

**TRUSTEESHIP
COUNCIL**

**CONSEIL
DE TUTELLE**

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SECOND SESSION

CONSIDERATION BY THE GENERAL ASSEMBLY OF THE
REPORT OF THE TRUSTEESHIP COUNCIL

(Item 11 on the Provisional Agenda for the
Second Session of the Trusteeship Council)

Memorandum by the Secretary-General

The General Assembly at its one hundred and fourth plenary meeting on 1 November 1947 adopted the following resolution concerning the Report of the Trusteeship Council:

"REPORT OF THE TRUSTEESHIP COUNCIL COVERING
ITS FIRST SESSION

THE GENERAL ASSEMBLY TAKES NOTE of the report of the Trusteeship Council (document A/312); and

RESOLVES that all comments made by members on the report during the discussion be transmitted to the Trusteeship Council for consideration in its future work."

In accordance with the terms of this Resolution the comments referred to are herewith transmitted to the Trusteeship Council.

COMMENTS MADE BY REPRESENTATIVES ON THE REPORT OF THE
TRUSTEESHIP COUNCIL COVERING ITS FIRST SESSION

(Extracts from the Provisional Verbatim Records of the Thirty-Fourth
Meeting of the Fourth Committee of the General Assembly,
29 September 1947)

The representative of Denmark endorsed the recommendation ".....adopted by the Trusteeship Council, according to which the General Assembly should make regular provision in the budget of the United Nations for periodic visits to Trust Territories."

He drew attention ".....to the recommendations contained in the report of the Commission on the Status of Women (document E/281, Chapter VI). The Commission, whose proposals were approved by the Economic and Social Council in March 1947, expressed the desire for active co-operation with the Trusteeship Council and, more particularly, it wished to participate in the drafting of the questionnaire of that Council.....This desire was complied with and the result may be seen in paragraphs 132 to 135 of the questionnaire, under the heading 'Status of Women'."

In expressing his appreciation of the action taken by the Trusteeship Council, he suggested that it might ".....perhaps, if practicable, be advisable that petitions addressed to the Trusteeship Council which raise questions of particular interest from the point of view of women should be examined in collaboration with the Commission on the Status of Women. In general, in view of the existence under the Economic and Social Council of a special body of experts endeavouring to promote the progress of women all over the world.....it would be most desirable that the Trusteeship Council should avail itself of the services of the Commission whenever the subject-matter warrants it. The technical arrangements necessary for insuring the collaboration just envisaged would, of course, be a matter for examination by the Committee on the co-ordination of the work of the Trusteeship Council and of the Economic and Social Council."

The representative of the Union of Soviet Socialist Republics expressed objections to certain of the rules of procedure adopted by the Trusteeship Council, as follows:

He took for comparison the rules of procedure worked out by the Preparatory Commission:

Rule 61 of the rules of procedure prepared by the Preparatory Commission stated that "the Council shall conduct as one means of giving effect to

/Article 76b

Article 76b of the Charter, periodic surveys of the development of the political institutions and capacity for self-government or independence of the inhabitants of each Trust Territory for which the Council is empowered to conduct such surveys by the terms of the trusteeship agreements; that during such surveys the Trusteeship Council is empowered to use various methods to ensure the fullest possible expression of the wishes of the local population, such as the voice of the representative organs if they exist, the holding of public elections of spokesmen, consultation with the national organizations, popular referendum, direct contact by the special representatives of the Council with the people of the Territory, or other methods appropriate to the progressive state of political development of the people; that the results of these surveys should be submitted to the General Assembly, or to the Security Council, as the case may be."

The representative of the Union of Soviet Socialist Republics observed that "this rule is completely in accordance with the tasks and purposes of the international trusteeship system and with the principles and provisions of the Charter of the United Nations....." and pointed out that ".....this rule was objected to and was deleted from the rules of procedure. Instead of this, rule 94 was substituted in the rules of procedure which said nothing regarding investigations of political institutions, or the capacity for self-government or independence of the inhabitants of each Trust Territory. That rule makes it difficult for the Trusteeship Council to carry on investigations of a political nature."

The representative of the Union of Soviet Socialist Republics recalled that last year a discussion took place regarding the desirability of periodic reviews of trusteeship agreements, with a view to their modification, amendment, etc.

