

TRUSTEESHIP  
COUNCIL

MEETING

OFFICIAL RECORDS



Thursday, 15 March 1951, at 2.30 p.m.

LAKE SUCCESS, NEW YORK

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**President: Mr. HENRÍQUEZ UREÑA (Dominican Republic).**

*Present:* The representatives of the following countries: Argentina, Australia, Belgium, China, Dominican Republic, France, Iraq, New Zealand, Thailand, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United States of America.

#### Examination of petitions (*continued*)

FIFTH AND SIXTH REPORTS OF THE *Ad Hoc* COMMITTEE ON PETITIONS (T/L.153 AND T/L.157): PETITIONS CONCERNING AFRICAN TRUST TERRITORIES (*continued*)

1. The PRESIDENT requested the Council to conclude its consideration of the fifth report of the *Ad Hoc* Committee on Petitions (T/L.153).

2. He put draft resolution I to the vote.

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

3. The PRESIDENT asked the Council to take a decision on draft resolution II.

4. Mr. SOLDATOV (Union of Soviet Socialist Republics) recalled that during the Committee's examination of the petition (T/Pet.2/96) covered by draft resolution II, the USSR delegation had proposed that the Trusteeship Council should recommend the Administering Authority to take steps for the development of democratic institutions in the Territory, and also that the Trusteeship Council should request the visiting

mission which was to go to the Trust Territories in East Africa to investigate the petition.

5. He felt that those measures would give the petitioner satisfaction and therefore suggested that the text of the two USSR amendments, given in paragraph 15 of document T/L.153, should be inserted in draft resolution II.

*The first USSR amendment was rejected by 4 votes to 1, with 5 abstentions.*

*The second USSR amendment was rejected by 4 votes to 1, with 5 abstentions.*

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

6. The PRESIDENT drew the Council's attention to draft resolution III.

7. Mr. SOLDATOV (Union of Soviet Socialist Republics) thought that the Committee's proposal was inopportune and in no way satisfied the petitioners. The petitioners had complained of the oppression to which they were subjected by Chief Manga Williams, who was supported by the Administering Authority. The USSR delegation had felt that the facts cited in the petition (T/Pet.4/66) should be the subject of an inquiry, the more so as a visiting mission would be going to the Trust Territory concerned in 1951. That was why the USSR delegation had been unable to support the Committee's proposal.

8. He also drew attention to the proposal made in the Committee by his delegation that a paragraph should

be inserted in the Committee's draft resolution to the effect that the Trusteeship Council should recommend the Administering Authority to take every effective step to reorganize the Victoria Federated Council on democratic principles (T/L.153, para. 22).

9. He formally proposed that such a paragraph should be inserted in draft resolution III.

10. Mr. GARREAU (France) wished to know what the USSR representative understood by "democratic principles".

11. Mr. SOLDATOV (Union of Soviet Socialist Republics) said that the words "democratic principles" meant that the Victoria Federated Council should be elected by universal suffrage and secret ballot, and that men and women should have an equal right to vote.

12. Mr. GARREAU (France) also wished to know whether the elections would be open to more than one party and whether they would be completely free in the sense that all parties would enjoy full freedom of opinion.

13. Mr. SOLDATOV (Union of Soviet Socialist Republics) said that that was his understanding of the words "democratic principles".

14. Mr. MATHIESON (United Kingdom) felt he must state that the policy of the United Kingdom Government in the Trust Territories under its administration was to develop indigenous institutions along democratic lines.

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

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

15. Mr. SOLDATOV (Union of Soviet Socialist Republics) explained that the Council's rejection of the USSR proposal in favour of a resolution which said that the petition in question did not call for any action by the Council had placed the Soviet Union delegation in the position of being obliged to oppose the resolution. It felt that it was the duty of the Administering Authority in all cases to ensure the transition from the tribal system to a democratic system of self-government based on democratic principles. He had just made clear, in reply to questions from the French representative, what his delegation understood by the words "democratic principles".

16. The PRESIDENT put draft resolution IV to the vote.

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

17. The PRESIDENT put draft resolution V to the vote.

*The resolution was adopted by 11 votes to none.*

18. The PRESIDENT put draft resolution VI to the vote.

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

19. The PRESIDENT reminded the Council that draft resolutions VII and VIII had been adopted at the preceding meeting.

20. He drew attention to draft resolution IX.

21. Mr. KHALIDY (Iraq) wished to have some further details about the case covered by draft resolution IX.

22. Mr. WENDELEN (Belgium), Chairman of the *Ad Hoc* Committee on Petitions, said that the Committee's draft resolution referred chiefly to the factual information which had been supplied by the Administering Authority. Following a prolonged discussion, the Committee had decided that, although the solution it proposed was not perfect, it did at least give all possible satisfaction to the petitioner. Several members of the Committee had, moreover, expressed the view that the Administering Authority had no moral or legal responsibility in the matter.

23. Mr. KHALIDY (Iraq) wondered how the petitioner, who was a native of Togoland under French administration and was studying at Columbia University, in New York, could live on the 600 dollars a year for which he had received an exchange permit. He also wondered how the *Ad Hoc* Committee could explain its attitude.

24. Mr. LAURENTIE (France) realized that a student could not live on 600 dollars a year in New York. Nevertheless, he emphasized that the French Government and the French Administration of Togoland had no responsibility in what could be regarded as an act of disobedience. No French student, whether from France or from French overseas territories, was in a position to study in the United States unless his needs were provided for either by a French or American scholarship or by his family, if the latter had funds in the United States. That was a hard and fast rule to which the petitioner had thought he could make an exception although he had been fully aware of the financial difficulties which he would encounter in the United States.

25. The petitioner had, of course, been moved by a desire to educate himself, but he had nevertheless made a mistake, and France could not be held responsible for the results of that mistake. In view of the difficult position in which the petitioner found himself, and although he now had other means of support, the French Government had decided to grant him an exchange permit for 600 dollars, which was a quite exceptional concession.

26. Mr. KHALIDY (Iraq) said that he had not in any way intended to criticize the attitude of the French Government. He had merely requested further explanations from the Chairman of a subsidiary organ of the Council.

