

clauses so far contemplated for inclusion amongst transitory provisions to cover the transitional period prior to the firm establishment of the international regime in the area of Jerusalem. He suggested that the Council deal with each clause in turn following the order in the working-paper.

Use of United Nations Flag

81. The PRESIDENT recalled that the clause on the use of United Nations flag had originally been suggested by the delegation of the Dominican Republic (T/L.37) and that the Council had decided at its thirty-eighth meeting that it should be included in the transitory provisions.

82. Mr. RYCKMANS (Belgium) proposed that the text be amended to read in French as follows: "Sous réserve des dispositions qui pourraient être prises par la législature de la Ville, le drapeau des Nations Unies sera arboré sur les bâtiments officiels."

83. Mr. HENRÍQUEZ UREÑA (Dominican Republic) agreed to the text proposed by the representative of Belgium.

84. Mr. ALEKSANDER (Secretary to the Council), suggested the following text as the English version of that put forward by the Belgian representative: "Subject to the decision taken by the legislature of the City, the United Nations flag shall be flown from the official buildings of the City."

85. After considerable discussion, Mr. RYCKMANS (Belgium) pointed out that the text read out by the Secretary, as well as other English texts suggested in the course of the discussion, implied, unlike the French text he had proposed, that the legislature of the City would be expected to take a decision on the question. He would therefore vote in favour of the French text he had proposed, but would abstain from voting on the English text. He requested that the two texts be put to the vote separately.

86. The PRESIDENT put to the vote the French text proposed by the Belgian representative.

It was adopted unanimously.

87. The PRESIDENT put to the vote the following text which had been suggested by Mr. FLETCHER-COOKE (United Kingdom): "Unless the legislature of the City decides otherwise, the United Nations flag shall be flown from the official buildings of the City."

It was provisionally adopted by 4 votes to none, with 7 abstentions.

88. Mr. RYCKMANS (Belgium) stated that he had abstained from voting on the English text suggested by the United Kingdom representative and just adopted because it did not make clear that the United Nations flag was to be flown *until* any decision to the contrary by the legislature of the City.

116. Letter from the Secretary-General of the All-Ewe Conference

89. The PRESIDENT read out the following letter which he had received from the Secretary-General of the All-Ewe Conference:

" Sir,

" The representatives of the All-Ewe Conference would like to thank the Trusteeship Council, or you, for the hearing it gave them last Monday, 20 March, in connexion with the problem of the Ewe people. We appreciated your concluding statement that if the three petitioners are able to attend at Lake Success during the Council's next session, they will be welcome. In this connexion, we should like now to make a formal request for permission to appear before the Council when the problem is discussed again at its next session. "

90. He pointed out that the Council did not require to take a new decision as it had, at the end of the sixty-third meeting, informed the three representatives that it would be ready to hear them again should they be prepared to come to Lake Success at the time when the Trusteeship Council was examining the annual reports on the two Trust Territories of Togoland and the reports of the Visiting Mission which had gone to those Territories.

The meeting rose at 1 p.m.

270th meeting

SIXTY-EIGHTH MEETING

*Held at the Palais des Nations, Geneva,
on Thursday, 23 March 1950, at 3 p.m.*

President : Mr. Roger GARREAU.

Present : The representatives of the following countries: Argentina, Australia, Belgium, China, Dominican Republic, France, Iraq, New Zealand, Philippines, United Kingdom, United States of America.

117. Statement by the Director-General of the International Labour Office

1. The PRESIDENT announced that Mr. MORSE, Director-General of the International Labour Office, had expressed a desire to make a statement of a general character to the Council.

At the invitation of the President, Mr. Morse, Director-General of the International Labour Office, took a seat at the Council table.

2. Mr. MORSE (Director-General of the International Labour Office) expressed his gratitude to the Council for giving him the opportunity of expressing the interest of the International Labour Organisation in the proceedings of the Trusteeship Council and of making some general comments on several items of its agenda.

3. He need hardly recall the active interest taken by the International Labour Organisation, throughout the

thirty years of its existence, in the social and labour problems affecting Trust and Non-Self-Governing Territories, as well as the contribution it had made to the work of the Permanent Mandates Commission, on which an expert from the Office had served from 1920 onwards. As early as 1926, a special section had been set up in the Office to deal with the whole complex of labour and social questions affecting what had at that time been described as "native labour". A committee of experts had drawn up principles of labour policy, with the result that at the International Labour Conferences which had been held between 1930 and 1939 four conventions had been adopted, dealing with specific social evils of particular relevance to conditions in Trust and Non-Self-Governing Territories. Those Conventions were the Forced Labour Convention of 1930, the Recruiting of Indigenous Workers Convention of 1936, the Contracts of Employment (Indigenous Workers) Convention of 1939, and the Penal Sanctions Convention, also of 1939. Briefly, those conventions laid down the following standards: the first forbade the use of forced labour for private profit, restricting its use for public works to tasks of essential necessity, and to traditional communal co-operation for the local needs and providing for the protection and welfare of any workers so employed. The second and third conventions laid down that long-term contracts of employment should be written and closely controlled by government authority so as to safeguard the freedom of the worker, similar action being taken in the case of recruited labour. The fourth convention provided that penal sanctions for breach of contracts of employment should be abolished, immediately in the case of non-adults, and progressively in the case of adults.

4. Furthermore, the general conventions negotiated between the two wars, though based primarily on the law and practice in countries of Western labour standards, had been widely applied in non-metropolitan territories, and had largely influenced the legislation of those territories on certain matters.

5. But, despite their importance, those four conventions were undoubtedly limited in their range and purpose, and did nothing to define the social purposes of economic development in dependent territories. That gap had been largely filled by the International Labour Conference in 1947, which had adopted five conventions dealing with a wide range of social problems in non-metropolitan territories. Those conventions not only laid down a series of basic principles to which all policies designed to apply to non-metropolitan territories should conform, but prescribed standards and indicated lines of action on such matters as improvement of standards of living, remuneration of workers, problems of migrant workers, non-discrimination, education and training, rights of association and settlement of disputes, labour inspectorates, and contracts of employment. One of those conventions enabled the international labour standards prescribed in a series of general conventions to be applied, wholly or with appropriate modifications, to non-metropolitan territories, even though the metropolitan State concerned had not been able to ratify the conventions in respect

of its metropolitan territory. Both at the present and at preceding sessions, the Council had rightly referred to many of the subjects covered by the 1947 conventions as constituting problems which had yet to be solved in practice in the Trust Territories. It was a fact that none of those conventions had so far been ratified by any State, but he had been gratified to note that the four signatories of the Brussels Treaty who had responsibilities for Non-Self-Governing Territories, namely Belgium, France, the Netherlands and the United Kingdom, had announced in a statement issued on 19 January 1950 that they: "accept in principle the ideas underlying those conventions; they intend to consult together informally on points of difficulty raised by them; and it is expected that a number of ratifications will be deposited shortly".

