful journey and a fruitful mission to those of our colleagues who will soon be visiting Togoland under French administration.

16. Mr. DOISE (Special representative for Togoland under French administration): During the consideration of the annual report on Togoland under French administration,<sup>2</sup> the Trusteeship Council has carefully considered the situation in that Territory and has thus shown a thorough knowledge of its problems. Various speakers have recognized the efforts made by the Administering Authority and the results achieved, and have suggested further improvements. Without any doubt, this will greatly encourage the Administration in the future and, while not denying that much still remains to be done, it will study the advice given and the recommendations adopted by the Trusteeship Council, and will spare no effort to carry them out.

17. As regards the material presentation of the report, the observations made by the representatives of Belgium [439th meeting], the Dominican Republic [440th meeting] and El Salvador [440th meeting] rightly emphasized the desirability of establishing a more intelligible link between the body of the text and the appendices in order to facilitate comparison between the questionnaire and the report as drawn up in narrative form, and in general, of improving the statistics. The report had to be drafted more rapidly than usual this year, as it had to be ready by 15 May. All the comments made were, however, judicious and we shall bear them in mind next year.

<sup>1</sup> Decree of 25 October 1946, published in the *Journal officiel de la République Française* of 27 October 1946, p. 9,129.

<sup>2</sup> See *Rapport annuel du Gouvernement français à l'Assemblée générale des Nations Unies sur l'administration du Togo placé sous la tutelle de la France, année 1951.*

18. In the political field, the Trusteeship Council has recognized that great progress has been made again this year, particularly in connexion with representative institutions and political rights. This progress, which largely corresponds to the desires expressed by this Council, will be steadfastly continued.

19. Although the Territory did not originally possess any great natural unity, and although members of certain ethnic groups — which in fact constitute only an eighth of the total population — are to be found in neighbouring countries, nevertheless the peace and the unification introduced by the Administering Authority have gradually created a tangible sense of unity and the beginnings of a collective consciousness which has been noted with satisfaction by the Council. This collective consciousness has been manifested in various elections expressing the true desires of the virtual majority of the population, a population which has consistently expressed its desire to remain under French trusteeship until its emancipation.

20. A single voice — that of the Soviet Union representative — was raised to accuse the Administering Authority of maintaining the backward tribal system, thus putting a brake on democratic development. On several occasions I have defined the true policy followed in the Territory with regard to custom. The decree of 2 December 1949 concerning the indigenous chiefs, which has been adduced as an argument, does not in any way confirm custom in respect of the *chefferies*; it defines and limits it. The truth is that detribalization has already made great headway, particularly in the south. The progressive growth of local representative organs, such as the *conseils de circonscription* or the *communes mixtes*, is a proof of this detribalization; it also hastens it by replacing the traditional usages by democratic procedures whose importance the Council has recognized.

21. Some members of the Council have shown interest in the presence of Togoland in the metropolitan political assemblies. At the request of the representative of New Zealand [440th meeting], among others, I may say that members of parliament from Togoland take an active part in the work of those assemblies. This does not prevent them from keeping in touch with the local population, and in general they do not join strictly metropolitan parties, but rather the independent overseas group, which is very homogeneous in character.

22. Other members of the Council have shown concern about the frontier between the Territory and Togoland under British administration, and have asked, for instance, whether it would not be possible to go further than we have so far with our customs arrangements. In practice, the system is very simple. The customs exemptions are almost complete along the whole of this frontier, and there are frontier customs posts only on a few roads on which the traffic is heavy. We should be glad to abolish what is now hardly more than a symbolic customs frontier which can be crossed at any time. Unfortunately, the problems of world trade, which in a happier world would doubtless not exist, prevent us from taking this final step.

23. In the economic field, the Council, which has repeatedly been able to measure the limitations of this small Territory, which is deprived of key industrial products, has noted with approval the balance of trade

for the year 1951. It has noted the careful husbanding of natural resources, the advantages derived — or to be derived — from the ten-year plan, the work carried out by the agriculture, forestry and zootechnical services in improving methods of cultivation and production and increasing the fertility of the soil. The soil of the Territory undoubtedly calls for measures of caution and conservation. On this point the observations made by the United States representative [440th meeting] and endorsed by the United Kingdom representative, who knows Africa thoroughly, echo the constant concern of the relevant services of the Administering Authority. Their researches and experiments with various proved methods, the work of our soil experts and, in general, the dissemination of agricultural information, will help to ensure the conservation and regeneration of the soil and progress in the development of the Territory's only real wealth.

24. Some members of the Council — in particular, the representative of China — have stressed the importance of the co-operative movement. I can assure the Council that attention will be paid to this important problem and that everything will be done to see that the co-operative movement begun in 1951 is extended as quickly as possible.

25. Finally, as regards foreign trade, the Council has shown concern regarding the deficit in foreign exchange. This deficit is not a danger for the Territory or for its supplies, since France, through its exchange organization, covers all the foreign exchange needs of Togoland under its administration. The matter will, however, be brought to the notice of the competent authorities so that fuller information can be included in the next report.

26. One voice has been raised in the Council to accuse the Administering Authority of transforming the Territory into a "source of raw materials". It is alleged that subsistence crops and livestock are being sacrificed to export crops. This assertion is completely unjustified. The food situation of the Territory in 1951 was excellent. If there had been no export crops, the same voice would no doubt have reproached us with having done nothing to increase the economic potentialities of the Territory. In a word, if Togoland under French administration had been chosen as a "source of raw materials", the choice would have been a bad one.

27. The same voice, that of the representative of the Soviet Union, affirms that the Administering Authority has robbed and is still robbing the indigenous inhabitants of their lands. We were told that about 4,000 hectares had been so alienated.

28. I imagine that this figure was obtained by adding the 565 hectares belonging to date to non-indigenous persons, as mentioned on page 88 of the report, to the 3,402 hectares of the private domain of the Territory. First, however, there is no domain of the French State in the Trust Territory, in accordance with the decree of 13 March 1926, and all the public and private domain belongs to the Territory. There remain the 565 hectares belonging to non-indigenous inhabitants, 403 of which came from private domain — 565 hectares legally purchased, and not fraudulently seized. The area of the Territory, I should recall, is 55,000 square kilometres. I hardly think I need explain that in our metric system a square kilometre is equivalent to 100 hectares. What

a splash this vast expanse of 5.65 square kilometres makes on the map of a Territory with an area of 55,000 square kilometres! Togoland under French administration is really the last place to choose as an example of alienation of land from indigenous inhabitants.

29. With regard to the classification of the forests, in connexion with which the same representative made the same accusation, I shall simply say that that is not alienation either, and that the Trusteeship Council has strongly encouraged the Administering Authority to continue its policy.