27. The petitioner would no doubt be grateful to the French Government for its generous gesture; but the case in point was a very interesting one, and there should be nothing to prevent its sympathetic reconsideration by the French Government, with a view to allowing the person concerned a reasonable amount of money to continue his studies.

28. Mr. WENDELEN (Belgium), Chairman of the *Ad Hoc* Committee on Petitions, could express no opinion in his capacity as Chairman of the Committee, but would try to give the explanations requested.

29. It should be borne in mind first of all that the student could not pursue his studies in French territory, where every facility would be available to him, because

he was English-speaking. On the other hand, his family had resources in the Gold Coast and money could have been transferred to a territory under British administration if the petitioner had decided to continue his studies there.

30. It was not simply a question of deciding whether or not a transfer of 600 dollars was to be authorized. The regulations were explicit and such a transfer could only be made in virtue of a special waiver; it was in fact in that way that the transfer of 600 dollars had been authorized.

31. The members of the Committee had also felt that the petitioner could continue his studies either in the United States, by engaging in paid employment enabling him to live meanwhile, or in the United Kingdom, where there would have been nothing to prevent the transfer of the necessary money.

32. Mr. LAURENTIE (France) recognized that the petitioner's aim was praiseworthy, since the higher commercial education which it was his intention to acquire would be very useful to him; on the other hand, it would be of no use at all to the French territories, since the petitioner knew no French. It would be hardly fair to make an exception which was unique in the annals of the French *Office des changes* in favour of someone who could not put to good purpose in some French territory the knowledge he had acquired in the United States.

33. Without wishing to draw any comparison between the quality of education in different countries, he felt that he could nevertheless affirm that education in the United Kingdom was entirely satisfactory. The petitioner could have studied in the United Kingdom without any difficulty, particularly in view of the fact that the United Kingdom and France had entered into an agreement in 1947 to authorize students in the two Territories concerned to complete their education in either Territory.

34. The petitioner had thought that he could adopt another course, in spite of all the difficulties awaiting him. The French Government could not therefore accept the slightest responsibility for what had happened.

35. Mr. KHALIDY (Iraq) agreed to a certain extent with the French representative. He pointed out, however, that the case involved only one student; if the wealth of Togoland under French administration was borne in mind, the conclusion must be that the French *Office des changes* could perfectly well authorize the transfer of the necessary funds. In the circumstances, he proposed (T/L.165) the insertion in draft resolution IX, after paragraph 2, of the two following paragraphs:

"Considering the inadequacy of the sum of money accorded by the French authorities for the purpose of study in the United States of America by the student in question;

"Decides to request the Administering Authority to review the matter sympathetically."

36. Mr. LAURENTIE (France) could not accept that amendment for several reasons. In the first place, the text called into question the regulations of the French *Office des changes*; yet, the whole French economy was bound up with the application of those regulations. The Trusteeship Council could not therefore request the Administering Authority to review

the whole French economic system on account of the matter under discussion.

37. In the second place, the French delegation was all the more unable to accept the proposal of Iraq because the case concerned a student whose knowledge would not serve the general interests of the territories under French administration, as he was not even making an effort to learn French.

38. Lastly, it should be borne in mind that the petitioner was the child of a Syrian father and a Togolese mother, that he had been born and had lived at Keta, that he had received all his education in the Gold Coast and that it was therefore very difficult to regard him as a true national of Togoland under French administration; moreover, the questions of civil law which arose in that connexion were very complicated.

39. During the discussions in the *Ad Hoc* Committee on Petitions, the USSR representative had asked whether Togoland under French administration had a favourable dollar balance (T/AC.34/SR.2) and the French delegation had quoted figures to show that the Territory had a marked dollar deficit (T/AC.34/SR.3). It therefore seemed that new dollar sacrifices should be made only in order to further the general interests of Togoland under French administration.

40. Mr. KHALIDY (Iraq) observed simply that the petitioner was the bearer of a French passport and therefore had some connexion with Togoland under French administration. The question of the petitioner's origin was not in itself important, however, and the attitude of the Iraqi delegation would have been exactly the same had the student in question been a national of any other country.

41. He was not certain that Togoland under French administration had a dollar deficit. If the economy of the Territory had not been linked to that of metropolitan France, the Territory would have been able to dispose of its products in the dollar areas. That was why it depended on France for its dollar needs.

42. He had no doubt that the French and British educational systems were among the best. He recalled, however, that some 600 students from African territories under British administration were currently studying in the United States, although that necessitated transfer of funds in dollars.

43. The French Government might therefore legitimately be expected to make an exception in the case of one student from Togoland under French administration studying in the United States, the more so that the sum of 600 dollars had not been granted for one year only but apparently for the whole period of study. Accordingly the French Government should reconsider the matter with a view to allowing the transfer of a larger sum.

44. In conclusion, he thought that the Council should take the opportunity offered it to prove in tangible fashion its great interest in promoting education in Trust Territories.

45. Mr. LAURENTIE (France) agreed that the petitioner was in possession of a French passport; that was due to the fact that his mother's family was of French origin and that his starting point for the United States had been Togoland under French administration. The facts remained however that he had not been born

on French territory, his father was not French and his education was not French.

46. Moreover, Mr. Laurentie wished to point out that in 1949 — the latest year for which figures were available — imports from the United States to Togoland under French administration had amounted to 120 million francs, whereas that Territory's exports to the United States had been nil. France had thus paid out the dollar equivalent of 120 million francs on behalf of Togoland.

47. The PRESIDENT called for a vote on the Iraqi amendment.

48. Mr. KHALIDY (Iraq) asked that the vote should be taken by roll-call.

*A vote was taken by roll-call.*

*In favour:* Argentina, Dominican Republic, Iraq, Thailand, Union of Soviet Socialist Republics.

*Against:* Australia, Belgium, New Zealand, United Kingdom of Great Britain and Northern Ireland.

*Abstaining:* China, France, United States of America.

