



TRUSTEESHIP COUNCIL

Eighteenth Session

OFFICIAL RECORDS

Wednesday, 8 August 1956,
at 2 p.m.

NEW YORK

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President: Mr. Rafik ASHA (Syria).

Present:

The representatives of the following States members of the Trusteeship Council: Australia, Belgium, Burma, China, France, Guatemala, Haiti, India, Italy, New Zealand, Syria, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United States of America.

The representatives of the following specialized agencies: International Labour Organisation; Food and Agriculture Organization of the United Nations; United Nations Educational, Scientific and Cultural Organization; World Health Organization.

Examination of conditions in the Trust Territory of Nauru (*continued*):

- (i) **Annual report of the Administering Authority for the year ended 30 June 1955 (T/1247, T/1259);**
- (ii) **Report of the United Nations Visiting Mission to Trust Territories in the Pacific, 1956 (T/1256)**

[Agenda items 4 (c) and 7]

REPORT OF THE DRAFTING COMMITTEE (T/L.720)
(*continued*)

1. The PRESIDENT drew attention to the separate section on the attainment of the objectives of self-government or independence set out in annex II of the Drafting Committee's report on the Trust Territory of Nauru (T/L.720), and the amendments to it proposed by the delegations of Guatemala (T/L.722), Syria (T/L.723) and Italy (T/L.724).

2. Mr. CUTTS (Australia) noted that sections A and B of paragraph 2 of the amendments proposed by the Guatemalan delegation were intended as a statement of the facts regarding the Territory. He would point out that that text was an only slightly amended form of a draft which had been submitted by the Guatemalan

delegation to the Drafting Committee and to which his delegation had objected on the grounds that it was an erroneous presentation of the facts, and selective to the point of distortion. It maintained those objections to the text now before the Council, and wished to substantiate them in detail.

3. The first statement in paragraph *a* of section A, for instance, was entirely false: the political organization of the Territory—which numbered only some 2,000 indigenous inhabitants—could be considered only in terms of the Local Government Council, which had been established entirely on the basis of consultation with the people. The second statement in that paragraph was also false, since the recent setting up of the Nauru Local Government Council to replace the former Council of Chiefs had been a deliberate step in the direction of self-government or independence for the Territory. Moreover, as the Council well knew, the Administering Authority was in constant consultation with the Nauruans regarding their future in general and that necessarily included their political as well as their physical and economic future.

4. The statement in paragraph *b* of section A that the Nauru Local Government Council dealt only with certain local government matters was simply not true: the Council was of course, as its name implied, essentially a local government—and not, as was stated, essentially a consultative—body, but it also exercised advisory and consultative powers regarding all matters of a territorial nature affecting the Nauruan community. Nor was it true that all councillors were in the employ of the Administration; only some of them were so employed and, while it was true that the Council at the moment had no voice in the consideration of the Territorial budget, yet, as the Administering Authority had informed the Trusteeship Council at a recent meeting, it intended very shortly to consider granting the Local Government Council some such power.

5. He would draw the Guatemalan representative's attention to the word "only" in the first sentence of paragraph *d* of section A which purported to be a factual statement regarding the training and appointment of indigenous persons to positions of responsibility; that word implied a criticism which was out of place in such a context. He noted in passing that the Nauruan Landowners' Royalty Trust Fund referred to in paragraph *e* concerned individual Nauruans and therefore had nothing to do with public revenue, the subject of that paragraph which did not, on the other hand, mention the fundamental fact that by far the greater part of the public revenue was provided by the British Phosphates Commissioners. The paragraph also overlooked the effect of the physical limitations of the island on the possibility of increasing the sources of public revenue.

6. There were certain errors of fact in section B of paragraph 2 on the establishment of final and intermediate time-limits, but his delegation's main objection to that part of the Guatemalan text was that it failed

entirely to record the views of the Administering Authority on that question.

7. His delegation therefore rejected sections A and B of paragraph 2 of the Guatemalan amendment as an untrue and biased statement of the facts; it regretted the note of condemnation pervading those paragraphs and could only conclude that the Guatemalan delegation's considered position towards the Administering Authority was one of hostility. Australia was prepared to accept the text prepared by the Secretariat as the most objective statement of the facts possible.