30. I do not want to press the point. Neither the land nor the fruits of the indigenous inhabitants' work are taken from them, not even by the system of taxation which, as I have already tried to explain, requires them to make only a very small contribution to the budget. What is more, the Administering Authority, desiring to protect their interests, has willingly made great sacrifices to put the Territory in order, economically and socially; and in that connexion I should like to pay a tribute to the discernment of those members of the Council who have been good enough to appreciate at its just value the extent of the disinterested efforts made in the fields of public health and education. I can emphatically say that the effort will be continued in the years to come. Of course everything is not yet perfect. Many members of the Council feel, for example, that there are too few doctors. But at this moment a number of scholarship winners are carrying on their medical studies in France.

31. School attendance is certainly still far from satisfactory, but the present rate of increase allows us to hope that the goal will be reached shortly. The level of education demanded by the examinations appears to some members of the Council to be too high—I remember the very interesting comments of the representative of Thailand on this point [440th meeting]—but the object of the educational services is to give the children a high standard of education, to bring them up progressively to the level of the French examinations, so that they shall not be in a position of inferiority but shall have every opportunity to obtain responsible posts requiring high qualifications.

32. With reference to health and education, the Soviet Union representative categorically stated that the Administering Authority had done nothing. I shall not enter into a long controversy, which would waste the time of the Council, concerning his assertion that the number of doctors has remained the same for twenty years. I shall simply say that besides army doctors, there are three private doctors in the Territory. Nor shall I reopen the fruitless discussion concerning the number of beds and the total number of hospitals. I have explained the terms we use and I say that there are in all ten hospitals in the Territory.

33. In conclusion, on the question of health, I would remind the USSR representative once more, since he likes statistics, that the Administering Authority, which according to him has done nothing in this sphere, has in twenty years reduced the number of persons suffering from sleeping sickness from 17 per cent to 2 per thousand. That is only one example, and there are many others, but it is a striking figure, which touches the imagination.

34. Furthermore, the same representative again claims that the budget for education has decreased by 5 million francs since 1950. I had quoted a total figure of 156 million francs for the year, taking that figure from the very interesting report of UNESCO [T/1012]. I am surprised that he should return to that point, which I believed, in perfect good faith, to be nothing but a printer's error.

35. I ask your pardon, Mr. President, for these few minutes' digression. I beg you to allow me, before I leave this table, to which I have been so cordially welcomed by the members of the Council, to thank them in the name of my Administration for the objective opinions and wise advice they have given in the course of this discussion.

36. I certainly did not expect to receive any compliments from the Soviet Union representative. I was therefore neither surprised nor disappointed by his systematic criticisms, which had a familiar sound and the effect of which was greatly diminished by constant repetition. When I was confronted with the appalling picture which he drew with so masterly a hand of conditions in the Trust Territory, where, according to him, the situation is extremely serious, I confess I felt a moment's dismay at the thought that I had been near to such terrible danger for so many years without realizing the fact. True, he has the advantage over me of never having lived in Togoland under French administration.

37. Finally, Mr. President, I should like personally to thank the Trusteeship Council for the kindness and sympathy shown to me during these last few days, which will remain as a pleasant memory.

38. Mr. SOLDATOV (Union of Soviet Socialist Republics): Since the statements which the representative of France and the special representative made during the discussion of the French Government's report on the administration of Togoland constituted, in effect, a criticism of the statement made by the Soviet Union delegation in the Trusteeship Council, I feel that I must say a few words so that there should be no misconstruing of the position of the Soviet Union.

39. Naturally, I cannot deal with all the points which have already been discussed in the Trusteeship Council in connexion with this question, the more so since neither the representative of France nor the special representative has adduced a single fact to refute any of those quoted by us, which were based on information supplied by the Administering Authority. I would merely emphasize that everything said by the USSR delegation on the administration of the Trust Territory was based on facts contained in the Administering Authority's report and the special representative's statements.

40. Let us take, for example, the question of the alienation of land. The Soviet Union delegation attaches great importance to the question of the alienation of land in Trust Territories, particularly as this seriously affects the situation of the indigenous inhabitants.

41. I should like to remind the representative of France, and in particular the special representative, who is with us at the Council table for the first time, of the discussion on this question held during the Trusteeship Council's fourth session. At that time, the Soviet Union delegation drew special attention to the problem of the

so-called classification of forests in the Trust Territory of Togoland. When the USSR delegation asked how forest classification was carried out and whether it involved the displacement of the indigenous population, and whether it did not worsen the situation of the indigenous population, the special representative made a statement which can be found in the official records of the Council's fourth session [21st meeting]. He said that forest classification did involve the forced resettlement of indigenous communities, and he gave certain illustrations in that connexion.

42. We attach great importance to precisely this question. In giving figures on classified forests in the Trust Territory, I pointed out [440th meeting] that the classification of forests would have a harmful effect on the position of the indigenous inhabitants. Actually, during the year under review in the report, the Administering Authority continued, and even accelerated, its programme of forest classification. I told the Trusteeship Council that the Administering Authority was alienating land under the guise of classification of forests. An area of 105,000 hectares had been classified as forests in 1951 as against 38,450 hectares in 1950, as shown on page 104 of the report.

43. That is the first fact to which I wish to draw the attention of the special representative in particular, as also that of the representative of France, who would do well to recall the information given by the Administering Authority at earlier sessions of the Trusteeship Council on the question of forest classification; namely, that the classification of forests directly involved the resettlement of indigenous inhabitants in other areas.

44. The Soviet Union delegation is opposed to this policy of the Administering Authority. It was for that reason that we introduced a proposal [T/L.297, paragraph 3] calling on the Administering Authority to put a stop to the policy of alienating the land of the indigenous inhabitants under no matter what pretext and to restore to the indigenous inhabitants all land previously alienated either under the guise of forest classification or for any other purpose. This is all the more necessary since, as is known, the indigenous inhabitants continue to protest against the classification of forests.

45. The special representative tells us that the USSR representative has never been to Togoland under French administration. I have, however, spent a considerable time in other African territories, and it is not absolutely necessary to have been specifically in Togoland. I would add that a study of the information supplied by the Administering Authority leaves no doubt as to the seriousness of the situation. The representative of France and the special representative had nothing to say about the indigenous inhabitants' objections to forest classification. The special representative insists that he is well acquainted with the situation in the Trust Territory, where he lives. He said that, until the Soviet Union representative had mentioned it, he had not been aware that he was in such great danger. But it all depends on what one regards as danger. I was not referring to the difficult position in which he may personally be: I said that the indigenous inhabitants of the Trust Territory were in a distressing situation. I do not think that the special representative, personally, is in a difficult position — particularly according to his statements in the Trusteeship Council.

46. As regards the problem of education in the Trust Territory, the Soviet Union delegation cited facts indicating that only a very small number of children of school age — in all, about 43,000 — were receiving elementary education, out of whom about 21,000 attend free schools. But in the report of UNESCO, to which the special representative referred, we see that the figures on elementary education given by the Administering Authority do not in themselves give a true picture of the situation. From the figures given by the Administering Authority, it might be assumed that 43,151 pupils attend elementary schools and therefore receive elementary education. But that is not the case in the Trust Territory. Most of the pupils do not, in fact, receive an elementary education. This is what the UNESCO report [T/1012], which has been quoted also by other members of the Council, has to say on the subject: "... it may be noted that the proportion of successful candidates is extremely low. Of 43,151 primary school pupils, 1,252 — or 3 per cent — obtained the primary school certificate". These figures speak eloquently of the way in which elementary education is given in the Territory and of its quality.