*The amendment was adopted by 5 votes to 4, with 3 abstentions.*

49. Mr. MATHIESON (United Kingdom), in explaining his vote against the Iraqi amendment, emphasized that, although his delegation did not lack sympathy for the individual concerned in the case, it nevertheless felt strongly that a very important matter of principle was involved: the Council had invited the Government of France to make exception to its exchange control regulations. Those regulations could be effective only if they were strictly observed; it was therefore going too far to ask a government to make such exceptions.

50. Mr. RYCKMANS (Belgium) had voted against the amendment for similar reasons. Although the particular case of the student in question was very interesting, the Belgian delegation did not think that the Trusteeship Council could invite a government to depart from extremely strict exchange control regulations. It should be noted, further, that if an exception was made for the petitioner in question, other students would subsequently try to take advantage of the same privilege and, as a logical consequence, the Administering Authority would then have to be invited to make further exceptions. Moreover, the regulations in question applied to metropolitan France as a whole; it would be going too far for the Trusteeship Council to condemn them without having thoroughly studied them. If it was a question of exchange facilities available for students under international agreements, the petitioner could avail himself of those facilities in the same way as other students.

51. Prince WAN WAITHAYAKON (Thailand) recalled that his delegation had on many occasions stressed the importance it attached to facilities for students to study abroad; the Thai delegation had, moreover, advocated a system of scholarships. In the light of Thailand's experience in that field, his delegation was convinced of the need to encourage young people to study abroad, especially in the higher branches of education. It should be noted, also, that in the original text prepared by the *Ad Hoc* Committee on Petitions, the attention of the petitioner was drawn not only to

the existing currency exchange regulations, but also to the lack of prior arrangements. It might therefore be concluded that, if there had been such prior arrangements, an agreement would have been possible. It would accordingly seem possible that an arrangement might be made in the matter, despite the existing currency exchange regulations. The Iraqi amendment actually introduced only one new element, that the sum of 600 dollars previously agreed upon should be increased. For all those reasons, the Thai delegation had voted in favour of the Iraqi amendment.

52. Miss BERNARDINO (Dominican Republic) recalled that, in the *Ad Hoc* Committee on Petitions, her delegation had clearly expressed its sympathy for the petitioner's case. The Dominican Republic had voted for the Iraqi amendment because it was convinced that the petitioner could not carry out his studies with a sum of 600 dollars, and that it was the Trusteeship Council's duty to take a sympathetic view of petitioners' wishes in regard to the place of study.

53. The PRESIDENT put draft resolution IX, as amended, to the vote.

*The resolution was adopted by 7 votes to none, with 5 abstentions.*

54. The PRESIDENT put draft resolution X to the vote.

*The resolution was adopted by 11 votes to 1.*

55. The PRESIDENT put draft resolution XI to the vote.

*The resolution was adopted by 10 votes to 1, with 1 abstention.*

#### **Examination of the annual report on the administration of the Trust Territory of Nauru for the year ending 30 June 1950 and of the report of the United Nations Visiting Mission to Trust Territories in the Pacific on Nauru (T/827 and T/790) (continued)**

##### **REPORT OF THE DRAFTING COMMITTEE (T/L.144, T/L.145 AND T/L.163) (continued)**

56. The PRESIDENT called upon the Council to consider the additions to the draft report on Nauru suggested by the Secretariat (T/L.163), which referred to the resolutions on petitions concerning Nauru.

57. Mr. Shih-shun LIU (China) thought it was not sufficient, as was proposed under the heading "General social situation", to refer to resolution 312 (VIII), on the Chinese community's petition, in a footnote. It would be better to give immediately after the Council's recommendation on the Chinese and Native Labour Ordinance and the Movement of Natives Ordinance (T/L.144) the complete text of paragraph 6 of resolution 312 (VIII), which concerned the same subject.

58. Mr. ALEKSANDER (Secretary of the Council) pointed out that the relevant paragraphs in resolution 312 (VIII) and the recommendation mentioned by the Chinese representative were almost the same.

59. Mr. Shih-shun LIU (China) noted that there were still some differences between the two texts. The resolution contained the words "with a view to liberalizing the provisions of the Movement of Natives

Ordinance", while the recommendation said "with a view to modifying the provisions".

60. It would therefore be better to reproduce completely the relevant paragraph of the resolution.

*The Chinese amendment was adopted by 4 votes to none, with 6 abstentions.*

61. Mr. DE ANTUENO (Argentina) said, in connexion with the addition proposed under the heading "General economic situation" (T/L.163) that he maintained the reservation he had made with regard to paragraph 7 of the resolution concerning the petition from the Nauruan Council of Chiefs at the time of the adoption of that resolution (342nd meeting). His delegation had abstained from voting because the question of the fishing industry had not been studied fully enough. The Argentine delegation believed that the resolution could only discourage the legitimate desire of the inhabitants of Nauru to diversify their industries and increase their sources of revenues.

62. Furthermore, in accordance with the amendment adopted at the 342nd meeting, the recommendation contained in paragraph 11 of resolution 312 (VIII) was addressed to the Administering Authority and, through it, to the British Phosphate Commissioners. Hence, the text of that recommendation reproduced in document T/L.163, should be amended accordingly.

63. The PRESIDENT explained that the error was merely typographical and would be corrected.

64. Mr. Shih-shun LIU (China) wished to rectify two mistakes his delegation had made at the previous meeting, during consideration of the observations of individual Council members on the Trust Territory of Nauru (T/L.145). The observation in paragraph 4 of the sub-section entitled "General situation", in section II, as well as the observation in paragraph 3, under the heading of "Health", in section IV, should be deleted.

65. The PRESIDENT put to the vote the draft report on the Trust Territory of Nauru (T/L.144 and T/L.145) as a whole, as amended at the 341st and 342nd meetings, and with the additions suggested by the Secretariat (T/L.163).

*The report was adopted by 10 votes to none, with 2 abstentions.*

66. Mr. HAY (Australia) said that his delegation, as an interested party, had abstained from voting. The Australian Government, as Administering Authority, would of course consider very seriously all the recommendations that had been made to it.