6. Moreover, the United Kingdom Government had subsequently announced its intention of ratifying all five of the 1947 conventions with few, and relatively minor, modifications. He hoped that the improvements in labour legislation effected in recent years over a wide field by the other Powers in Africa and elsewhere, as well as the improvements now in the process of adoption, together with the type of co-operation envisaged by the signatories of the Brussels Treaty, would shortly lead to a number of ratifications.

7. He felt sure, moreover, that that same spirit of co-operation would soon result in further effective practical measures of collaboration between the International Labour Office, which was the appropriate international organization, and the States concerned with Trust Territories and other non-metropolitan territories. New techniques of collaboration might have to be evolved, but the International Labour Office was ready to adapt its methods to local circumstances. Conditions in some Trust and other non-metropolitan Territories did not in their essentials differ from conditions in other under-developed territories. But problems of social policy, on which little had been done in some of the former, had in one way or another been tackled in some of the latter territories. A reference to technical training, to co-operatives and to social insurance did not necessarily mean that those subjects should enjoy a lien on further immediate action, but had only been mentioned by him as subjects on which the International Labour Office had a fund of knowledge, and a wide range of experience gained in countries at all levels of social and industrial organization. That experience could not but be of value to non-metropolitan territories.

8. Turning to the resolutions adopted at the fourth session of the General Assembly in November 1949, he would draw attention to the fact that paragraph 2 of resolution 322 (IV) on economic advancement in Trust Territories reaffirmed the principle that the interests of the indigenous inhabitants must be paramount in all economic plans or policies in trust territories, particularly in raising the standards of living and the level of wages and in improving housing, nutrition and health conditions. Those were eminently desirable objectives, which the International Labour Organisation had already recognized and inscribed in its

Convention on Social Policy in Non-Metropolitan Territories of 1947, particularly in articles 2, 3, 4, 5 and 6.

9. Resolution 323 (IV) on social advancement in Trust Territories recommended the adoption of suitable measures for solving in a broad and humanitarian spirit such important social problems as migrant labour and penal sanctions for breach of labour contracts by indigenous inhabitants. He would like to define the International Labour Organisation's position on both those issues. He had already indicated that the 1939 Penal Sanctions Convention provided for the abolition of penal sanctions, immediately in the case of non-adults, and progressively in the case of adults. Unfortunately, only two countries, both of which had responsibilities in Trust Territories, had so far found it possible to ratify that Convention. Its more general formal acceptance had undoubtedly been delayed by the exigencies of the Second World War. In certain conditions, sanctions for breach of contract were still considered to be necessary, practical concomitants of long-term contracts of employment which involved heavy outlay by employers. Nevertheless, the aim of the policy of abolition remained unchanged, and the International Labour Organisation welcomed the approbation of that policy signified by the General Assembly in its resolution. He had noted the terms of paragraph 4 of the joint Iraqi and United States draft resolution (T/L.7) requesting the expert advice of the International Labour Organisation on the problems of penal sanctions and migrant labour. He concurred with the proposed procedure for dealing with those problems, which the International Labour Office had thoroughly studied at first-hand, and which, moreover, fell particularly within its sphere of competence. If that paragraph were in due course adopted by the Trusteeship Council, he would consult with the Governing Body of the International Labour Organisation with a view to seeing how its recommendations on penal sanctions could best be implemented and what steps could be best taken towards solving the problem. He would not, however, be able to make any useful communication to the Council on that subject before its next session.

10. As had been stated on several occasions, the International Labour Office was still studying the problem of migrant labour. It intended during 1950 to follow up its studies with on-the-spot consultations and investigations, carried out with the co-operation of some of the authorities concerned, and to discuss the whole issue with the International Labour Organisation's Committee of Experts on Social Policy in Non-Metropolitan Territories, in 1951. Those deliberations might perhaps result in the formulation of some further policy principles. The United Nations would be kept informed of the progress made, but he must warn the Council that the problem could not be solved by the mere decision of a committee or of a conference. Fundamentally, it was a problem of poverty, and of the desire of men who eked out a pitiful existence on the soil to improve their standard of living by seeking work for wages in organized employment. In fact, it was a vast problem of economic and social organiza-

tion which for years to come would challenge the vision, the humanity and the intelligence of men. Looked at from one point of view, the International Labour Organisation's concern with the migrant labour problem arose from its deleterious effects on local tribal village life, and from the absence from home of a large proportion of the total adult manpower of a district for periods which were often far too long. Local administrations had long since tackled, though with varying success, that aspect of the problem, and had recognized the necessity for the proper organization of recruitment and for the provision of adequate safeguards to the worker when employed. Those questions had been the subject of various international labour conventions and recommendations, particularly the Recruiting of Indigenous Workers Convention of 1936, the Contracts of Employment Conventions of 1939 and 1947 and article 7 of the Social Policy Convention of 1947. In the future, the best hopes of solving the problem probably lay in the better organization of the available labour supply, leading eventually to greater stabilization of labour forces in the large employment centres, better standards of work and higher standards of life both in the employment centres and in the districts from which migrant labour normally came. Increased efficiency must therefore be the aim. That involved the elimination of those diseases which hindered efficiency, the use of labour saving devices, and, above all, the proper training and supervision of the indigenous worker both in industry and in agriculture.

11. It was probably in the field of technical assistance and training that the International Labour Organisation could best help Trust Territories and under-developed territories. It would fully participate in the expanded technical assistance programme of the United Nations. Once it was effectively in operation, he hoped that the governments concerned, as well as workers' and employers' organizations, would make the fullest possible use of the skills, the specialized advice, and the world-wide experience which the International Labour Office, as well as the United Nations and the other specialized agencies, would be able to make available to them.

12. General Assembly resolution 323 (IV) on social advancement in Trust Territories also recommended the abolition of discriminatory laws and practices which were contrary to the principles of the Charter and of the Trusteeship Agreements. There again, within its own domain, the International Labour Office had also taken action and had given full information on the subject, both to the Council and to other United Nations organs. Article 18 of the Social Policy in Non-Metropolitan Territories Convention of 1947 formally affirmed the aim of abolishing all discrimination among workers on grounds of race, colour, sex, belief, tribal association or trade union affiliation. The Governing Body of the International Labour Organisation had recently drawn the attention of its members to the desirability of speedily ratifying those provisions.