8. Turning to section C of paragraph 2 of the Guatemalan text, he observed that all the recommendations proposed in it appeared to flow from a strong implication in section B that the Administering Authority was reluctant to inform the Council of its plans and intentions with regard to the Trust Territory. He wished to make clear his Government's formal position on that question. While it always endeavoured to give the Council as much information as possible about its plans and projects for the Territory, it did not recognize any formal obligation upon it to do so either under the United Nations Charter or under the Trusteeship Agreement. Administering Authorities were granted exclusive powers of administration of the Trust Territories and were not required by the terms of any of the basic documents to share those powers. While intending, therefore, to continue its practice of giving the Council all the information possible, it was not prepared to see that practice treated as or transformed into a formal obligation.

9. Recommendation *a* drew the Council's attention to the fact that the Administering Authority had not yet set any time-limit for the attainment by the Trust Territory of self-government or independence. That might well be true, but it was nothing less than absurd to suggest setting a date for granting a Territory self-government when all or most of its present inhabitants were to be moved at an undetermined date to another and as yet undetermined country. His delegation also took exception to the reference in that recommendation to the position taken by the Administering Authority, when that position was nowhere described. The fact that no other member of the Council had ventured to suggest a time-limit indicated the Council's awareness of the impossibility of fixing one. That being so, his delegation could only interpret the first two lines of recommendation *c* as a threat to the Administering Authority. It was hardly necessary, as was done in that recommendation, to draw the Administering Authority's attention to General Assembly resolutions 558 (VI) and 752 (VIII) since it had opposed them both in its votes and in its statements in the General Assembly. He could but suppose, therefore, that they had been mentioned simply for the sake of the interpretation placed on them in the following two recommendations.

10. With regard to recommendation *d*, the physical conditions of the Territory and the uncertainty of the people's wishes obviously precluded any "more precise statement" of the manner in which self-government or independence was to be achieved and the fixing of intermediate goals. Moreover, it would be a flagrant contradiction of the principle—itsself expressed in recommendation *b* of the Guatemalan text—that the wishes of the Nauruan people themselves must determine their future. So far they had not expressed their

wishes. They had not responded in any positive way to all the various opportunities offered them by the Administering Authority. They possessed powers which they did not exercise. They had possibilities of action which they did not pursue. Nor was it necessary to "induce an atmosphere of understanding and confidence" between the people and the Administering Authority; that already existed, as the United Nations Visiting Mission to the Trust Territories of the Pacific, 1956, itself had made clear when it had suggested in its report (T/1256) that the Nauruans should be settled in Australia.

11. Recommendation *e* spoke of "intermediate" target dates in various fields. In the matter of representative, executive and legislative organs the Council had already adopted a text which rendered that part of the recommendation pointless. Again, in the matter of the appointment of Nauruans to positions of responsibility in the Administration, the Council had already adopted a recommendation commending the Administering Authority for its modest success as regards increased Nauruan participation in the civil service. To implement the Guatemalan proposal would mean introducing target dates in relation to individual positions and persons and in that connexion the Council already knew what the outcome was likely to be. He had already referred to the matter of public revenue: the only possible sources of public revenue other than the subsidy provided by the British Phosphate Commissioners would be agriculture and fishing. But there again, as also in the matter of education, the Administering Authority was up against the human factor, the unresponsiveness of the Nauruan people. The final suggestion in recommendation *e* was, he need hardly point out, grossly unrealistic: the attitude of the Nauruan people was such that they were hardly likely to ask for any dates and time-limits to be set at all.

12. Finally, in connexion with recommendation *f* he could only repeat that his Government recognized no obligation to announce its intentions regarding the Trust Territory to the Council.

13. In general, his delegation had strong objections to the Guatemalan text if only because it proceeded from a doctrinaire and unrealistic attitude which took no account of the actual facts of the situation in the Trust Territory. The proposal now before the Council was almost identical with one introduced by the same delegation the year before with respect to a Territory differing in every respect from that of Nauru.

14. The amendment put forward by the Syrian delegation was couched in more moderate terms but was still unacceptable to his delegation, since it was based on a proposition to which the Administering Authority did not subscribe; he referred to paragraph 4.

15. His delegation could, however, vote in favour of the amendment submitted by the Italian delegation, for it represented a sincere and constructive effort at reconciling opposing views.