47. I have quoted facts and figures from the report of the Administering Authority to the effect that expenditure for education for 1951 was reduced by 5 million francs as compared with the previous year. These figures cannot be questioned as they were taken from the report. It is true the special representative gives other figures; but why should I give more credence to his figures than to those which appear in the report itself? His argument does not merit serious consideration.

48. I now come to the matter of public health. Here, again, the special representative's assertions do not merit serious consideration. Yesterday [439th meeting], when I asked the special representative about the public health situation, how many hospitals there were in the Territory, how many doctors there were in those hospitals, he replied that there was a hospital at Lomé with four doctors. He added that, in addition, there were nine medical centres with one doctor each. Therefore, on the basis of the figures given by the special representative, there are thirteen doctors in the Trust Territory. I then asked the special representative for further information on the number of doctors in the Territory; it appears from his reply that there are only eleven. In that case, where do the other two doctors come from?

49. I remarked at the time that I was not satisfied with the public health situation. In 1932 there were twelve qualified European doctors in Togoland, whereas, in 1951, there were only eleven, as far as can be judged from the figures given on page 141 of the 1951 report, and on pages 79 and 80 of the 1932 report of the Government of France on the Territory of Togoland under French Mandate.<sup>3</sup>

50. It can hardly be said, therefore, that the USSR representative based his remarks on figures other than those supplied by the Administering Authority itself. Such a grave question should not be approached with

<sup>3</sup> See *Rapport annuel adressé par le Gouvernement français au Conseil de la Société des Nations conformément à l'article 22 du Pacte sur l'administration sous mandat du territoire du Togo pour l'année 1932*, Paris, 1933.



such a lack of seriousness. It is a serious question and should be treated as such.

51. I wonder whether there is any need for me to repeat what I said about the number of hospital beds. Here again I based my statement on the official report of the Administering Authority; those facts cannot, therefore, be refuted. According to these figures, there is one hospital bed per fifty-five Europeans—this is in Lomé—and one hospital bed per 524 indigenous inhabitants. These, I repeat, are official figures.

52. During the general debate I did not touch on the Vogan incident, which took place on 23 August 1951. Since the representative of France thought it necessary to refer to it, however, I shall state the views of the Soviet Union delegation on this matter. Indeed, my delegation submitted a proposal on this matter in the Standing Committee on Petitions.<sup>4</sup> What happened in the village of Vogan on 23 August 1951? I shall tell you in a few words. The police opened fire on the indigenous inhabitants; according to official data, seven were killed and fifteen wounded. According to the petitions, ten were killed. Almost eleven months have elapsed since then, and those guilty of opening fire on the indigenous inhabitants of Vogan have remained unpunished. The USSR delegation demanded in the Standing Committee on Petitions that the Administering Authority should proceed to a thorough investigation of the matter and punish the officials responsible for the outrage. It will renew its demand in the Trusteeship Council. The special representative will probably say again that the facts which I have stated are incorrect. But these facts are based on official information. Whether the special representative accepts our conclusions and proposals is his own business. The special representative has told that all goes well with him in the Trust Territory. I do not doubt that he lives well. I am not greatly concerned about him. What I am concerned about is the situation of the indigenous inhabitants. The Trusteeship Council should adopt a recommendation directed towards improving the unenviable lot of the indigenous inhabitants of Togoland. Indeed, my delegation has already submitted a proposal to that effect, which appears as an official document of the Trusteeship Council [T/L.297]. We shall discuss the matter more thoroughly later.

53. I have shown that neither the representative of France nor the special representative has been able to refute any of the facts quoted by me which were taken from official data. This is not surprising, as to refute these facts would be to refute the very information supplied by the Government of France. We have based our conclusions on facts. The French delegation does not like these conclusions. It is a matter of conscience. Each delegation must decide for itself what will be its attitude in the Trusteeship Council. We feel that our attitude is right as it relates to the interests of the indigenous inhabitants and is guided by the obligations imposed by the United Nations Charter, which instituted the Trusteeship System. Other delegations have preferred to adopt a different attitude, but that is entirely up to each individual delegation. For my part, I am prepared to defend the position adopted by the USSR delegation and if necessary, I shall speak again—even ten times—in its support.

<sup>4</sup> See document T/L.300, paragraph 34.

54. Mr. PIGNON (France): In spite of what has just been said by the representative of the Soviet Union, my conclusions and those of the special representative still appear to hold good. That being so, I shall not press the matter further, since I do not wish to weary the Council with two, three or four further speeches.

55. The PRESIDENT: That concludes, I take it, the observations on the annual report on Togoland under French administration for the time being. It merely remains for me to thank the special representative very warmly for the kind co-operation and assistance which he has afforded the Council and which has earned our admiration. I would say to Mr. Doise that, for a man who has undertaken this task in the Council for the first time, he has done extremely well. I thank him once again for his kind co-operation.

*Mr. DOISE, special representative of the Administering Authority for the Trust Territory of Togoland under French administration, withdrew.*

#### **Examination of the annual report on Somaliland under Italian administration for the year 1951 (continued)**

[Agenda item 4 (a)]

*At the invitation of the President, Mr. de Holte Castello (Colombia), Fadel Bey (Egypt) and Mr. Pastana (Philippines), representatives of States members of the United Nations Advisory Council for the Trust Territory of Somaliland under Italian administration, took places at the Council table.*

56. The PRESIDENT: We still have to dispose of upwards of seventy petitions. Before proceeding to deal with them, I would request the Council to consider the comparatively minor procedural matter of whether or not the individual observations of members of the Advisory Council should be included in the report. We hope to finish with Somaliland today, and this is a question which has to be decided.

57. Mr. GERIG (United States of America): May we have some information as to what has been done by the Council in this matter heretofore?

58. The PRESIDENT: The Secretariat is consulting the official records in order to ascertain whether there are any precedents. Meanwhile, I should welcome the views of the Council.

59. Mr. DE MARCHENA (Dominican Republic): Since I understand there are no precedents in this connexion, I think it would be very premature for the Council to take a precipitate decision involving points of principle. My delegation would be somewhat embarrassed if it had to vote in favour, and equally so if it had to vote against. It would therefore have to abstain if the issue were put to a vote. We feel that the Council should study this question carefully, since it involves a principle concerning the interpretation of the duties of the members of the Advisory Council and their co-operation with the Trusteeship Council.

60. The PRESIDENT: It is open to the Council, of course, either to take a decision today or, if it prefers, to think the matter over first. I am informed, however, that the Bureau of Finance pays a daily allowance to the members of the Advisory Council which cannot be maintained indefinitely. This is a small matter, of course, which does not touch upon the dignity of the

Advisory Council in the least, but it is a financial point which has to be considered and which makes an expeditious decision desirable. Nevertheless, if the Trusteeship Council feels that it is unable to decide today, it is quite free to postpone the matter.