13. Turning to the Council's resolution 47 (IV), whereby it had recommended that the specialized

agencies should study the annual reports on the administration of the Trust Territories with a view to making such recommendations and suggestions as they might consider proper and had requested the Secretary-General to keep in close touch with the specialized agencies with a view to seeking their counsel and assistance in matters with which they were concerned, he would assure the Trusteeship Council of the willingness of the International Labour Organisation to cooperate fully with the Council. It hoped to participate in the latter's deliberations, and to study and comment on the annual reports, with special reference to the application in Trust Territories of international labour conventions and recommendations on lines which he had recently discussed with his Governing Body. The Organisation would at all times be ready unreservedly to give to the Secretary-General such counsel and assistance as he might desire on matters which fell within its competence.

14. The Trusteeship Council and the International Labour Organisation were working for the same ideal—namely, the well-being and development of the peoples of the Trust Territories, and the achievement of social justice therein—but in that sphere, as in others, the work had to be done against a background of poverty, disease, malnutrition, illiteracy and low standards of living. Those were the common enemies against which the Council and the Organisation must battle together.

15. Mr. GERIG (United States of America) thanked the Director-General of the International Labour Office for his valuable statement. He believed that Administering Authorities would find it useful to take advantage of the wide experience of that Office in the various fields to which the Director-General had referred. The International Labour Organisation had, for the past thirty years, made a valuable contribution to the improvement of social and labour standards, not only in Trust Territories, but also in Non-Self-Governing Territories or non-metropolitan territories the world over.

16. In his opening remarks, the Director-General had referred to the work of the Permanent Mandates Commission and the part played therein by a representative of the International Labour Office. He (Mr. Gerig) had for a number of years been closely connected with that Commission, and recalled the valuable part played by officers of the Office. The Council should be grateful that that method of collaboration persisted to the present moment through the presence at the Council's current session of a representative of the International Labour Organisation, to whom the Council had been able to refer certain questions.

17. Mr. FLETCHER-COOKE (United Kingdom) joined with the United States representative in expressing his appreciation of the interesting and informative statement made by the Director-General, and said that, without anticipating the discussion which the Council would hold on the General Assembly resolutions on its agenda, he would refer to four points on which his delegation had expressed its views on several occasions, views which had been confirmed by the Director-General's statement.

18. His delegation had time and again pointed out that the problem of migrant labour and, indeed, most other labour problems, were not confined to the Trust Territories but were problems which existed in many parts of the world and affected a number of sovereign States.

19. With regard to the problem of penal sanctions for breach of contract, the observations made by the United Kingdom Government and the special representative of the Administering Authority for the Trust Territory of Tanganyika under British administration had, he was glad to note, found support in the Director-General's statement, particularly in the following sentence: ". . . sanctions for breach of contract are still considered necessary, practical concomitants of long-term contracts of employment which involve heavy outlays on the employers' part". The United Kingdom Government had endeavoured to make that very point clear to the Council. He also noted that the Director-General fully concurred with the procedure suggested for dealing with those problems and would make available to the Council such studies as had been undertaken, and would no doubt be carried out in the future by the International Labour Office.

20. His delegation had always held that the Council was not competent to study those difficult questions except on the basis of advice, technical knowledge and assistance given by such specialized agencies as the International Labour Organisation. He had therefore been particularly gratified to learn that the latter was prepared to play its part in the event of the Council's adopting the joint Iraqi and United States draft resolution (T/L.7).

21. He wholeheartedly supported the Director-General's comment that none of the serious problems which arose in the administration of Trust Territories could be settled by decisions taken on paper. Those problems were of long standing, and had to be worked out on the spot. Evidence had not been lacking during the past few days of the Council's belief that results could be obtained simply by adopting a resolution. Questions had been put about the effects of long-term policies, on which the Council had passed very recent recommendations, and members had expressed surprise that the Administering Authority had not been able to point to results in its annual report. As his Government maintained, the Council could in its resolution draw the attention of the Administering Authority to certain principles, but a great deal of time was often necessary to achieve their practical implementation.

22. Mr. AQUINO (Philippines) also thanked the Director-General for giving the Council a clear picture of the labour problems which confronted the peoples of the Trust Territories with whose welfare the Council was concerned. His delegation shared the Director-General's anxiety at the non-ratification of certain international labour conventions. It was an unhappy aspect of international affairs that conventions were more often honoured in the breach than in the observance. If they could be implemented, they would no doubt be beneficial to the subject peoples of the Non-

Self-Governing Territories. None the less, his delegation shared the confidence of the International Labour Organisation that some future awakening of conscience would lead the countries concerned to make an effort to give life to those conventions.

23. He fully agreed with the United Kingdom representative that certain labour problems in the Trust Territories could not be remedied overnight, but he hoped that earnest efforts would be made to achieve the aims defined in the conventions, which laid moral obligations upon the Governments entrusted with stewardship over Trust Territories.

24. There was no doubt that the subject peoples of the world saw in the International Labour Organisation one of the staunchest champions of their welfare.

25. Mr. KHALIDY (Iraq), thanking the Director-General, asked for clarification on one point. During his recent tour of West Africa, he had noted two approaches to labour problems. The first tendency was to concentrate on the labour aspect of problems, the second to approach them from a political point of view, the latter would seem to him to be a regrettable development. Relating his comment to the General Assembly resolution 323 (IV) on social advancement in Trust Territories he would ask the Director-General whether in his opinion anything could be done to avoid the political implications of labour movements.

26. Mr. MONOD (France) said there was no need to emphasize the interest which his country had always taken in the work of the International Labour Organisation. He joined the other members of the Council in thanking the Director-General for his statement, and for the co-operation he had promised to the Council on behalf of the International Labour Office, of which France would definitely be glad to avail herself.

27. With reference to the Committee of Experts on Social Policy in Non-Metropolitan Territories, which the Director-General had mentioned, he pointed out that his delegation had always feared that a misunderstanding might arise over that division of the work of the International Labour Office, and in that connexion he shared to some extent the view of the representative of the United Kingdom. Social phenomena in two widely separated non-metropolitan territories might be very different, whereas they might be similar in neighbouring countries, even where one of the latter was a Non-Self-Governing Territory or a Trust Territory, and the other a sovereign State. He stressed that point in order to avoid any suggestion of political discrimination in that division of the work done by the International Labour Organisation. The Director-General had stated that his Office intended to follow up its studies in Africa in the present year by means of consultations and surveys carried out on the spot with the co-operation of some of the authorities concerned. He therefore hoped that the Director-General would supply further details as to the work which the International Labour Office had planned, or had decided to carry out, in respect of Africa, since the Trusteeship Council had so far dealt particularly with African territories.