### Examination of petitions (continued)

#### FOURTH REPORT OF THE *Ad Hoc* COMMITTEE ON PETITIONS (T/L.152): PETITIONS CONCERNING THE TRUST TERRITORY OF NEW GUINEA

67. The PRESIDENT pointed out that the *Ad Hoc* Committee on Petitions had considered it no longer necessary to take a decision on the petition contained in document T/Pet.8/3 as the petitioner had died on 15 August 1950. He therefore thought it would be enough for the Council to take note of the Committee's decision (T/L.152, para. 11).

*It was so decided.*

68. The PRESIDENT read paragraph 26 of the Committee's report, in which the Committee recommended that, in view of the fact that the Australian Government was studying all the matters raised in petition T/Pet.8/4 and T/Pet.8/4/Add.1, consideration of it by the Trusteeship Council should be postponed to another session. It was understood that the Secretariat would inform the petitioners why consideration of their request had been postponed. He suggested that the Trusteeship Council should approve of the Committee's decision.

*It was so decided.*

69. The PRESIDENT put draft resolution I to the vote.

70. Mr. WENDELEN (Belgium), Chairman of the *Ad Hoc* Committee on Petitions, pointed out that, when the Committee had adopted draft resolution I, the Drafting Committee appointed to prepare the draft report on New Guinea had not yet finished its work. The draft resolution adopted by the *Ad Hoc* Committee on Petitions did not contain any actual recommendations of substance. The Drafting Committee had submitted a recommendation on education and on the possibilities of study, either within or without the Territory, which was set forth in section V of its report (T/L.160) under the heading "General". If the *Ad Hoc* Committee on Petitions had been aware of the Drafting Committee's recommendation when it was drawing up draft resolution I, it would certainly have considered the possibility of referring to the recommendation in the draft.

71. Mr. SOLDATOV (Union of Soviet Socialist Republics) recalled that, when the *Ad Hoc* Committee on Petitions had been considering the petition (T/Pet.8/5) dealt with in draft resolution I, his delegation had submitted the following recommendation (T/L.152, para. 38):

"The Trusteeship Council notes that the Administering Authority is pursuing with regard to the indigenous population an anti-democratic policy which permits racial discrimination and the violation of the rights and interests of the indigenous population; and recommends that the Administering Authority put an end to racial discrimination in the Trust Territory and ensure that the indigenous population of New Guinea is given opportunity to receive secondary and higher education."

72. The USSR delegation wished to submit the same proposal to the Council.

73. The PRESIDENT put the USSR proposal to the vote.

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

74. Mr. HAY (Australia) stressed that his delegation had voted against the USSR proposal because it misrepresented the Administering Authority's policy. As was stated in the written observations (T/859) on the petition, that policy was to provide for an increase in educational facilities for all the indigenous inhabitants of the Territory as fast as possible.

75. The PRESIDENT put draft resolution I to the vote.

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

76. Mr. SOLDATOV (Union of Soviet Socialist Republics) thought that in examining the petition the Council should have been guided by the information it contained. It was clear from the petition that there was racial discrimination in New Guinea and that there were hardly any facilities for primary education and none at all for secondary and higher education. Extracts from the petition showed that the indigenous inhabitants could not send their children to study outside the Territory, even if they paid the travelling expenses. Furthermore, paragraph 3 of the petition showed that Roman Catholic and Methodist missions acted in concert with private business to impede the advancement of the indigenous population.

77. The Council had rejected the proposal the USSR delegation had submitted to remedy that situation. Although it was the Council's duty to safeguard the interests of the indigenous population, it had once again taken its decision without considering the interests of the indigenous inhabitants and without in any way meeting their request for help. The USSR delegation could not associate itself with such an attitude. That was why it had voted against the resolution.

78. Mr. HAY (Australia) said that his delegation had abstained from voting because Australia was an interested party. That abstention, however, did not mean at all that the Australian delegation shared the views of the USSR delegation. The Administering Authority was raising no difficulties for indigenous inhabitants who wished to continue their studies outside the Territory. It was clear from the written observations on the petition that there was no bar whatever to prevent indigenous children attending schools in Australia provided the parents had sufficient funds and the child had reached the necessary educational standards. He also wished to emphasize that the main object of both the missions and the Administering Authority was to help the indigenous population to advance as soon as possible to a higher standard of living and of education.

79. The PRESIDENT drew the Council's attention to draft resolution II of the Committee's report (T/L.152).

80. Mr. SOLDATOV (Union of Soviet Socialist Republics) said that the petition of the New Ireland Native Club (T/Pet.8/6), dealt with in draft resolution II, showed that the health services in New Guinea were far from satisfactory: the very high rate of infant mortality (45 per cent) was yet another illustration of that fact. Paragraph 7 of the petition stated that its authors had been visited by doctors carrying out tests in the Territory but were still without the services of a resident doctor. In paragraph 6, they asked that the Administration should send a teacher to help them.

81. In the *Ad Hoc* Committee on Petitions the USSR delegation had proposed (T/L.152, para. 50) the insertion in the resolution of a paragraph which would have met the request of the petitioners. The text of that paragraph was the following: "The Trusteeship Council recommends that the Administering Authority increase the appropriations for the education and health of the indigenous inhabitants of the Trust Territory and prevent any racial discrimination against the indigenous inhabitants, in particular with regard to trade".

The USSR delegation now submitted that proposal to members of the Trusteeship Council.

82. The PRESIDENT called for a vote on the USSR proposal.

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

83. Mr. HAY (Australia) said he had voted against the USSR proposal because it was based on inaccurate information and because it gave a wrong impression of the situation in the Trust Territory. The true situation was outlined in the Administering Authority's written observations, which showed that since the date of the petition three medical officers had been stationed in the New Ireland district and that there was a Native welfare nurse who travelled from village to village with a mobile clinic. The Administering Authority was doing its utmost to meet the educational needs of the population, and in particular had initiated a professional training programme which was expected to bring satisfactory results.

84. Replying to a question from Mr. SOLDATOV (Union of Soviet Socialist Republics), Mr. HAY (Australia) said that he could not exactly define "medical officer". He would give detailed information on that point at the Council's following meeting.