16. Mr. ARENALES CATALAN (Guatemala) wished to assure the Australian representative that his delegation entertained no hostility towards the Administering Authority. Sections A and B of paragraph 2 of his delegation's amendment had been taken almost word for word from the report of the Administering Authority and, in certain places, from the working paper prepared by the Secretariat. The errors in the

original text which had been pointed out in the Drafting Committee had been corrected, and he could not therefore understand the Australian representative's remarks regarding the factual part of the report. It might be said that his delegation's selection of the facts to be mentioned had been arbitrary, but he would point out that the whole text had been written on the basis of the General Assembly's three resolutions on that subject, and though those resolutions might not have been acceptable to the Australian delegation, they had, after all, been adopted and it was up to the Council to implement them. Moreover, what the Council was required to do was to provide the General Assembly with concrete facts about the subjects in which it had expressed its interest, and not statements of the Administering Authority's intentions about entirely different matters. If the text now before the Council resembled a text submitted on another Territory the year before, that only showed the anxiety of his delegation to use a familiar formula, a form of wording which could not cause objection. The Australian delegation was entitled to hold the view that different recommendations could have been made; if it felt that there had been grave omissions as, for instance, regarding the attitude of the Administering Authority, he could but apologize, while pointing out that the same omission was made in the document prepared by the Secretariat.

17. Mr. GRILLO (Italy) recalled that the representative of India had expressed the view that insufficient consideration was given to resolutions of the General Assembly. There was a tendency, however, to lose sight of realities amid a tangle of theories. It was important, in his delegation's view, for the Council to bring the facts to the notice of the General Assembly and to assist it in drawing the correct inferences from them. In the amendment put forward by his delegation, the Council would inform the General Assembly of the peculiar difficulties pertaining to the Trust Territory of Nauru, while expressing the hope that the Administering Authority would continue to bear in mind the objectives of the Trusteeship System and to inform the Council of all developments in the Territory in that connexion.

18. The PRESIDENT put to the vote the Guatemalan amendment (T/L.722, para. 2) to annex II of the report.

There were 7 votes in favour and 7 against.

After a brief recess in accordance with rule 38 of the rules of procedure of the Trusteeship Council, a second vote was taken.

There were 7 votes in favour and 7 against. The amendment was not adopted.

19. Mr. SEARS (United States of America) explained that he had been compelled to vote against the amendment rather than abstain, as he had intended, because his abstention would have meant the adoption of the Guatemalan amendment rather than the Italian, to which he had pledged his support.

20. Mr. GRUBYAKOV (Union of Soviet Socialist Republics) asked for a separate vote on paragraphs 2 and 3 of the Syrian amendment (T/L.723).

The paragraphs were rejected by 6 votes to 5, with 1 abstention.

21. The PRESIDENT put to the vote paragraphs 1, 4 and 5 of that amendment.

There were 7 votes in favour and 7 against.

After a brief recess in accordance with rule 38 of the rules of procedure of the Trusteeship Council, a second vote was taken.

There were 7 votes in favour and 7 against. The paragraphs were not adopted.

22. Mr. SMOLDEREN (Belgium) asked for a separate vote on paragraphs 6 and 7 of the Italian amendment (T/L.724).

Paragraphs 1 to 5 of the Italian amendment were adopted by 7 votes to 6, with 1 abstention.

Paragraphs 6 and 7 were rejected by 7 votes to 6, with 1 abstention.

The amendment, as amended, was rejected by 8 votes to 5, with 1 abstention.

23. The PRESIDENT drew attention to the recommendation in paragraph 9 of the report to the effect that the Council should adopt the separate section set out in annex II of that report.

24. Mr. GRUBYAKOV (Union of Soviet Socialist Republics) pointed out that what was to have been the operative part of that annex had been rejected and what remained, therefore, was in the nature of a preamble. He doubted whether there was any point in voting on it.

The meeting was suspended at 3.30 p.m. and resumed at 3.55 p.m.

25. Mr. ARENALES CATALAN (Guatemala) suggested that the Council should report to the General Assembly that in connexion with the separate section three drafts had been put forward and rejected; it might mention the results of the votes and include the three texts in its report.

26. Mr. CUTTS (Australia) thought that the Council should try to find a text which it could adopt before resorting to the procedure proposed by the Guatemalan representative.