28. Mr. RYCKMANS (Belgium) also thanked the Director-General of the International Labour Office, and welcomed its co-operation with the Trusteeship Council. He pointed out that the Trusteeship Council was a political body concerned with territories whereas the International Labour Organisation was a technical body concerned with problems. The universal experience of the International Labour Organisation and the International Labour Office would certainly be of considerable value to the Trusteeship Council.

29. The Administering Authorities realized that the problems confronting them in the Trust Territories were due to poverty, ignorance, climate and backwardness. However, such problems did not arise only in Trust Territories, but in all under-developed areas in the world. The International Labour Organisation had done its utmost to improve the lot of workers throughout the world and, in particular, in the Non-Self-Governing Territories. He was convinced that the co-operation of the International Labour Organisation and the Office would be as invaluable to the Trusteeship Council in the future as it had been in the past.

30. Mr. MORSE (Director-General of the International Labour Office) thanked Members of the Council for their appreciation of the work of his Organisation. His presence at the meeting proved the Organisation's desire to co-operate fully and effectively with the Council and with the United Nations.

31. It was difficult for him to comment on the question put by the Iraqi representative without having a more precise definition of the particular problem or aspect of the problem which the latter had had in mind. In general, he would point out that the International Labour Organisation was first and foremost concerned, not with political aspects, but with the technical, social and economic aspects of the labour problem and of labour developments. There were, however, always inherent political tendencies in any labour movement, whether it developed in Trust Territories, under-developed or highly advanced territories. The view of the International Labour Organisation was that the objective of the labour development should be social and economic.

32. Referring to the question addressed to him by the French representative, he would inform the Council that the International Labour Organisation would take part in the African Labour Conference which was due to meet shortly at Elizabethville. Its representative would not only study and visit Trust Territories, but also other non-metropolitan territories. The International Labour Office would carry out its studies and activities in Africa after consultation with the Governments concerned. He was unable to comment further on the matter, since those consultations and negotiations were already in progress.

33. The PRESIDENT thanked the Director-General for his contribution to the work of the Trusteeship Council and for his promise of co-operation with the Council in the future.

Mr. Morse withdrew.

118. Examination of annual reports on the administration of Trust Territories (*resumed from the sixty-sixth meeting*)

CAMEROONS UNDER BRITISH ADMINISTRATION, 1948 :
REPORT OF THE DRAFTING COMMITTEE ON ANNUAL
REPORTS (T/L.62) (*continued*)

34. The PRESIDENT invited the Council to continue its examination of part II of the Drafting Committee's report (T/L.62).

Local government

35. Mr. HOOD (Australia) said he was not sure of the precise meaning of the second paragraph of the subsection. It purported to be an injunction to reduce a disproportion in expenditures, but was it intended that that should be achieved by reducing the cost of administration, or by increasing the expenditure on social and other essential services ?

36. Mr. AQUINO (Philippines) thought that the purpose of the paragraph was to ensure that there would in future be a proper balance between the costs of administration and the expenditures on social and other essential services. He had not been present in the Drafting Committee, and was therefore only able to gauge the meaning of the paragraph from the text before him. In his view, the purpose of the recommendation would probably be better expressed by a reference to the necessity of redressing, rather than reducing, the disproportion.

37. Mr. KHALIDY (Iraq) explained that in practice a tribe enjoyed almost autonomous local government and had its own budget. A great deal of the latter went to the chiefs, who did what they liked with the money. It would clearly be unacceptable to the Council that members of the tribe should receive less in social services because chiefs were paid more. That was the point of the paragraph. While it was for the Administering Authority to consider how the disproportion could be reduced, it was for the Council to indicate that a reduction should be made.

38. Mr. Hoo (Assistant Secretary-General in charge of the Department of Trusteeship and Information from Non-Self-Governing Territories) drew the Council's attention to the report of the Visiting Mission to the Trust Territory of the Cameroons under British administration (T/461) in which certain figures were quoted. The principal items of the budgets of the Adamawa and the Dikwa areas were set out in chapter I (a), section (IV).

39. Mr. RYCKMANS (Belgium) considered that the two points of view were understandable. Formerly, there had been neither salaries for chiefs, administrative expenses, nor expenses for social services or education. On the other hand, there had been a considerable amount of forced labour reckoned in work days from which the chiefs had profited. The latter had been compelled to give up the practice of forced labour, and it was probable that, in spite of their quite considerable salaries, they were at present being paid much less

than the value of the work days to which they had formerly been entitled. The chiefs considered that in renouncing, at the request of the Administering Authority, the right to exact forced labour from their subjects, they had accepted a considerable loss which was not made good by the salary paid to them. It might therefore be dangerous to request the Administering Authority to reduce the salaries paid to indigenous chiefs.

40. In his opinion, the solution lay in refusing to impose more tasks on the native administrations than they were able to perform out of their own resources. Actually, the sums received by the native administrations had hitherto hardly sufficed to pay the cost of the administrations themselves. Later, and to the extent that their resources increased, other responsibilities might be entrusted to them, such as the provision of social and educational services.

41. On the other hand, he recalled that the Trusteeship Council had requested Administering Authorities to grant larger subsidies to the native administrations so as to allow them, in spite of their limited resources, to pay reasonable salaries to the chiefs, as well as to make provision for the services in question.

42. He was afraid that the native chiefs might consider the invitation, emanating from the Council, to reduce the disproportion between the amounts paid out in the shape of their salaries and the cost of social services, extremely unjust.

43. Mr. KHALIDY (Iraq) pointed out that the paragraph contained no suggestion that the Administering Authority should provide more money for public services. On a previous occasion, when the Council had considered a similar recommendation, the Administering Authority had stated that its financial resources were not unlimited. It would, however, be unjust if the greater part of the money put at the disposal of a tribe went to one person, and did not benefit the people in general.

44. Mr. GERIG (United States of America) proposed the deletion of the phrase: "including the salaries of the chiefs" from the paragraph in question, on the grounds that there were only two chiefs concerned in the present case. The Lamido of Adamawa received an annual salary of £2,600, and the Emir of Dikwa received one of £1,800. In view of the large establishments which they were obliged to keep up, as well as for the reasons mentioned by the Belgian representative, he did not consider that those salaries were too high.

45. Further, he proposed that the clause relating to disproportion in expenditure should be amended to read as follows: "keep in mind the desirability of maintaining the cost of administration in appropriate proportion to expenditures . . .".

46. Mr. FLETCHER-COOKE (United Kingdom) said that the Council was clearly agreed that, in the administration of Trust Territories, as in any other administration, a proper balance should be kept between administrative costs and expenditure on services for the benefit of the people. He would propose that the sentence in question be amended to read as follows:

“ should keep in mind the desirability of maintaining a proper balance between the cost of administration and expenditure on social and other essential services ”.