61. Mr. GERIG (United States of America): I feel, with the representative of the Dominican Republic, that there are various aspects of this matter about which we should know before being called upon to take a decision. It seems to me that it might be well for the President to appoint a committee of four representatives to look into the subject in order to ascertain what decisions have been taken in the past, and, in the light of such previous decisions, what observations should be included in the report. This committee of four might take a day or two to make recommendations to the Council. In any case, I myself am not in a position to decide today on this question.

62. Sir Alan BURNS (United Kingdom): I should like to ask for guidance. Have there been any precedents apart from that of the ninth session, when a report on Somaliland was considered for the first time?

63. The PRESIDENT: I am told that there is no other precedent.

64. Sir Alan BURNS (United Kingdom): In that case is it not quite a simple matter to discover what happened last year?

65. Mr. RYCKMANS (Belgium): Reference to the records of its 369th meeting show that the Trusteeship Council on that occasion rejected a request by the representative of the Philippines for the inclusion in the Council's report of the observations made by the members of the Advisory Council. The Council considered that the Advisory Council had been established to advise the Administering Authority, but not the Council, and to submit its observations to the latter. The Trusteeship Council takes those comments into account when drawing up its report, but, as I have said, the question now at issue was decided negatively by the Council at its 369th meeting.

66. The PRESIDENT: As I have informed the Council, there is no precedent apart from what happened last year. Would representatives prefer to postpone consideration of this matter, or do they wish to establish the committee suggested by the representative of the United States, in which case the question arises as to who will be available to serve on such a committee?

67. Mr. GERIG (United States of America): We have already two statements, from the representative of the Dominican Republic and the representative of Belgium, which seem to me to throw some light on the situation. I should be quite satisfied to have those two representatives produce a report, with the assistance of two other representatives, if that were desired.

68. Mr. DE MARCHENA (Dominican Republic): My delegation supports the appointment of a committee such as that suggested by the representative of the United States. The committee might also take up the aspect of the problem to which my delegation referred yesterday [440th meeting] and which concerned the participation or non-participation of the members of the Advisory Council in certain of the Council's discussions. These aspects derive from the constitutional character of the Trusteeship Agreement, which the committee

might also, perhaps, study at the same time in an interpretative manner in order to clarify all the implications of articles 8 and 11 of the Trusteeship Agreement. There is a very interesting thesis in this respect — the conditions under which the Advisory Council exercises its functions *vis-à-vis* the Administering Authority. This is derived from article 8 of the Trusteeship Agreement, which states that the functions of the Advisory Council are simply to advise and assist the Administering Authority. On the other hand, there is a certain elasticity in the terms of article 11 of the agreement. These are grave and fundamental questions which might very well be brought up before the Council and reported on to the General Assembly.

69. In view of this, I shall refrain from considering this matter now. We should prefer it to be studied in committee and reported upon at the end of the session. The members of the Advisory Council might also be present at that discussion. That is a question for the Trusteeship Council to settle.

70. The PRESIDENT: If a committee were appointed, how long would it take to complete its work and when would it present its report to the Council? There are many difficulties involved. There is insufficient personnel to serve on the committees which already exist. If I had an assurance that the proposed committee would meet either at night or during the luncheon recess, and that it would present its report in two days' time, I should be the first to support the proposal. But the members of the Advisory Council have been here for a long time. They have other duties, and there is also the financial aspect of the question to which I have referred. The amount involved is quite considerable, and this Council, whose members always urge economy, cannot incur the responsibility for keeping the three members of the Advisory Council here for an extended period unless that is really necessary.

71. I should like to ask which representatives would be willing to serve on such a committee with a view to presenting a report in a few days' time. Would the representative of New Zealand be available?

72. Mr. MUNRO (New Zealand): I am afraid that my delegation is confronted with the very problem which the President has mentioned. We are on the *Ad Hoc* Committee on Petitions, the Standing Committee on Administrative Unions, and now on the Drafting Committee on Togoland under French administration. We have been on the Drafting Committee on Somaliland. I can honestly say that although my delegation does its best to work on all these committees, if it is put on this committee, it would be embarrassed. It is a most important committee, because it has to consider the legal implications raised by the representative of the Dominican Republic, and I do not think it can present its report quickly if it has to decide so important a matter as he mentions.

73. The PRESIDENT: I wonder if the Council should take too much upon itself in this connexion; that is, to go into the legal position of the Advisory Council. After all, the Advisory Council is a body appointed by the General Assembly. We cannot go into all these ramifications. There are things which we can do and there are things which we cannot do. If we were to adopt the thesis of one member of this Council, as I heard it in the last two days, we should be infringing

on the powers of the General Assembly. There are things we can ask the Advisory Council to do but we cannot touch it basically. It does not depend on the Trusteeship Council.

74. Mr. RYCKMANS (Belgium): It seems to me that the question of principle is rather easily settled. Are the members of the Advisory Council part of the Trusteeship Council? Have we ever contemplated including in the Council's report the individual statements of persons who are not members of the Council? We have already gone very far by agreeing to include in an appendix to the report or even in the report itself the individual opinions of members of the Trusteeship Council regardless of the observations adopted by the Council as its own. But now, if we allow persons who attend our meetings in any capacity the right to have their comments included in the report or annexed to it, then we may have similar requests from all the specialized agencies, petitioners, and all who are called upon to participate in meetings of the Council. I think that, in principle, we have gone very far. We should include nothing more than the individual views of the members of the Council.

75. Sir Alan BURNS (United Kingdom): While I would not oppose the appointment of a committee, the President has pointed out the difficulties in staffing it. I am bound to say that my delegation would find it very difficult to serve on such a committee. It seems to me that all the Trusteeship Council has to decide is whether or not the observations of the Advisory Council should be included in its report. It is a matter on which a straight vote could be taken as soon as each of us has had time to think over the matter. In view of the difficulty of appointing a committee, I suggest that we should simply agree to decide this question tomorrow and to take a vote on that particular matter.

76. The PRESIDENT: I think that that is the best way to clear the question. We shall allow one more day for the members of the Council to think it over, but we have to take a decision tomorrow.

77. Mr. MUNRO (New Zealand): When you take the vote, do you propose that the Council should debate the matter or simply proceed directly to the vote?

78. The PRESIDENT: I should not stop any member from expressing his opinions. However, I would express the hope that the debate be confined to this particular question: the inclusion of the observations of the members of the Advisory Council in the report. The debate should not be on other points, because if we go into the legal side of the matter, we shall never complete it.

79. Mr. PEACHEY (Australia): I wonder if a formal vote on this matter is necessary. We took a decision last year in the Trusteeship Council on the question. It seems that if we take one again this year, we shall be called upon to do so in subsequent years. We should have to take account of precedent.

80. Is there a proposal before the Council at the present time that we should include the Advisory Council's report, or exactly in what form is it being raised?