85. The PRESIDENT called for a vote on draft resolution II.

*The resolution was adopted by 10 votes to none, with 2 abstentions.*

*The meeting was suspended at 4.10 p.m. and was resumed at 4.35 p.m.*

*Mr. Ryckmans (Belgium), Vice-Chairman, took the Chair.*

#### **Arrangements for the ninth session of the Trusteeship Council**

86. Mr. HOO (Assistant Secretary-General in charge of the Department of Trusteeship) told members of the Council of the arrangements the Secretariat had made for the ninth session. He had been informed by the Department of Conference and General Services that the necessary arrangements had been made to service the Council's meetings in conference room A at Flushing Meadow. Simultaneous interpretation, documentation facilities and a cafeteria would be at the Council's disposal, while additional conference rooms would be reserved for committee meetings. The building at Lake Success would no longer be available in June and July, when the Council was to hold its session, and the only accommodation that could be provided was at Flushing Meadow. He had been assured that the simultaneous interpretation and air-conditioning services would be satisfactory.

87. In reply to a question from Mr. SOLDATOV (Union of Soviet Socialist Republics), Mr. BEGLEY (Secretariat) said that the technical difficulties experienced by the General Assembly during its fifth session at Flushing Meadow would not recur at the Council's ninth session. The conference room reserved for Council meetings would be enlarged, and he was in a position to promise that the air-conditioning would function satisfactorily.

88. Mr. GARREAU (France) said his delegation believed that it was advisable for the Council to hold at least one session in Europe each year. It had repeatedly upheld that principle. In November 1950 the United Kingdom Government had invited the Council to hold its eighth session in London; unfortunately, the majority had not accepted that invitation.<sup>1</sup>

89. Under rule 6 of the rules of procedure, the forthcoming session could be held elsewhere than in New York. It might, for instance, be held in Geneva, where working conditions would be satisfactory. Such an arrangement would enable the Council to give greater publicity to its work; that was the very cogent reason why the Economic and Social Council met outside the United States once a year. That consideration would of course not be so important if the General Assembly was to meet in Europe because the United Nations would then be holding a long session in Europe in any case. In that event, the Committee on information transmitted under Article 73 e of the Charter would meet in Geneva.

90. He still believed, however, that the Council should agree in principle to meet outside the United States at least once a year. He greatly regretted that an unfavourable vote had prevented the Council from accepting the United Kingdom Government's kind invitation for the current session.

91. In reply to a question from the PRESIDENT, Mr. GARREAU (France) said he was not proposing that the Council should go back on the decision it had taken at its third special session, the more so as he did not know the feelings of the majority on the point.

92. Mr. KHALIDY (Iraq) thought that the question had been settled once and for all.

93. Sir Carl BERENDSEN (New Zealand) entirely agreed. To meet elsewhere than at Headquarters, when meetings could be held at Headquarters, would be to waste United Nations funds. The Council had decided to hold its ninth session in New York provided the necessary accommodation was available. Clear assurances to that effect had just been given, and, if the question were raised again, the New Zealand delegation would strongly object to any meeting outside Headquarters. It would do so for the very important financial reasons which it had often stressed.

### Hearing of the representative of the Togoland Congress

94. The PRESIDENT informed the Council that the representative of the Togoland Congress was in the Council chamber. As the Council had decided on 19 February (326th meeting) to give him a hearing, he might perhaps be asked to make his statement at once.

*At the invitation of the President, Mr. Antor, representative of the Togoland Congress, took his place at the Council table.*

95. Mr. ANTOR (Togoland Congress) explained that the Togoland Congress was an organization in which paramount chiefs, divisional head chiefs, elders, sub-chiefs and the various political and other organi-

zations in Togoland under British administration were fully represented. It demanded the establishment of a free, independent and democratic State of Togoland. The Administering Authorities were responsible for the conflicting views and difficult problems with which the Council had so often had to deal. It was clear that, owing to their lack of education, the people of the north had been induced by administrative officials to say that they did not desire any changes.

96. He explained that he represented the Buem State too, in spite of the telegram to the contrary sent by the Buem Native Authority to the Secretary-General of the United Nations (T/Pet.6/232-T/Pet.7/189), since the President of the Togoland Congress, who had signed his credentials, was also Paramount Chief of that State. He wished to express to the Trusteeship Council the heart-felt gratitude of the population of Togoland, which had been given an opportunity, for the second time in eight months, to express their views before the Council which the greatest organization in the history of the world had set up to enforce respect for obligations arising from treaties and other sources of international law.

97. There was no need to repeat the arguments contained in the various petitions; the Council was acquainted with all the petitions, resolutions, memoranda, and cablegrams on the subject and was fully aware that the people of Togoland and their natural chiefs, whether under British or French administration, demanded the unification under a single administration of the Trust Territories of Togoland. The Trusteeship Council was also aware of the attitude taken by the Administering Authorities, in spite of the provisions of the Trusteeship Agreements, which had been drawn up without consulting the accredited representatives of the indigenous population of Togoland. The Trusteeship Council doubtless understood the gravity of the situation and would appreciate that the Administering Authorities were not anxious to solve any of the problems of unification and were not particularly concerned with the wishes and interests of the population.

98. At its seventh session the Trusteeship Council had, in resolution 250 (VII), advocated the setting up of an enlarged Consultative Commission to study the question of the unification of the two Togolands; under the Administering Authorities' plan (T/702) mentioned in that resolution, the population of Togoland under British administration had been accorded seventeen seats in the Commission, while the population of Togoland under French administration had been given twenty-eight seats. Elections to those seats were to be absolutely free, in accordance with the principles set forth in the joint memorandum of France and the United Kingdom (T/702). He quoted a statement made at the 24th meeting of the seventh session by the United Kingdom representative, Mr. Fletcher-Cooke, who had assured the Trusteeship Council that the Administering Authorities sincerely wished to see an early and satisfactory solution of the problem, one which would do justice to the many conflicting points of view, and had stressed the good faith of the two Administering Authorities; he had expressed himself as anxious to remove any misunderstanding and had denied categorically that the plan to establish an enlarged Consultative Commission was intended to

<sup>1</sup> See *Official Records of the Trusteeship Council, Third Special Session*, 1st meeting.

delay the solution of the problem. The French representative had made a similar statement at the 27th meeting.