47. Turning to the question of the actual figures, he had been surprised to note that in the Visiting Mission's report the total expenditure of the Adamawa Native Treasury was given as £163,000, of which £99,000 had been ordinary expenditure. The administrative costs of £10,000 a year were given as 23 per cent of the total expenditure. He failed to see to which figure, if either, that percentage could relate.

48. The PRESIDENT said the figures would be checked.

49. Mr. RYCKMANS (Belgium) said that the amendments proposed by the United States representative did not go far enough, and that he was still unable to agree to the text as amended. He was of the opinion that it was important to start the indigenous inhabitants on the path of political progress even though they were not yet capable of undertaking responsibility for social, medical and educational services. It was therefore quite normal that when the indigenous inhabitants were given their initiation in autonomous government, all their available resources should be devoted to administrative requirements. They had, in fact, to be taught in the first place to balance their budget and to provide for the adequate remuneration of chiefs, police and other officials of the native administration, instead of allowing them to supplement their salaries from other sources, as they doing at present. Later, when the resources of the community had increased and the native inhabitants had gained more political experience, it would be possible to entrust them with more technical functions, such as the organization of education and the construction and upkeep of roads. In addition, they could gradually take over administrative functions of ever increasing importance until such time as they were capable of governing themselves, both from the technical and from the financial point of view.

50. It was understandable that the Trusteeship Council should invite the Administering Authority to take steps to ensure that a balance was maintained between the actual resources of the native administration and the tasks it was called upon to fulfil. The native administration should not, however, be called upon to establish a balance between its administrative expenses and expenses for social or other essential services. It followed that the central government should accept responsibility for all costs other than those of administration, since it was entirely normal that the major part of indigenous revenue should be used to meet the cost of administration.

51. Mr. AQUINO (Philippines) expressed his preference for the text proposed by the United Kingdom representative.

52. Mr. GERIG (United States of America) withdrew his amendments in favour of the United Kingdom representative's amendment, to substitute the words: “ maintaining a proper balance between the cost of administration and expenditure on social and other

essential services ” for the words: “ reducing the present disproportion . . . other essential services ”.

The United Kingdom representative's amendment was adopted.

53. Mr. HOO (Assistant Secretary-General in charge of the Department of Trusteeship and Information for Non-Self-Governing Territories) answering the United Kingdom representative's question with regard to the figures given in chapter I (a), section (iv), of the Visiting Mission's report, said that they had been taken from table 17 on page 316 of the annual report¹ of the Administering Authority on the Cameroons under British administration. The apparent error was due to the fact that the percentage had been calculated only on the expenditure for the Adamawa areas which were within the Trust Territory. The total expenditure of £163,000 also covered the Nigerian parts of that area. That was how the misunderstanding had arisen.

54. Mr. FLETCHER-COOKE (United Kingdom) said that, in deciding on a proper balance, the Administering Authority must inevitably take into account the state of development reached by a particular area. As the Belgian representative had pointed out, in the earlier stages the task was one of pure administration and there was very little expenditure on social and other essential services. As those services developed, care must be taken that administrative expenditure did not increase too much.

55. The PRESIDENT invited the Council to pass to the examination of the sub-sections relating to economic advancement.

56. Mr. LAKING (New Zealand) said that although some of the sub-sections relating to economic advancement, in particular those entitled “ Cameroons Development Corporation ” and “ Bakweri land problem ”, would do credit to the Council, the recommendations on forestry, agriculture and communications, if adopted, would suggest that the Council had felt it was necessary to make recommendations on those subjects but was bankrupt of ideas about them. He did not wish to propose the omission of all reference to those subjects, but merely to suggest that the section would be greatly improved if the sub-sections entitled “ Forests ”, “ Agriculture ” and “ Communications ” were deleted, and the words “ in particular by the adoption of more energetic measures to protect the forestry resources of the Territory, by intensifying and accelerating the present programme for the introduction of modern methods of agriculture in the Territory, and by the improvement and development of the road system of the Territory ”, were added at the end of the sub-section entitled “ General ”.

57. Mr. AQUINO (Philippines) agreed that the recommendations were of little practical value.

¹ See *Report of His Majesty's Government in the United Kingdom of Great Britain and Northern Ireland to the General Assembly of the United Nations on the Administration of the Cameroons under United Kingdom Trusteeship for the year 1948*, His Majesty's Stationery Office, 1949. Colonial No. 244.

58. Mr. HOOD (Australia) said that the Council should refrain from making recommendations which were so general in character as to be worthless. Many of the sub-sections on economic advancement were very vaguely worded. What was the meaning of the words "a special effort" in the sub-section entitled "General"? Could it be said that any effort was not special? What was the meaning of the words "recommends that the Administering Authority undertake more energetic measures" in the following sub-section? If they were included, it should be made clear what it was the measures should surpass in energy. What was the meaning of the words "The Council . . . urges the rapid development . . . of this programme"? Unless the sentence was expanded, it would not be clear what the Council considered rapid development. The Council should try and avoid using such loose phraseology. He therefore supported the suggestion made by the representative of New Zealand.

59. Mr. FLETCHER-COOKE (United Kingdom) said that one of the reasons why the form of those recommendations was open to criticism was that the draft texts prepared by the Secretariat for the Drafting Committee were of necessity based on very general statements made by various delegations during the discussion of the annual report on the Territory in the Council. Representatives were continually making general comments, without formulating positive resolutions; therefore, the Secretariat could not be blamed for failing to produce precise drafts for the Committee's consideration. Indeed, he often wondered how it succeeded in extracting so much that was concrete from the remarks made at meetings of the Council. It was, however, unfortunate that no member of any drafting committee on which he had served had ever had sufficient courage to suggest that the Council should not make a recommendation on a matter which formed the subject of a written text submitted to the committee by the Secretariat, even though that text was so vague as to be virtually useless. In order to give clearer expression to the intentions of representatives, he suggested that in future, instead of relying on the Secretariat to cull concrete recommendations from speeches made at meetings of the Council, each representative who wished a recommendation on a given subject to appear in a report of the Council should submit a precise text containing that recommendation for consideration by the drafting committee. The text might well be amended, but in its final form would almost certainly be more precise than sections on annual reports adopted by the Council in the past. At present, the Drafting Committee was confronted with somewhat oddly drafted texts, which were not unnaturally presented to the Council in an even stranger form.

60. Mr. AQUINO (Philippines) fully associated himself with the observations of the representative of the United Kingdom.

61. Mr. KHALIDY (Iraq) said that in fairness to the Drafting Committee it should be pointed out that one of the reasons why the "concoctions" it submitted to the Council were not precise, was the fact that they represented compromises reached after long discussion.