81. The PRESIDENT: I have no proposal before me, but this was a point that had to be decided upon in advance. While we are about it, let me read two small

paragraphs from the proceedings of the 369th meeting of the Trusteeship Council at its ninth session:

"97. The PRESIDENT read the provisions of the second paragraph of article 11 of the Trusteeship Agreement for the Territory of Somaliland and rule 101 of the rules of procedure of the Trusteeship Council and stated that he had no doubt that the Drafting Committee, in preparing the report on Somaliland, had taken note of the observations of the members of the Advisory Council.

"98. He put to the vote the Philippine proposal that individual comments of members of the Advisory Council should be included in the summary of observations (T/L.193).

*"The Philippine proposal was rejected by 6 votes to 1, with 4 abstentions."*

82. There is no harm in postponing this matter one more day. The point raised by the representative of Australia could be brought up tomorrow when we consider the item.

### Examination of petitions (continued)

[Item 5 of the agenda]

#### ELEVENTH REPORT OF THE STANDING COMMITTEE ON PETITIONS (T/L.278): PETITIONS CONCERNING SOMALILAND UNDER ITALIAN ADMINISTRATION

83. The PRESIDENT: We now have to vote on the draft resolutions contained in document T/L.278. We shall begin with draft resolution 1. In this connexion I have to point out that paragraph 1 (c) is to be completed by a reference to the recommendations adopted by the Council on co-operative societies and indigenous representation on the local organs of government (T/L.285, paragraphs 23 and 12 respectively).

*Draft resolution 1 was adopted by 10 votes to 1.*

*Draft resolution 2 was adopted by 10 votes to 1.*

84. The PRESIDENT: In connexion with paragraph 2 of resolution 3, I have to point out that it is to be completed by a reference to the recommendation adopted by the Council on the participation of indigenous inhabitants in the administration (T/L.285, paragraph 13).

*Draft resolution 3 was adopted by 10 votes to 1.*

*Draft resolution 4 was adopted by 10 votes to none, with 1 abstention.*

85. The PRESIDENT: In connexion with paragraph 2 of draft resolution 5, I have to point out that it is to be completed by a reference to the recommendation adopted by the Council on medical facilities (T/L.285, paragraphs 29 and 30).

86. Mr. SOLDATOV (Union of Soviet Socialist Republics): I move the following proposal:

*"In connexion with the petition from the Somali Youth League, branch of Afgoi (T/Pet.11/106), the Trusteeship Council recommends that the Administering Authority return to the indigenous inhabitants the land alienated from them in one form or another, prohibit any future alienation of land belonging to the indigenous inhabitants and appropriate the necessary funds to meet the health and educational needs of the Afgoi region."*

*The proposal was rejected by 7 votes to 1, with 2 abstentions.*



*Draft resolution 5 was adopted by 10 votes to 1.*

87. The PRESIDENT: On draft resolution 6, I have to point out that paragraph 2 is to be completed by a reference to the recommendation adopted by the Council on administrative services (T/L.285, paragraph 13).

*Draft resolution 6 was adopted by 10 votes to none, with 1 abstention.*

*Draft resolution 7 was adopted by 10 votes to none, with 1 abstention.*

*Draft resolution 8 was adopted by 10 votes to none, with 1 abstention.*

88. Mr. SOLDATOV (Union of Soviet Socialist Republics): I move the following proposal concerning draft resolution 9:

"In connexion with the petition from Mr. Ibrahim Moallim Ali and others (T/Pet.11/115), the Trusteeship Council recommends that the Administering Authority return to the indigenous population of the Trust Territory the lands alienated from it in one form or another, prohibit any future alienation of land belonging to the indigenous population and give the indigenous population financial and technical assistance in organizing agricultural co-operative societies."

*The proposal was rejected by 7 votes to 1, with 3 abstentions.*

*Draft resolution 9 was adopted by 10 votes to 1.*

89. Mr. SOLDATOV (Union of Soviet Socialist Republics): I move the following proposal concerning draft resolution 10:

"In connexion with the petition from the Somali Youth League, branch of Alula (T/Pet.11/118), the Trusteeship Council recommends that the Administering Authority immediately put an end to its anti-democratic policy which crudely violates the interests and rights of the indigenous population."

*The proposal was rejected by 9 votes to 1, with 1 abstention.*

*Draft resolution 10 was adopted by 10 votes to 1.*

90. The PRESIDENT: I have to point out, in connexion with draft resolution 11, that paragraph 2 is to be completed by a reference to the recommendation adopted by the Council on administrative services (T/L.285, paragraph 13).

*Draft resolution 11 was adopted by 10 votes to 1.*

91. The PRESIDENT: In connexion with draft resolution 12, I have to point out that paragraph 2 is to be completed by a reference to the recommendation adopted by the Council on administrative services (T/L.285, paragraph 13).

*Draft resolution 12 was adopted by 10 votes to none, with 1 abstention.*

*Draft resolution 13 was adopted by 10 votes to none, with 1 abstention.*

*Draft resolution 14 was adopted by 10 votes to none, with 1 abstention.*

*Draft resolution 15 was adopted by 10 votes to none, with 1 abstention.*

92. The PRESIDENT: On draft resolution 16, I have to point out that the first alternative paragraph 2 should be deleted, since no recommendation has been adopted by the Council on assistance to aged persons.

*Draft resolution 16 was adopted by 10 votes to none, with 1 abstention.*

*Draft resolution 17 was adopted by 10 votes to none, with 1 abstention.*

*Draft resolution 18 was adopted by 10 votes to none, with 1 abstention.*

*Draft resolution 19 was adopted by 10 votes to none, with 1 abstention.*

*Draft resolution 20 was adopted by 10 votes to none, with 1 abstention.*

*Draft resolution 21 was adopted by 9 votes to none, with 2 abstentions.*

93. Mr. SOLDATOV (Union of Soviet Socialist Republics): I move the following proposal concerning draft resolution 22:

"In connexion with the petitions from Mr. Nohou Mohamed Abiker and others (T/Pet.11/147), and from the representatives of the Wak-Bio tribe (T/Pet.11/158), the Trusteeship Council recommends that the Administering Authority pay appropriate compensation to the indigenous inhabitants who were victims of the flood and give them the necessary assistance in building homes on a new site or in restoring their old homes after the flood."

*The proposal was rejected by 6 votes to 1, with 4 abstentions.*

*Draft resolution 22 was adopted by 8 votes to 1, with 2 abstentions.*

94. Mr. SOLDATOV (Union of Soviet Socialist Republics): I wish to submit a proposal concerning draft resolution 23. First, however, I wish to point out that the English text of the USSR proposal as set out in paragraph 164 of the report is inaccurate. The correct text is the one which I shall now read.

"In connexion with the petition from the representatives of the Abgal-Yusuf tribe (T/Pet.11/150), the Trusteeship Council recommends that the Administering Authority take steps to ensure the transfer from the tribal system to a system of self-government based on democratic principles, bearing in mind the fact that the tribal system which now exists in the Trust Territory, and which is encouraged by the Administering Authority, is inconsistent with the progress of political development of the Territory towards independence."