99. In spite of those fair promises, the French Government had conducted the elections in Togoland through the *chefs de cantons*, who were not the traditional chiefs according to African custom. The United Kingdom Government had followed suit, merely replacing the *chefs de cantons* by the Native Authorities, who were their counterpart in Togoland under British administration. Moreover, in spite of the strong case put forward by the Natural Rulers, the Togoland Union, the Togoland National Farmers' Union, the Togoland Youth Organization and the All-Ewe Conference in a resolution adopted on 15 October 1950 at Logba Alakpeti, requesting equal representation of both Togolands in the Enlarged Standing Consultative Commission for Togoland, the French and United Kingdom Governments had decided to increase the representation of Togoland under French administration by two seats, bringing the total up to thirty; yet Togoland under French administration had already had twenty-eight representatives, which was eleven more than Togoland under British administration.

100. As a result of that decision, the Togoland Congress had met at Borada, in Buem, on 2 and 3 November 1950 and had adopted a resolution (T/Pet.6/206) which had been signed by the representatives of the States of Buem, Akpini, Atando, Asogli and Awatime and by the representatives of the independent divisions of Anfoega, Santrokofi and Nkonya; that resolution proclaimed a boycott of the Enlarged Consultative Commission, which was to meet at Lomé on 7 November 1950. The District Commissioner, Mr. Hindle, had tried to persuade individual members to attend the meeting, but had refused to answer questions put to him by the powerful gathering of chiefs and of political parties and various organizations which had assembled to meet him. The *Comité de l'Unité togolaise*, in Togoland under French administration, had adopted a position similar to that of the Togoland Congress, and the Enlarged Consultative Commission was hence virtually non-existent; the peoples' representatives refused to attend its meetings.

101. Faced with such an attitude on the part of the population, the District Commissioners of Togoland under British administration had undertaken a ruthless campaign to persuade and incite the individual members to go to the meeting of the Enlarged Consultative Commission. The campaign had reached such a height that on 28 December 1950 the Togoland Congress had met and prepared a memorandum (T/Pet.6/206/Add.1), copies of which had been sent to the District Commissioners, the Chief Commissioner of the Colony, the Chief Secretary, at Accra, the Governor of the Gold Coast, the Secretary of State for the Colonies, at London, and the Secretary-General of the United Nations.

102. On 7 January 1951, a joint congress, consisting of representatives of the Togoland Congress, the Togoland Union, and the Togoland Youth Organization, the chiefs of Togoland under French administration and the representatives of the *Unité togolaise*, had met at Agome-Kpalime and had adopted a resolution (T/Pet.6/224-T/Pet.7/181). Mr. Antor read out the text

of that resolution, which stressed the following points: first, the joint congress asked the United Nations to take action to establish an independent commission to be sent to the area to investigate and to supervise free and democratic elections, or, preferably, a plebiscite, to ascertain the real wishes of all sections of the people; secondly, the joint congress requested that the wishes of the Ewes in the south-eastern part of the Gold Coast Colony, which the Trusteeship Council regarded as being outside its competence, should be taken into consideration, in the interests of the peaceful development of the Trust Territory and the maintenance of world peace, which was the *raison d'être* of the United Nations; thirdly, the joint congress wished the resolution in question to be considered as having done the work of the Enlarged Consultative Commission in determining the wishes of the population; fourthly, the resolution provided that no part of Togoland should be united to any neighbouring colony or integrated into any other territory before the peoples concerned had attained self-government and could thus decide for themselves what form any union or federation of their Territory with another should take; fifthly, the joint congress appealed to the two Administering Authorities to show understanding and redeem their promise that Togoland should shortly be granted self-government and independence; finally, the resolution provided that the United Nations should fix at a maximum of five years the period of transition which would have to precede the granting of self-government and independence.

103. The Fourth Committee of the General Assembly had not advocated the setting up of the independent commission asked for by the people of the Trust Territory, but in the draft resolution later adopted by the General Assembly as resolution 441 (V) had merely requested the French Government to investigate the electoral methods applied in Togoland under French administration. It was obvious that the conclusions of such an investigation would be as inaccurate and as untrustworthy as the methods themselves.

104. On 16 February 1950 the Southern Togoland Council had been instituted to organize the election of members to the various government bodies in the Gold Coast Colony. It consisted of the members of the five Native Authorities of the Southern Section of Togoland under British administration. As had already been pointed out, the Native Authorities had been established by the United Kingdom Government and their members were appointed not by the people but by the District Commissioners, to whom they were responsible. The Native Authorities were therefore directly or indirectly instruments of the government.

105. Immediately after the Southern Togoland Council had been established, its members had drawn up a manifesto rejecting the participation in the Legislative Assembly of the Gold Coast of the regional councils proposed by the Coussey Committee.<sup>2</sup>

106. On 3 November 1950 the Togoland Congress had met at Borada and had unanimously adopted a resolution refusing to take part in compiling the voting

<sup>2</sup> See *Gold Coast: Report to His Excellency the Governor of the Gold Coast by the Committee on Constitutional Reform, 1949*, London: His Majesty's Stationery Office, 1949, Colonial No. 248.



registers and in electing the members of the Gold Coast Legislative Assembly.

107. The statement of His Britannic Majesty on the constitutional reform of the Gold Coast had provided for the constitution of a body to determine, in consultation with the accredited representatives of the population, the necessary arrangements to ensure the political, economic and social advancement of the area.

108. However, the people of Togoland had not been represented on that body and had therefore refused to take part in drawing up the new constitution for the Gold Coast. The United Kingdom Government had sent officials into the villages to establish the voting registers and the District Commissioners had tried to coerce the chiefs and the population to register on those lists, but those manoeuvres had not had the desired results. The Government had then given the Native Authority State Secretaries secret instructions to fill in the registration forms with names from the lists of taxpayers in the possession of the Administration, and to mark the forms on behalf of the so-called electors. Hundreds of the forms had been filled in and were available as evidence to the members of the Council.