62. He agreed with the New Zealand suggestion so far as the recommendations relating to forests and agriculture were concerned, but was of opinion that the situation as to roads in the Territory was such that one paragraph should be devoted solely to communications. The Drafting Committee's text on that subject might be adopted as it stood.

63. Mr. RYCKMANS (Belgium) was of the opinion that forests should be dealt with in a separate paragraph as it was an entirely different problem from agriculture or roads. The Administering Authority was being asked to accelerate the development of agriculture and roads at a time when it was faced with problems of finance and timing which might not be easy to solve.

64. On the other hand, in the case of the forests, the Administering Authority was being asked to take steps which involved no expenditure. Therefore, instead of recommending that the Administering Authority take more energetic measures, it should be asked to bring the forest reserves in the different regions of the territory gradually up to the required level. That was a perfectly practicable suggestion.

65. Mr. FLETCHER-COOKE (United Kingdom) thought that, in view of the advanced stage reached by the Council in its consideration of the Administering Authority's annual report on the Trust Territory of the Cameroons under British administration and of the fact that the Drafting Committee had experienced considerable difficulty in preparing the draft report it would be better for the Council to adopt those very imperfectly drafted recommendations in their present form rather than waste any further time, in the hope that at future sessions representatives would thus be prompted to submit precise texts whenever they wished a recommendation to figure in one of the Council's reports.

66. Mr. LAKING (New Zealand) withdrew his suggestion in view of the controversy to which it had given rise, although he had in no way changed his opinion of the value of the recommendations. The discussion had at least been useful in that it would doubtless encourage members of the Council to act in future in the manner suggested by the United Kingdom representative.

67. The PRESIDENT said that, in view of the withdrawal of the New Zealand representative's suggestion, the sub-sections on economic advancement would be adopted as they stood, unless any representative had drafting changes to propose.

68. Mr. FLETCHER-COOKE (United Kingdom) said that the meaning of the words "the number of the indigenous inhabitants in the Cameroons Development Corporation" in the first sentence of the sub-section entitled "Cameroons Development Corporation" was not clear. It might be taken to mean either the number of Africans employed by the Corporation, or the number who participated in its management. At present, the Corporation was managed by nine "members", of whom two were Africans; he suggested the substitu-

tion of the word "membership" for the word "number".

The United Kingdom representative's suggestion was adopted.

69. Mr. RYCKMANS (Belgium) wondered what the reaction of the Administering Authority would be to the suggestion made in the third paragraph of the sub-section entitled "Cameroons Development Corporation", that it should review the tax position of the Corporation with a view to the possibility of increasing that proportion of the profits which were made available for the direct benefit of the Trust Territory. He was of the opinion that the part of the Corporation's profits most directly applied for the benefit of the Territory was precisely that derived from taxation. If that were reduced by one-half, profits would certainly be increased, but the Corporation would largely apply that increase to amortization, reserve and other funds, not of direct benefit to the Territory, whereas taxation went straight into the Treasury.

70. Mr. FLETCHER-COOKE (United Kingdom) said that the taxes paid by the Cameroons Development Corporation had been the subject of lengthy discussions by the Drafting Committee and its sub-committee; the representative of the United Kingdom had pointed out that all the money paid in taxation by the Corporation did in fact return immediately for expenditure in the Trust Territory, and would continue to do so, for as long as there was a deficit in the Trust Territory's finances. All taxes paid by the Corporation could be considered as returning to the Trust Territory, because not only was the amount of money paid by the Corporation in taxes spent there, but in addition the Government of Nigeria subsidized the Trust Territory to the extent of the deficit. For that reason, he did not see what could be accomplished by adopting the recommendation on the subject of taxes paid by the Corporation. The Administering Authority would review the matter if requested to do so by the Council, but there was nothing much more it could do in the matter.

71. The PRESIDENT asked the representative of Belgium whether he was proposing an amendment to the text.

72. Mr. RYCKMANS (Belgium) said he would prefer the deletion of the sub-section in question.

73. Mr. KHALIDY (Iraq) had himself participated at meetings of the sub-committee in the lengthy discussions mentioned by the representative of the United Kingdom. As he had emphasized at that time, the Cameroons Development Corporation was at present paying to the Government of Nigeria large sums of money in taxes, and the Administering Authority had informed the Council that, in addition, the Government of Nigeria was spending a large amount of money on the Trust Territory. But the extent of that subsidy was very much less than might appear on paper, since the Government of Nigeria was receiving from the Corporation in taxes a sum which was the equivalent of a large percentage, possibly seventy per cent, of the

amount it spent on the Trust Territory. The Council should know where to draw a line between fact and charity. There was no reason why the Government of Nigeria should not spend as much as it wished on the Trust Territory, but it should not attempt to claim that the whole expenditure was pure charity, when in fact it recovered the bulk of it in the form of taxes from the Trust Territory. In order that the financial position of the Territory might be made clear to all interested parties, it would be better of the Cameroons Development Corporation paid only a small sum in taxes, or preferably no taxes at all, to the Government of Nigeria.

74. Mr. FLETCHER-COOKE (United Kingdom) said that he appreciated the point made by the representative of Iraq; confusion had probably arisen from the fact that the taxes payable by the Cameroons Development Corporation had not been shown in the Trust Territory's balance-sheet in the Administering Authority's annual report for 1948, because no such taxes had become payable until 1949. They would, of course, be included in the taxes shown in the annual report for 1949. The Government of Nigeria received from the Trust Territory by way of taxation approximately £260,000, and spent on the Trust Territory approximately £500,000, or almost twice as much. When the amount paid by the Corporation in taxes was included in it, the difference between the figure for taxation revenue and that for expenditure on the Trust Territory would doubtless be reduced. But even though the Corporation continued to pay taxes to the Government of Nigeria, the Council would know exactly how much the latter was receiving from and spending on the Trust Territory. The matter under discussion was purely one of book-keeping. He wished to repeat that the Government of Nigeria spent much more on the Trust Territory than it received from it in taxes. The Administering Authority would review the position if requested to do so by the Council, but it was scarcely likely that as a result the Council would learn anything it did not already know.

75. Mr. KHALIDY (Iraq) said that the only reason why he wished the recommendation to be included was so that the taxes of the Corporation would be reduced, and larger benefits consequently accrue to the people of the Trust Territory direct.

76. Replying to a question by the PRESIDENT, Mr. RYCKMANS (Belgium) said that if the text were not put to the vote, he would not register formal opposition, as a review of the Corporation's tax position might, at the instance of the Administering Authority, merely result in an accountancy operation whereby the Government of Nigeria would automatically turn over to the Territory all the taxes received at the expense of the Cameroons Development Corporation, in which case the accounts would be clear and unexceptionable. He would nevertheless prefer that the Territory should have the use of the proceeds of taxation rather than receive a share of the Corporation's profits.