*The proposal was rejected by 7 votes to 1, with 2 abstentions.*

95. Mr. DE MARCHENA (Dominican Republic): In connexion with draft resolution 23, my delegation would like to propose the deletion of paragraph 4 of the operative part. My delegation feels that since the Administering Authority has adopted a policy which inspires great hope, and since the Trusteeship Council hopes that the Administering Authority will continue that policy and will abolish collective sanctions in accordance with the Council's wishes, it is not appropriate or logical for the Council to argue that sanctions legally imposed under the existing system must be valid. In other words, it seems that there is some contradiction between the Council's wish that collective sanctions should be abolished and the statement that they are valid. In order to avoid that contradiction, we ask for the complete deletion of paragraph 4 of the operative part.

*The amendment was rejected by 5 votes to 2, with 4 abstentions.*

*Draft resolution 23 was adopted by 8 votes to 1, with 1 abstention.*

*Draft resolution 24 was adopted by 9 votes to none, with 1 abstention.*

*Draft resolution 25 was adopted by 9 votes to 1.*

96. Mr. SOLDATOV (Union of Soviet Socialist Republics): I move the following proposal concerning draft resolution 26:

"In connexion with the petition from Messrs. Abdulkadir Yerow Issack and Mohamed Sheik Ahmed (T/Pet.11/159), the Trusteeship Council recommends that the Administering Authority take the necessary steps to protect the indigenous population of the Trust Territory against arbitrary treatment and abuse by Italian concessionaires."

*The proposal was rejected by 8 votes to 1, with 1 abstention.*

*Draft resolution 26 was adopted by 8 votes to 1, with 1 abstention.*

97. Mr. SOLDATOV (Union of Soviet Socialist Republics): I move the following proposal concerning draft resolution 27:

"In connexion with the petition from the Somali Youth League, branch of Alula, (T/Pet.11/160 and Add.1), the Trusteeship Council recommends that the Administering Authority put an end to its anti-democratic policy which crudely violates the rights and interests of the indigenous population of the Trust Territory."

*The proposal was rejected by 8 votes to 1, with 2 abstentions.*

*Draft resolution 27 was adopted by 10 votes to 1.*

98. Mr. SOLDATOV (Union of Soviet Socialist Republics): I move the following proposal concerning draft resolution 28:

"In connexion with the petition from Mr. Ahmed Mohamed Hussen Mohamed (T/Pet.11/164), the Trusteeship Council recommends that the Administering Authority grant the petitioner's request."

*The proposal was rejected by 7 votes to 1, with 3 abstentions.*

*Draft resolution 28 was adopted by 10 votes to 1.*

99. The PRESIDENT: The Council will now consider draft resolution 29. I wish to draw attention to paragraph 3, which is to be completed by a reference to the recommendation adopted by the Council on the teaching of Arabic (T/L.285, paragraph 33).

*Draft resolution 29 was adopted by 10 votes to none, with 1 abstention.*

*Draft resolution 30 was adopted by 10 votes to none, with 1 abstention.*

100. Mr. SOLDATOV (Union of Soviet Socialist Republics): I move the following proposal concerning draft resolution 31:

"In connexion with the petition from Mr. Hassen Ibrahim Mohamed and thirteen others (T/Pet.11/181), the Trusteeship Council recommends that the Administering Authority put an end to its anti-democratic policy which crudely violates the rights and interests of the indigenous population."

*The proposal was rejected by 6 votes to 1, with 2 abstentions.*

*Draft resolution 31 was adopted by 10 votes to 1.*

101. The PRESIDENT: We shall now take up draft resolution 32. I have to point out that paragraph 2 is to be completed by a reference to the recommendation adopted by the Council on administrative services (T/L.285, paragraph 13).

*Draft resolution 32 was adopted by 9 votes to none, with 2 abstentions.*

*Draft resolution 33 was adopted by 10 votes to none, with 1 abstention.*

*Draft resolution 34 was adopted by 10 votes to none, with 1 abstention.*

102. Mr. SOLDATOV (Union of Soviet Socialist Republics): I move the following proposal concerning draft resolution 35:

"In connexion with the petition from Chief Malim Aden Merehan (T/Pet.11/219), the Trusteeship Council recommends that the Administering Authority put an end immediately to its anti-democratic policy which violates the basic rights and interests of the indigenous population of the Trust Territory."

*The amendment was rejected by 8 votes to 1, with 2 abstentions.*

*Draft resolution 35 was adopted by 10 votes to 1.*

103. The PRESIDENT: I have to ask the Council to vote on the recommendation of the Standing Committee on Petitions (T/L.278, paragraph 3) to the effect that no special information is required concerning the action taken on resolutions 1 to 35, excluding 17 and 19.

*The recommendation was adopted by 10 votes to 1.*

THIRTEENTH REPORT OF THE STANDING COMMITTEE ON PETITIONS (T/L.286): PETITIONS CONCERNING SOMALILAND UNDER ITALIAN ADMINISTRATION

104. The PRESIDENT: We shall now take up the three draft resolutions contained in document T/L.286.

*Draft resolution 1 was adopted by 10 votes to none, with 1 abstention.*

*Draft resolution 2 was adopted by 10 votes to none, with 1 abstention.*

*Draft resolution 3 was adopted by 10 votes to none, with 1 abstention.*

105. The PRESIDENT: We have to take a vote now on paragraph 3 of document T/L.286, in which the committee recommends that the Council should decide that no special information is required concerning the action taken on resolution 1.

*The recommendation was adopted by 10 votes to 1.*

106. The PRESIDENT: We have to take a vote on paragraph 4 of document T/L.286, in which the committee recommends that the Council should postpone until its twelfth session the examination of the thirteen petitions listed in that paragraph.

*The recommendation was adopted by 10 votes to 1.*

107. The PRESIDENT: We shall now vote on paragraph 5 of document T/L.286, in which the committee states that it was unable to examine one petition, document T/Pet.11/178, because it proved to be unintelli-

gible, and therefore recommends that the Council should decide to take no action on that petition.

*The recommendation was adopted by 9 votes to none, with 1 abstention.*

TWELFTH REPORT OF THE STANDING COMMITTEE ON PETITIONS (T/L.282): PETITIONS CONCERNING SOMALILAND UNDER ITALIAN ADMINISTRATION

108. The PRESIDENT: We shall now take up draft resolution 1, in document T/L.282. Paragraph 3 of this draft resolution is to be completed by a reference to the recommendation adopted by the Council on political parties (T/L.285, paragraphs 9 and 10).

*Draft resolution 1 was adopted by 10 votes to 1.*

*Draft resolution 2 was adopted by 9 votes to none, with 2 abstentions.*

109. Mr. SOLDATOV (Union of Soviet Socialist Republics): I move the following proposal concerning draft resolution 3:

"In connexion with the petition from the Somali Youth League, branch of Brava (T/Pet.11/77), the Trusteeship Council recommends that the Administering Authority appropriate the necessary funds to meet the health and educational needs of the indigenous population of the Brava area."