109. On 28 December the Togoland Congress had met again and, in view of the methods adopted by the Administration, it had requested the Gold Coast Government not to hold elections in Togoland. At the same time, the Apkini State Council had met at Kpandu and adopted another resolution declaring the registration null and void and affirming that Akpini State would not take part in the registrations or in the election of members to the Gold Coast Legislative Assembly.

110. In spite of all the efforts of the Natural Rulers and their peoples to oppose the elections to the Legislative Assembly, the Administering Authority had succeeded in having three members elected to that Assembly who in no way represented the people of Togoland. In the circumstances, it could hardly be claimed that the Gold Coast Legislative Assembly could deal legally and effectively with matters concerning Togoland.

111. To sum up, the Togoland Congress demanded: first, the withdrawal of the three members of the Gold Coast Legislative Assembly elected by undemocratic procedures; secondly, the creation of a free, independent, democratic State of Togoland; thirdly, the restoration of the Territory of Togoland as it had been under the German régime.

112. The PRESIDENT, speaking as the representative of BELGIUM, asked Mr. Antor whether he believed that the applications for registration on the electoral lists which he had produced for the Council were forged, whether any complaints had been made and whether there had been any prosecutions.

113. Mr. ANTOR (Togoland Congress) said that one complaint had been made; he did not know whether there had been any prosecutions.

114. Mr. KHALIDY (Iraq) wished to obtain some explanations from Mr. Antor. He asked whether the statement made on behalf of the Togoland Congress was directed chiefly against the circumstances in which the elections to the Gold Coast Legislative Assembly had taken place, or against the elections to the Enlarged Consultative Commission. Mr. Antor had also spoken of irregular elections, both in Togoland under British

administration and in Togoland under French administration. He wondered whether that was what Mr. Antor had meant.

115. Mr. ANTOR (Togoland Congress) explained that his statement referred to the manner in which the elections to the legislative Assembly had been conducted.

116. With regard to the second question put by the representative of Iraq, he confirmed that neither the elections to the Enlarged Consultative Commission nor those to the Legislative Assembly had taken place according to democratic principles.

117. Mr. MATHIESON (United Kingdom) regretted that the special representative for the Trust Territory of Togoland under British administration, who would have been able to give the Council useful information on the question of the elections, had had to leave New York before Mr. Antor's arrival. However, he would do his best to clear up the matter.

118. First of all, he doubted the validity of Mr. Antor's claim to be fully representative of the people of Togoland under United Kingdom trusteeship. For example, the telegram from the Buem Native Authority (T/Pet.6/232-T/Pet.7/189) was in fact signed by one of the Togoland Congress petitioners (T/Pet.6/206). If, as Mr. Antor claimed, that petitioner was not entitled to disavow Mr. Antor on behalf of the Buem Native Authority, he could not be entitled to support a petition of which Mr. Antor was co-signatory on behalf of that Authority. Moreover, an article published by a local paper had alleged that the Togoland Congress did not represent the people of Togoland. Mr. Mathieson also quoted, in support of that argument, an extract from the reply of the District Commissioner to a petition addressed to the Governor of the Gold Coast. The petition had been communicated to the members of the Council in document T/Pet.6/206/Add.1.

119. Secondly, it was not true that pressure had been brought to bear on the people when the electoral registers were compiled. What Mr. Antor represented as pressure was simply the action of the Administration to ensure that the meaning and procedure of the elections were fully explained to the people.

120. Thirdly, Mr. Antor had alleged that the three representatives of Southern Togoland elected to the Gold Coast Legislative Assembly did not in any way represent the people of Southern Togoland. Two of those three representatives were, however, eminent members of the Togoland Union and it was significant that they had been willing to take part in operating a constitution which was intended to secure a large measure of self-government for the people of Togoland, as well as for the people of the Gold Coast.

121. Lastly, Mr. Antor had said that it was unfair that Togoland under British administration and Togoland under French administration should not have parity of representation on the Enlarged Standing Consultative Commission. The Administering Authority thought, on the contrary, that in view of the disparity of populations, Togoland under French administration should have greater representation than Togoland under British administration, and the Administering Authority had been under the impression that that was also the view of the Trusteeship Council.

122. Mr. Antor's opinion on the future of British Togoland and of the two Trust Territories was merely one of many and the United Kingdom thought that the Trusteeship Council should confine itself to noting that opinion and thanking Mr. Antor for having come so far to put it forward.

123. Mr. SOLDATOV (Union of Soviet Socialist Republics) asked the United Kingdom representative for some further details regarding the article from a local paper to which he had referred. He wished to know the name of the newspaper, its circulation, the name of its editor and the author of the article in question.

124. Mr. MATHIESON (United Kingdom) replied that the article in question had appeared in the *Ashanti Pioneer*, a daily paper, on 7 March. The author of the article contributed regularly to the paper under the pen-name of "Brother Culture", and his views were highly respected. Mr. Mathieson could not reply immediately to the USSR representative's other questions, but would obtain the necessary information.

125. Mr. SOLDATOV (Union of Soviet Socialist Republics) noted the fact that the article in question was anonymous and expressed surprise that the Administering Authority should attach any weight to it. He hoped that the United Kingdom representative would be able on the following day to supply the members of the Council with the information he had requested, which would be of great interest.

126. Mr. ANTOR (Togoland Congress) remarked that the United Kingdom representative had referred to political leaders. He had presumably been referring to Mr. Awuma, who had resigned from the Togoland Union and had later associated himself with the *Parti togolais du progrès* at Lomé. The author of the article referred to by the United Kingdom representative was Mr. John W. Dumoga, who had participated in the organization of the elections.

127. Mr. KHALIDY (Iraq) wished to ask Mr. Antor two questions: first, whether he maintained that the elections to the Enlarged Consultative Commission in both Togoland under British administration and Togoland under French administration had been irregular; secondly, what exactly Mr. Antor had meant by the statement that the Enlarged Consultative Commission was virtually non-existent.