".....The Soviet Union delegation, as well as other delegations, in submitting such proposals, considered that Trusteeship agreements, as well as the Trusteeship System itself, is not and should not be considered as something unalterable.

"It was perfectly natural, from the political point of view, that the preparation for independence and self-government of peoples in Trust Territories should give rise to changes which should be mirrored in the Trusteeship agreements.

"In the rules of procedure which were drawn up by the Preparatory Commission, rule 59 expressly stated that the Council may submit to the appropriate organs of the United Nations recommendations for alterations or amendments in the terms of any Trusteeship agreement, so far as they

/come within

come within the competence of the Trusteeship Council.

"But that phrase also had disappeared from the rules of procedure which now contained only a vague statement on the subject."

He said that "In addition to the above-mentioned rule of the rules of procedure which were drafted by the Trusteeship Council, there are still other rules which need correction."

"For instance, in a number of rules in the rules of procedure, there is a statement in reference to various committees and commissions which the Trusteeship Council can create for one or another reason. In view of the very specific nature of the Trusteeship Council, and in view of the fact that the very principle of the creation of a Trusteeship Council provides for equal representation for countries which are administering powers and those which are non-administering powers, the Soviet Union, therefore, believes it is correct in basing itself upon this principle of equal representation of administering and non-administering powers in the formulation of the various bodies of the Trusteeship Council."

"Furthermore, it would also be wise to consider that information on the decisions taken by the Trusteeship Council on each petition, regardless of whether the decisions are taken at an open or a closed meeting of the Council, should be transmitted to the population or the group which has submitted this petition."

Finally, he considered that the Fourth Committee ".....has the right and the obligation to give the Trusteeship Council such advice and recommendations as should be used by the Trusteeship Council in its future activities."

The representative of India expressed his hope that ".....the General Assembly will make reasonable provision for periodic visits to be carried out. In the opinion of his delegation, such visits are of prime importance. Therefore, it trusts that the budget allotment for this purpose will be adequate."

He noted that ".....Article 87 (c) of the Charter provided for periodic visits but does not confine the visitors to being members of the Trusteeship Council. If that is correct, he hoped that at some time or other, nationals of countries not represented directly on the Trusteeship Council might be allowed to share in these visits."

He made the following recommendations with regard to the Provisional Questionnaire:

Section B, Question 11

The representative of India proposed that this question, reading "What is the status of immigrant communities?" be altered to read as follows:

"Is there any difference in status or practice recognized by the
/Administering

Administering Authority between the various immigrant communities?"

Section E, Question 25

With regard to this question it was the wish of the representative of India that ".....the statistical tables give comparative figures; that is to say, the figures should not only show to what extent the indigenous inhabitants are employed in general administration but should also show the number of appointments held by members of immigrant races."

Section E, Question 32

The representative of India suggested a supplementary question reading "Do they so officiate?"

Section G, Question 127

It was proposed by the representative of India that the following additional questions be included:

"Is there any discrimination exercised in practice by the Administering Authority between the various immigrant races in regard to immigration? Do immigration authorities contain representatives of the various immigrant races? What is the number of immigrants of various nationalities who have entered the territory for the first time in the year under report? How many applications for entry have been rejected in the year under report?"

Section G, Question 136

The representative of India suggested that ".....there should be a separate section dealing with racial discrimination, if any, whether political, administrative or social, and relating to all elements of the population."

He noted with satisfaction "that there are various questions in the different sub-sections relating to the possibility of discrimination by race," but he thought "it would be more appropriate if all such questions were placed in one sub-section." In his opinion "it is not sufficient to be content merely with question 136, for that relates only to the enjoyment of human rights and fundamental freedoms, and there have been different interpretations as to what constitute human rights and fundamental freedoms. In certain quarters, these rights have been limited and qualified to an extent which is not supported by the delegation of India" nor, he hoped, "by other delegations also."

It was his view that, "there should be a question inquiring whether in public institutions such as hospitals and schools there is any segregation of the races to the detriment of any of these races."

Section G, Question 159

It was the proposal of the representative of India that this question read as follows:

/"Is there

"Is there any compulsory labour at all? If so, why and for what purposes?"