*The proposal was rejected by 7 votes to 1, with 3 abstentions.*

*Draft resolution 3 was adopted by 10 votes to 1.*

*Draft resolution 4 was adopted by 10 votes to none, with 1 abstention.*

110. The PRESIDENT: We shall now proceed to vote on draft resolution 5. I have to point out that paragraph 3 is to be completed by a reference to the recommendation adopted by the Council on the teaching of Arabic (T/L.285, paragraph 33), while paragraph 4 is to be completed by a reference to the recommendation adopted by the Council on land alienation and the provision of technical assistance to indigenous agriculturalists (T/L.285, paragraphs 22 and 23); alternative paragraph 4 will therefore have to be deleted.

111. Mr. SOLDATOV (Union of Soviet Socialist Republics): I move the following proposal:

"In connexion with the petition from the Somali Youth League, branch of Kismayu (T/Pet.11/88), the Trusteeship Council recommends that the Administering Authority: put an end to its anti-democratic policy which permits crude racial discrimination and the violation of the rights and interests of the indigenous population; return to the indigenous population of the Trust Territory the land alienated from it in one way or another and prohibit any future alienation of land belonging to the indigenous population."

*The proposal was rejected by 9 votes to 1, with 1 abstention.*

*Draft resolution 5 was adopted by 10 votes to 1.*

112. The PRESIDENT: We shall take a vote on draft resolution 6. I have to point out that paragraph 4 is to be completed by a reference to the recommendation adopted by the Council on the teaching of Arabic (T/L.285, paragraph 33).

113. Mr. SOLDATOV (Union of Soviet Socialist Republics): My delegation moves the following proposal:

"In connexion with the petition from the Somali Youth League, branch of Bulu Burti (T/Pet.11/89), the Trusteeship Council recommends that the Administering Authority increase the budgetary appropriations so as to satisfy fully the educational and health needs of the indigenous population of the Bulu Burti region."

*The proposal was rejected by 7 votes to 1, with 3 abstentions.*

*Draft resolution 6 was adopted by 10 votes to 1.*

114. The PRESIDENT: In draft resolution 7, paragraph 2 has to be completed by a reference to the recommendations adopted by the Council on the composition of the Territorial Council (T/L.285, paragraph 11).

*Draft resolution 7 was adopted by 9 votes to none, with 2 abstentions.*

115. Mr. SOLDATOV (Union of Soviet Socialist Republics): The Soviet Union delegation moves the following proposal concerning draft resolution 8:

"In connexion with the petition from the Somali Youth League, branch of Galcaio (T/Pet.11/112 and Add.1 and Add.2), the Trusteeship Council recommends that the Administering Authority put an end immediately to its anti-democratic policy which crudely violates the rights and interests of the indigenous population."

*The proposal was rejected by 7 votes to 1, with 2 abstentions.*

*Draft resolution 8 was adopted by 10 votes to 1.*

116. Mr. SOLDATOV (Union of Soviet Socialist Republics): The Soviet Union delegation moves the following proposal concerning draft resolution 9:

"In connexion with the petition from the sheikhs, chiefs and notables of Migiurtinia province (T/Pet.11/114), the Trusteeship Council recommends that the Administering Authority put an end to its anti-democratic policy which crudely violates the rights and interests of the indigenous population and that it appropriate the necessary funds for the building of schools and hospitals in the Migiurtinia province in order to satisfy fully the educational and health needs of the indigenous population."

*The proposal was rejected by 7 votes to 1, with 2 abstentions.*

*Draft resolution 9 was adopted by 10 votes to 1.*

117. The PRESIDENT: In draft resolution 10, the first alternative paragraph 3 has to be deleted, since there were no recommendations by the Council on the revision of the laws of the Territory or on citizenship.

118. Mr. SOLDATOV (Union of Soviet Socialist Republics): The USSR delegation moves the following proposal concerning draft resolution 10:

"In connexion with the petition from the Somali Youth League, Mogadiscio (T/Pet.11/120), the Trusteeship Council recommends that the Administering Authority rescind all laws and regulations now in force in the Trust Territory that were promulgated during the Italian fascist administration in Somaliland and replace them by laws drafted in conformity with the principles and purposes of the International Trusteeship System."

*The proposal was rejected by 7 votes to 1, with 3 abstentions.*

*Draft resolution 10 was adopted by 10 votes to 1.*

*Draft resolution 11 was adopted by 8 votes to none, with 3 abstentions.*

119. Mr. SOLDATOV (Union of Soviet Socialist Republics): The Soviet Union delegation moves the following proposal concerning draft resolution 12:

"In connexion with the petition from the Somali Youth League, branch of Belet Uen (T/Pet.11/157), the Trusteeship Council recommends that the Administering Authority appropriate funds and take the necessary steps to meet the educational and health needs of the indigenous population of Belet Uen and, in particular, the health needs of the nomadic population."

*The proposal was rejected by 7 votes to 1, with 3 abstentions.*

*Draft resolution 12 was adopted by 10 votes to 1.*

120. Mr. SOLDATOV (Union of Soviet Socialist Republics): The Soviet Union delegation moves the following proposal concerning draft resolution 13:

"In connexion with the petition from Sheik Mohamed Hagi Aid Abd El Rahman (T/Pet.11/182), the Trusteeship Council recommends that the Administering Authority put an end immediately to its anti-democratic policy which crudely violates the rights and interests of the indigenous population."

*The amendment was rejected by 7 votes to 1, with 2 abstentions.*

*Draft resolution 13 was adopted by 10 votes to 1.*

*Draft resolution 14 was adopted by 10 votes to none, with 1 abstention.*

*Draft resolution 15 was adopted by 10 votes to none, with 1 abstention.*

*Draft resolution 16 was adopted by 10 votes to none, with 1 abstention.*

121. The PRESIDENT: In draft resolution 17, paragraph 2 is to be completed by a reference to the recommendations on political parties adopted by the Council (T/L.285, paragraphs 9 and 10).

*Draft resolution 17 was adopted by 10 votes to none, with 1 abstention.*

*Draft resolution 18 was adopted by 10 votes to none, with 1 abstention.*

122. The PRESIDENT: In draft resolution 19, paragraph 2 has to be completed by reference to the recommendations on membership of the Territorial Council adopted by the Trusteeship Council and contained in paragraph 11 of document T/L.285.

*Draft resolution 19 was adopted by 10 votes to none, with 1 abstention.*

123. Mr. SOLDATOV (Union of Soviet Socialist Republics): The Soviet Union delegation proposes that draft resolution 20 be amended so that it would appear in the following form:

"In connexion with the petition from the Somali Youth League, branch of Dolo (T/Pet.11/224),

*"The Trusteeship Council,*

*"Noting the facts of pressure employed by the Italian authorities with regard to the indigenous population of the Trust Territory with the objective of maintaining the backward tribal system, of which*

information is provided by the Somali Youth League, branch of Dolo (T/Pet.11/224),

*"Recommends that the Administering Authority adopt measures ensuring the transfer from a tribal system to a system of self-government based on democratic principles, in view of the fact that the existing tribal system, encouraged by the Administering Authority, is inconsistent with the progressive development of the Trust Territory towards independence."*

*The proposal was rejected by 7 votes to 1, with 3 abstentions.*

*Draft resolution 20 was adopted by 9 votes to 1, with 1 abstention.*

124. Mr. SOLDATOV (Union of Soviet Socialist Republics): I move the following proposal concerning draft resolution 21:

"In connexion with the petition from the representatives of the Abgal Waesle tribe, Rer Ali Gaff (T/Pet.11/226), the Trusteeship Council recommends that the Administering Authority should put an end immediately to its anti-democratic policy, which crudely violates the rights and interests of the indigenous population and, in particular, should abolish the system of collective sanctions."