128. Mr. ANTOR (Togoland Congress) replied in the affirmative to the first question. In reply to the second, his statement with regard to the Enlarged Consultative Commission meant that the Commission did not exist and would not exist as far as the people of Togoland were concerned unless an independent United Nations commission was sent to organize a plebiscite.

129. Mr. KHALIDY (Iraq) asked whether that meant that the population of both Togolands was opposed to the Enlarged Consultative Commission and would not accept any solution proposed by that body.

130. Mr. ANTOR (Togoland Congress) replied that that was so.

131. Mr. KHALIDY (Iraq) asked whether Mr. Antor considered that the elections held at Accra on the basis of the Coussey report were contrary to the interests of the people of Togoland under British administration.

132. Mr. ANTOR (Togoland Congress) replied that Togoland under British administration did not wish to be represented on the Legislative Assembly of the Gold Coast, which opposed its demand for unification. The people of Togoland under British administration wanted unification in order to be able to develop in the same conditions as the population of Togoland under French administration.

133. Mr. MATHIESON (United Kingdom) pointed out that if irregularities had occurred in the elections to the Legislative Assembly, there was machinery established by the electoral law whereby tribunals under the general supervision of the Supreme Court of the Gold Coast were competent to deal with complaints. As an issue before the competent courts in the Territory, the question was perhaps outside the jurisdiction of the Trusteeship Council.

134. Mr. ANTOR (Togoland Congress) explained that the Togoland Congress had referred the matter to the Supreme Court of the Gold Coast. The Court had replied that it had no jurisdiction in matters concerning a Trust Territory.

135. The PRESIDENT, speaking as the representative of BELGIUM, would like to know the exact wording of the Supreme Court's reply.

136. Mr. ANTOR (Togoland Congress) stated that it had been a verbal reply from the Registrar of the Court, but that there were two witnesses who could testify to the accuracy of his statement.

137. The PRESIDENT, speaking as the representative of BELGIUM, asked the United Kingdom representative whether there was a formal legislative provision giving the Supreme Court of the Gold Coast jurisdiction in questions relating to the Trust Territory of Togoland under British administration.

138. Mr. MATHIESON (United Kingdom) stated that he would prefer to give a considered reply to that question.

139. Sir Carl BERENDSEN (New Zealand) said that the question seemed very confusing. The Council had already discussed the matter and had decided (339th meeting) to postpone a final decision on constitutional questions relating to Togoland. It had nevertheless agreed to hear the representative of the Togoland Congress in order to obtain from him supplementary information which would be most useful in the further study of the question. It was, however, impossible to reach a final conclusion at present.

140. The PRESIDENT, speaking as the representative of BELGIUM, wished to know how many members there were in the Togoland Congress and how it compared with other organizations.

141. Mr. ANTOR (Togoland Congress) replied that the Togoland Congress was not a new organization. It was an organization of all the chiefs in Togoland, and met whenever an important decision affecting the Territory was required. The chiefs had recently decided to admit representatives of the Togoland Union, the Togoland Youth Organization and the Togoland National Farmers' Union.

142. The PRESIDENT, speaking as the representative of BELGIUM, asked Mr. Antor whether, as representative of the Togoland Congress, he also con-

sidered himself to be the legitimate representative of the Togoland Union, the Togoland Youth Organization and the other organizations in Togoland.

143. Mr. ANTOR (Togoland Congress) replied in the affirmative.

144. Mr. SOLDATOV (Union of Soviet Socialist Republics) observed that when the *Ad Hoc* Committee on Petitions had considered the petition appearing in documents T/Pet.6/206, T/Pet.6/206/Add.1, T/Pet.6/206/Add.2 and T/Pet.6/206/Add.3, the USSR delegation had pointed out that the petition raised two questions: first the Ewe problem, and secondly the question of the election to the Legislative Assembly of the Gold Coast.

145. In connexion with the second question, the USSR delegation had proposed to the Committee (T/AC.34/SR.11) that the Trusteeship Council should recommend that the Administering Authority of Togoland under British administration take the legislative and other steps needed for the establishment in the Trust Territory of legislative, executive and judicial organs, with the participation of the indigenous inhabitants. He thought that the Council could take a decision in that connexion.

146. The PRESIDENT asked whether the representative of the USSR wished to propose that the Council should reverse the decision it had taken at its 342nd meeting to postpone the consideration of the petition in question until its following session.

147. Mr. SOLDATOV (Union of Soviet Socialist Republics) thought that the Council should take advantage of the presence of the representative of the petitioners to clear up any points which were still obscure and that it should take a decision at the present session on the substance of the petition.

148. Mr. MATHIESON (United Kingdom) pointed out that the spokesman for the petitioners had added a number of observations to those contained in the petition before the Council and that he, for his part,

would be unable to take a decision without obtaining new instructions from his government, which would require some time.

149. The PRESIDENT commented that the Council had decided to postpone the discussion. The question had been placed on the agenda of the current meeting solely in order that the statement of the representative of the petitioners might be heard. The Council had now heard his statement, but discussion on the question could not be reopened. That was a matter of procedure.

150. Mr. SOLDATOV (Union of Soviet Socialist Republics) disagreed with the President on that point. True, the Council had decided to postpone the consideration of the petition in question to its following session, but it had also decided to hear the representative of the petitioners and to ask him questions, a procedure which inevitably led to comments by the members of the Council.

151. The PRESIDENT said that comments were equivalent to discussion and that the discussion was closed.

152. Mr. SOLDATOV (Union of Soviet Socialist Republics) pointed out that the United Kingdom representative had made statements and comments on the petition in question. He had a number of questions to put to the representative of the United Kingdom and the representative of the petitioners.

153. The PRESIDENT replied that the USSR representative would be able to put questions to the United Kingdom representative when the substance of the petition was considered. The immediate essential was to complete the hearing of Mr. Antor, who would probably not have an opportunity again to appear before the Council. If the representative of the USSR had any further questions to put to Mr. Antor, it would be better for him to do so at the following meeting, in view of the lateness of the hour.

The meeting rose at 6 p.m.