77. The PRESIDENT asked the representative of the United Kingdom whether he wished the paragraph to be put to the vote.

78. Mr. FLETCHER-COOKE (United Kingdom) said that he would not press the matter to a vote, since, although the Administering Authority did not think that the recommendation was likely to yield any useful results, it would review the position if asked to do so. It was somewhat difficult for a representative who was associated with the administration of a Trust Territory under discussion to object to the wishes of the Council unless a grave matter was involved. But he entirely agreed with the Belgian representative that, even if it were possible for the Administering Authority to take the action advocated by the representative of Iraq, that would not realise the latter's intention—namely, to ensure that the people of the Trust Territory benefited as quickly and as much as possible from the operations of the Corporation.

79. The PRESIDENT declared that, in the absence of other remarks the text would be left as it stood, with the practical consequences to which the United Kingdom representative had just drawn the Council's attention.

It was so agreed.

The meeting was suspended at 5 p.m. and was resumed at 5.25 p.m.

Bakweri land problem

80. Mr. RYCKMANS (Belgium) felt that an essential point had been omitted from that sub-section; the most vital measures of all were those relating to the control of African immigration into the Bakweri lands. He wondered whether the Drafting Committee had considered the matter.

81. Mr. YEOMANS (United States of America), Chairman of the Drafting Committee on Annual Reports, said that the point raised by the Belgian representative had not been discussed by the Drafting Committee. It had not been included in the paper drawn up by the Secretariat (Conference Room Paper No. 3) and had not been raised by any member of the Committee.

82. Mr. FLETCHER-COOKE (United Kingdom) said that at least part of the sub-section contained some indication of the existence of the question raised by the Belgian representative. In any event, the Administering Authority would take his remarks into account. Would not that representative therefore be satisfied by the text as it stood.

83. Mr. AQUINO (Philippines) welcomed the assurance given by the United Kingdom representative that the Administering Authority would take the remarks of the Belgian representative into account. If the text, which was the outcome of lengthy discussion by the Drafting Committee, were hastily amended by the Council at the present stage, a new element might be introduced. In view of the assurance given by the representative of the United Kingdom, would not the representative of Belgium agree to the adoption of the text in the form in which it had been submitted by the Drafting Committee?

84. Mr. RYCKMANS (Belgium) said he was convinced that in point of fact the Administering Authority had

noted the proposal he had made; moreover, that solution had already been contemplated by the Administering Authority itself.

85. Nevertheless, he believed it essential that an explicit provision concerning the matter be introduced into the text, because it would be clear to no one but the Administering Authority that point (V) of that sub-section was intended also to cover control of immigration. The Bakweri were known not to favour such control; what they wanted was to get new lands in order to sell them again to foreign settlers, and then to ask for more. Furthermore, the Bakweri were often suspicious of the motives of the Administering Authority, whereas they had no grounds for suspecting the intentions of the Trusteeship Council; it was desirable therefore that the Council should add the following words at the end of the sub-section: "(vi) lastly, and above all, that effective steps should be taken to control immigration of natives of other tribes into the Bakweri lands".

86. Since the question had not been considered by the Drafting Committee he requested the Council to consider it.

87. Mr. GERIG (United States of America) hoped that the Council would be prepared to accept the last four lines of the sub-section, without the addition suggested by the representative of Belgium, until the next session at which the Cameroons under British administration was discussed, for the latter's remarks concerned a fundamental problem, which could not properly be dealt with in haste, or without considering carefully the question of migration within the Territory, and the complicated question of whether some benefits were not to be derived from intermixture of the indigenous peoples.

88. Mr. RYCKMANS (Belgium) said he would not press his proposal, but requested that his remarks should be included among the observations of his delegation in part III of the section in the Territory.

89. The PRESIDENT stated that the request of the Belgian representative would be complied with.

90. Mr. FLETCHER-COOKE (United Kingdom) suggested that the word "and" before the words "further recommends: (1) that increased efforts . . ." be deleted as redundant.

It was so agreed.

Wages : standard of living

91. Mr. RYCKMANS (Belgium) said he failed to see any difference between the sub-section on wages and that on the standard of living.

92. Replying to the PRESIDENT, Mr. YEOMANS (United States of America), Chairman of the Drafting Committee on the Annual Reports, said that it was difficult to explain what difference the Drafting Committee had intended between the two sub-sections. Some members of the Drafting Committee had maintained that the general question of real wages was closely connected

with standards of living, and that the sub-section on wages was not sufficient in itself, since the question of real wages was broader than the question of wages.

93. Mr. KHALIDY (Iraq) said that the sub-section on wages should be worded so as to ensure that essential consumer goods would be made available at prices at which the average wage-earner could afford to buy them. It had been noted that the average wage-earner, in particular persons employed by the Cameroons Development Corporation, lacked depots or shops at which to buy essential consumer goods. But the question of wages would not be affected by the Administration or any other organization making essential consumer goods available to wage-earners in the Territory. Consequently, the representative of Belgium might be satisfied if the title of the sub-section was changed to "Purchasing Power".

94. Mr. AQUINO (Philippines) said that if the title was changed in the way suggested by the representative of Iraq, the sub-section would still relate to the question of real wages, in the sense in which the term had been used by the latter and by the representative of the United States of America when he had raised the question during the Council's consideration of the annual report for 1948.

95. Mr. RYCKMANS (Belgium) thought it would be preferable to call the first sub-section "Cost of Living", and the second "Wages and Standard of Living".

It was so agreed.

Corporal punishment

96. Mr. AQUINO (Philippines) said that, since an advanced stage had been reached in the drafting of the report, he would not urge the Council to amend the sub-section on corporal punishment; but before the Council adopted it, he wished to state that in his delegation's opinion, it represented a withdrawal by the Council from the position it had taken up at previous sessions with regard to corporal punishment, and that it was not in accordance with either the spirit or the letter of General Assembly resolution 323 (IV), in which the General Assembly specifically recommended the immediate abolition of corporal punishment in the Trust Territory of the Cameroons under British administration and in other specified Trust Territories.

97. Replying to the PRESIDENT, Mr. AQUINO (Philippines) said that he wished the substance of his statement to be included in part III of the section on the Cameroons under British administration.

98. Mr. FLETCHER-COOKE (United Kingdom) pointed out that although the terms "corporal punishment" and "whipping" were not synonymous, the words "corporal punishment and" should be deleted from the sub-section, since whipping was the only form of corporal punishment awarded in the Trust Territory. If those words were retained, it might be thought that other forms of corporal punishment were used in the Territory.