125. Mr. GERIG (United States of America): Before voting on the Soviet Union amendment, I should like to ask the Soviet Union representative to give us some idea of what he means by the word "crudely". Just what action was taken by the Administering Authority which justifies the use of that word?

126. Mr. SOLDATOV (Union of Soviet Socialist Republics): I shall be glad to furnish an explanation to the United States representative.

127. In the petition in question, the petitioners protest against the seizure by the police of 500 camels belonging to the tribe. This measure was taken as a collective sanction, which is a crude violation of the rights and interests of the indigenous inhabitants. Generally speaking, the application of collective sanctions is the crudest form of violation of the democratic rights of any people, not to mention those of the peoples of the Trust Territory of Somaliland. If the United States representative is not satisfied, I can read the entire petition to show him what I mean by the "crude violation of the rights and interests of the indigenous inhabitants". But since the United States representative is quite familiar with the petition which was studied, or at least I presume so, by a representative of his delegation in the Standing Committee on Petitions, there is no need for me to go into all the details of this petition, unless something is still unclear, although it would seem difficult to believe that that could be possible. There has been a crude violation of the rights and interests of the indigenous population by the Administering Authority.

128. Mr. GERIG (United States of America): I thank the USSR representative for the explanation of what he means by the word "crudely". This word has been used by him about twenty-five times today, and it just seemed strange that we should always be confronted with the same adjective. I wondered whether there might not be an occasion to use a different qualifying word, or whether the word "crudely" was called for in all cases.

129. Mr. SOLDATOV (Union of Soviet Socialist Republics): I am not an expert in the English or American languages. If, however, the United States representative is not satisfied with the word I have chosen, and if he wishes to suggest—and vote for—some better word, I should be glad to accept it. I, however, am quite satisfied that the word “crudely” expresses what the Soviet Union delegation wishes to say in its proposal.

130. Mr. GERIG (United States of America): I thank the Soviet Union representative for this further explanation. It clarifies the matter and will enable me to vote against his proposal.

*The USSR proposal was rejected by 7 votes to 1, with 3 abstentions.*

131. Mr. DE MARCHENA (Dominican Republic): I wish to propose a change in the drafting of paragraph 4 of the operative part of draft resolution 21. The paragraph now reads:

“*Considers, however, that until a new system is instituted, collective sanctions legally imposed under the existing system must be valid.*”

132. We propose the following wording for this paragraph:

“*Considers that until a new system is instituted, collective sanctions fall under the jurisdiction of existing legislation.*”

133. This terminology is legally correct. By using it, we believe that the Trusteeship Council will avoid the present apparent contradiction between paragraphs 3 and 4 of the operative part of the resolution. Under the present wording, we should be, on the one hand, pronouncing ourselves against the use of collective sanctions and, on the other hand, admitting that collective sanctions must be used. The drafting which I propose takes better account of the actual situation and, in particular, of the expressed desire of the Administering Authority to abolish the use of collective sanctions as soon as possible. The Italian authorities have shown that they are willing to remedy the present situation, and I think that should be made clear.

*The amendment of the Dominican Republic was adopted by 2 votes to none, with 6 abstentions.*

134. Mr. DAVIN (New Zealand): I do not know whether a further small amendment to the Dominican Republic amendment is in order at this stage, but I do not see how something can “fall under the jurisdiction of existing legislation”. I think the words “fall under the provisions of existing legislation” would be better.

135. Mr. DE MARCHENA (Dominican Republic): I accept that amendment.

*Draft resolution 21, as amended, was adopted by 10 votes to 1.*

136. Mr. GERIG (United States of America): In connexion with the amendment to paragraph 4 of draft resolution 21 which we have just adopted, I would draw the Council's attention to the fact that a similar provision is contained in a number of other resolutions which we have already adopted. I think the wording should be made uniform.

137. Mr. DE MARCHENA (Dominican Republic): I am very glad of the point made by the representative

of the United States. We wanted to propose the reconsideration of the same paragraph in the earlier resolution, but if the Council takes this line, it is a matter of co-ordinating the drafting of the various resolutions.

138. The PRESIDENT: Is that agreeable to the Council?

*It was so decided.*

139. Sir Alan BURNS (United Kingdom): If the whole thing is going to be changed, I should like to see it worded correctly. To my mind, even the proposal does not quite read properly. The point is that, until a new system is instituted, collective sanctions are legal. That is the point that must be made clear, and I am not sure about it with the draft as it is. I should like to consider it further before agreeing to all the amendments that are being made. I abstained on the vote because I was not sure.

140. The PRESIDENT: Although I am not a lawyer, I believe I could draw attention to a subtle difference. What is under discussion here is not the act of punishment, but the decision of the authority to inflict the punishment. There is a difference, and here I agree with Sir Alan Burns that the decision of the authority is legal and that under the present law sanctions do exist. But that is different from the act of punishment.

141. Mr. DE MARCHENA (Dominican Republic): In any case, I think we have already voted on the resolution, so perhaps the discussion is hardly in order, unless we decide definitely to reconsider resolutions already adopted. The most difficult and the most delicate point in paragraph 4 of the resolution is the last phrase, “must be valid”. These are the crucial words in the present text. For this reason we submitted an amendment to the effect that collective sanctions are justified under existing legislation, but the terminology is purely legal. We ought not to use the words “must be valid”. Those words, in any case, should be deleted because the text must be looked at not only from the legal point of view but also from the point of view of human rights. We wish, therefore, to be assured that there will be a strictly correct legal formulation.

142. The PRESIDENT: May I suggest that the decision that has been taken on one single resolution should stand, but that it should not cover all the others because they require further study. If the Council agrees, let us proceed.

143. Sir Alan BURNS (United Kingdom): I quite agree with the representative of the Dominican Republic. We have voted and the matter is closed. I am merely objecting to a general change through the resolution on which I have voted when I do not know what the terminology will be.

144. Mr. GERIG (United States of America): I understand that there is only one other, and it seems to me that we could apply this phrasing to it and ask the Drafting Committee to take account in future of our differing views on the formulation of this idea.

145. The PRESIDENT: There is only one previous one, and one to come.

146. Mr. RYCKMANS (Belgium): I did not vote against the amendment proposed by the representative of the Dominican Republic. I should, however, have preferred a text worded as follows: “that sanctions legally imposed under the existing system must be