27. Mr. JAIPAL (India) did not think that it would serve any useful purpose to consider other texts which would be similar in kind to one or other of the three rejected. He therefore supported the Guatemalan representative's suggestion.

28. Mr. JABRI (Syria) regretted that the Council had been unable to adopt a text; in the absence of any other proposal, however, his delegation would support that made by the Guatemalan representative.

29. The PRESIDENT proposed that the Council should defer further consideration of the item to the next meeting.

It was so decided.

The meeting was suspended at 4.10 p.m. and resumed at 4.25 p.m.

The future of Togoland under French administration (continued):

(i) Memorandum by the Administering Authority (T/1274/Rev.1);

(ii) Petitions (T/PET.7/467, T/PET.7/468, T/PET.7/470, T/PET.7/473, T/PET.7/475, T/PET.7/476, T/PET.7/480, T/PET.7/494, T/PET.7/496, T/PET.7/500, T/PET.7/L.14)

[Agenda item 12 b]

30. Mr. DORSINVILLE (Haiti) said that his delegation's view on the application of Article 76 of

the Charter to the Trust Territory of Togoland under French administration was well known; as he had stated at the seventeenth session (669th meeting) he could not admit that before being capable of governing themselves unaided the people of Togoland should commit themselves to integration in the French Union. Yet the thesis advanced by the French delegation had since been given concrete form in the Act of 23 June 1956, as described in the French Government's memorandum (T/1274/Rev.1). Article 8 of that Act authorized the French Government to promulgate a statute for Togoland in conformity with the objectives of the Trusteeship Agreement and also, he would note, with the principles set forth in the preamble to the French Constitution. That fact clearly linked the fate of the Trust Territories under French administration with those of the French overseas territories. Article 8 of the Act also authorized the French Government to hold a referendum in which the people would be asked to choose between the proposed new statute and the continuance of the Trusteeship System: the statute could mean only one thing, the absorption of the Trust Territory into the French Union. His delegation felt compelled therefore to reject the alternative put forward.

31. Moreover, other provisions in article 8 of the Act appeared to suggest that the reforms envisaged for the Trust Territory were conditional upon the choice by the Togolese people of integration in the French Union and would be withheld if the choice fell to the continuance of the Trusteeship System. Again, article 8 referred to provisions in the statute for an interim period; it was important that the Council should know what those provisions were, but the French representative had been unable to give any details. Furthermore, it was perfectly legitimate for the Council to ask what had happened to the plan for the revision of chapter VIII of the French Constitution since, as he had pointed out and in spite of what the French representative had said, there was a clear connexion between that revision and the fate of the Trust Territories.

32. In its memorandum the Administering Authority asked the Trusteeship Council to appoint a mission of observers to follow the operation of the referendum in Togoland in October 1956. That request had been based on a recommendation made by the United Nations Visiting Mission to the Trust Territories of Togoland under British Administration and Togoland under French Administration, 1955, but he would point out that that mission had been an ordinary one and had not been engaged in a special investigation as had been the case with Togoland under British administration. Again, the references in the memorandum to the Council's resolution 1368 (S-5) and General Assembly resolution 860 (IX) were misleading, because they related particularly to the Trust Territory under British administration. In its special report (T/1218), the Visiting Mission had noted that the opposition parties in Togoland under French administration did not have the same freedom of political action as their counterparts in Togoland under British administration. Indeed, it was for that reason and for the reasons set forth in *Afrique nouvelle* by Father J. de Benoist that parties such as the *Comité de l'unité togolaise* and Juvento had boycotted the last elections to the Territorial Assembly. The report also urged that a plebiscite should be held to determine whether the population of Togoland under French administration wanted self-government within the French Union or independence outside it. That was a recommendation which his delegation would support and he would point out that the alternative contained in it was not identical with that mentioned in the French Government's memorandum. Furthermore, he believed that the General Assembly was the organ which should be informed of the Administering Authority's proposals and which should take appropriate decisions, and that it was for the Trusteeship Council simply to carry them out. In that connexion, he referred to General Assembly resolution 944 (X), and also to the Council's resolution 1371 (XVII). For all those reasons, the Haitian delegation would strongly oppose the participation of the Trusteeship Council in the procedure proposed.

The meeting rose at 4.55 p.m.