99. The attitude of the United Kingdom Government to the recommendations that corporal punishment

should be abolished in Trust Territories had been explained on several occasions, notably in the General Assembly during the discussion on resolution 323 (IV), against which it had been obliged to vote. It intended to reduce corporal punishment in those territories progressively until it was limited to those offences for which persons in the United Kingdom itself could be awarded corporal punishment; but such limitation was not possible at once or even within the immediate future, partly because the Administration lacked the means of introducing other corrective methods, such as the probation system, which had proved very successful in Singapore. The Administering Authority would interpret the recommendation now before the council in the light of that policy. He asked for the foregoing observations to be included in part III.

100. Mr. AQUINO (Philippines) said that the statement just made by the representative of the United Kingdom pointed to the advisability of using in the sub-section the phrase "the corporal punishment of whipping" as used in General Assembly resolution 323 (IV).

The United Kingdom representative's amendment was adopted.

Form of the annual report

101. Mr. LAKING (New Zealand) said that he understood that the Argentine delegation had suggested that all Administering Authorities for Trust Territories should be asked to supply the metric equivalents of the units and measures given in their annual reports. He asked whether the Argentine representative would assent to the deletion of the sub-section on the form of the annual report if the Council agreed that the request should be brought to the attention of all Administering Authorities by other means.

102. Mr. DUSSAUT (Argentina) considered that it was for the Council to decide whether the request should apply to all reports, and if so, to take what steps might be necessary.

103. Mr. FLETCHER-COOKE (United Kingdom), supporting the suggestion of the New Zealand representative, observed that the Secretariat forwarded to the Administering Authorities concerned suggestions made by Members of the Council about the form of the annual reports, which were not mentioned in the sections on annual reports in the Council's own report to the General Assembly. Often no reply could be given to enquiries as to whether such suggestions could be adopted until after they had been referred to the Administration of the Trust Territory concerned. If the request of the representative of Argentina was brought to the attention of the Administering Authority of the Trust Territory of the Cameroons under British administration by other means than by mentioning it in the report under discussion, the Administering Authority would do everything in its power to comply with the request.

104. Mr. RYCKMANS (Belgium) thought that it would be preferable to make a general recommendation to the Administering Authorities requesting them to supply the Council with equivalent figures in terms of the

metric system, in order to assist the Council in its work.

105. In reply to a question from the PRESIDENT, Mr. DUSSAUT (Argentina) said he would accept the procedure recommended by the Belgian representative.

106. Mr. GERIG (United States of America) said that the Council should consider the suggestions of the representative of Argentina carefully before requesting Administering Authorities to supply the metric equivalents of units and measures appearing in their annual reports.

107. Mr. RYCKMANS (Belgium) said that he envisaged that when, for example, a report contained figures on production, the equivalent figure in metric tons should be given in brackets. In a word, metric equivalents should be supplied only in the case of statistics.

108. Administering Authorities for Trust Territories would not be able to give effect to such a recommendation in the case of money values, but would endeavour to do so in the case of other units of measurement.

109. Mr. DUSSAUT (Argentina) confirmed that his original proposal had related solely to weights and measures.

110. The PRESIDENT declared that, if there were no objection, the sub-section would not be included in the section, but would form the subject of a general recommendation to all the Administering Authorities concerned.

It was so agreed.

Part II, as amended, of the section on the Cameroons under British administration for inclusion in the Council's report to the General Assembly, was adopted.

111. The PRESIDENT asked members of the Council to transmit to the Secretariat, before 27 March 1950, any observations they wished to have included in part III of the section on the Cameroons under British administration.

112. He added that, as there had been no comment on part I, which was merely a summary of the annual report submitted by the Administering Authority, it could be considered as adopted.

113. Mr. FLETCHER-COOKE (United Kingdom) said that it would not be possible for his delegation to indicate which of its observations it wished to be mentioned in part III, until it had been informed as to what other delegations wished to have included in part III.

The meeting rose at 6.10 p.m.

271st meeting

SIXTY-NINTH MEETING

*Held at the Palais des Nations, Geneva,
on Friday, 24 March 1950, at 10.45 a.m.*

President : Mr. Roger GARREAU.

Present : The representatives of the following countries : Argentina, Australia, Belgium, China, France, Iraq, New Zealand, Philippines, United Kingdom, United States of America.

Observers from the following countries : Egypt, Israel, Hashemite Kingdom of the Jordan, Syria.

119. Question of an international regime for the Jerusalem area and Protection of the Holy Places (General Assembly resolution 303 (IV) of 9 December 1949) (T/118/Rev.2, T/423 and T/L.67) (resumed from the 67th meeting)

(a) TRANSITORY PROVISIONS (T/L.67)
(continued)

Arab refugees

1. The PRESIDENT invited comment on the two sub-paragraphs of paragraph A. 2 in document T/L.67; both had been suggested by the representative of Egypt.

2. Mr. RYCKMANS (Belgium) was of the opinion that the word "refugees" should be substituted for the phrase "Arab and other refugees" in the first line of sub-paragraph (a). Whilst the Council was prepared to proclaim and defend the rights of persons forced by the pressure of events to leave their homes, it was concerned with them as refugees and not as members of a particular race or religion.

3. The ideal solution no doubt would be to repatriate the refugees and restore their property to them. He feared, however, that a rigid application of that principle would hinder rather than help in the settlement of the problem. The fact had to be faced that in practice the repatriation of all the refugees might not be feasible. On the other hand, it was entirely feasible to afford all refugees just and equitable compensation for the losses they had suffered. For that reason, he thought it preferable to say : "The refugees . . . shall be restored to their property or will receive just and equitable compensation for the damages they have sustained . . .".

4. The PRESIDENT reminded the Council that the United Nations Conciliation Commission for Palestine, the body entrusted by the United Nations with the solution of the refugee problem for the whole of Palestine, already had the entire question under consideration.

5. Mr. EBAN (Israel) submitted that the question of liability for war damage was not a question confined to Jerusalem. The hostilities that had been launched in Jerusalem as an answer to General Assembly resolution 181 (II) dated 11 November 1947 had been only part of the general operations launched throughout the country to prevent the State of Israel coming into existence. The solution of the questions of liability and indemnity was, therefore, one part of the general effort of conciliation. It was one of the questions on which the Governments concerned had been invited by the General Assembly in its resolution 194 (III) to seek agreement by negotiation. As soon as those negotiations were entered into, the question of liability and indemnity could be discussed.

6. Even then, however, he could not see how it would be possible to separate the question of liability and indemnity for property in Jerusalem from the general