Statistical Appendix: XIII - Education

The representative of India recommended that ".....there should be a question inquiring what is the per capita expenditure on education for the various races" and that it should be known, "in some detail, where there are different races in a country, what amount is spent on the education of each of these races."

The representative of Egypt remarked that he would like ".....to discuss in detail the questionnaire prepared by the Trusteeship Council, as set forth in document T/44.....However, to save time the Egyptian delegation will send their remarks to the Trusteeship Council, especially since it must be borne in mind that this questionnaire is still provisional without any touch of finality or pretention to perfection on the part of the Council."

He reminded the members of the Committee of "the questionnaire for the non-self-governing territories. A study of this questionnaire, which was prepared with the help of the different organizations, might also be useful and helpful in formulating the final draft of the necessary report."

It was the view of the representative that "On the question of periodic visits to Trust Territories" these visits are of paramount importance as a regular function of the International Trusteeship System. The delegation of Egypt, therefore, supports whole-heartedly the resolution of the Trusteeship Council for regular budgetary provisions for these, and requests, as has been mentioned, that this Committee should ask the General Assembly to be generous in regard to this very urgent and needed task.

He continued that it was the thought of the delegation of Egypt that "in forming such a mission, the political element, while full regard is paid to its importance, should not dominate. Specialized agencies should be represented and their views must be given the utmost weight.....The basic objectives of the Trusteeship System are clearly indicated in Article 76 of the Charter and we can see the prominence of the non-political issues of the question from the economic, social and educational aspects, and in any visit experts in these matters should be represented."

The representative of Poland stated that he "shared the views expressed by the Soviet Union delegation with respect to the rules of procedure of the Council" and was of the opinion that: ".....the tendency is to formulate the rules in a way which to a large degree free the Trusteeship Council from its political responsibility."

/The representative

The representative of the Byelorussian Soviet Socialist Republic wished to make certain critical remarks, particularly with respect to the Rules of Procedure adopted by the Trusteeship Council.

"In regard to the possibility for the population of Trust Territories and other individuals to petition the Council: the Byelorussian delegation cannot overlook the fact that the rules of procedure adopted by the Trusteeship Council limit free access to the Council by such individuals and peoples.

".....Rule 90 of the rules of procedure for the Trusteeship Council provides for the creation, at the beginning of each session which includes the consideration of petitions on its agenda, of an ad hoc Committee for the consideration of the petitions. The Byelorussian delegation considers the creation of such a special body completely unjustifiable because it diminishes and reduces the right of the populations of these territories to present their views and their complaints directly to the Trusteeship Council.

".....In accordance with Rule 87, the Trusteeship Council can hear oral petitions only in support or elaboration of written petitions which have been submitted earlier. Oral petitions should be limited to petitions which have already been submitted in written form, and it is only in exceptional cases that the Trusteeship Council will listen to oral petitions which had not previously been submitted in written form. But even in such instances, when any given oral petition will be considered to be an exception, the individual who wishes to submit this petition cannot be certain that he can come before the Trusteeship Council because Rule 91 of the Trusteeship Council can hinder him from doing so....."

He drew attention ".....to Rule 89 which says that representatives of the Trusteeship Council engaged in periodic visits to Trust Territories or on other official missions authorized by the Trusteeship Council may receive oral presentations or petitions, record them and transmit them to the Secretary-General." In his view ".....this rule may be directed toward excluding the possibility of inhabitants of Trust Territories from presenting their views directly to the Trusteeship Council because in this rule there is no indication that individuals who have come to the visiting mission with petitions can be invited to a meeting of the Trusteeship Council and appear before that Council to present the merits and substances of their case".

In the opinion of the delegation of Byelorussian Soviet Socialist Republic ".....the Trusteeship Council should provide in its rules of procedure for the possibility of individuals coming and making oral petitions and appearing before the Council, that is individuals who have made petitions

/to the missions

to the missions should have an opportunity of appearing before the Trusteeship Council if such individuals wish to do so. That right of the inhabitants of Trust Territories should be provided for in the rules of procedure particularly because in a number of rules, specifically in rule 87, it is provided that the other party, namely the administering power, has the right to be represented at all meetings considering any question concerning it. Such a right should also be extended to the inhabitants of Trust Territories."

Therefore, the Trusteeship Council ".....should review and reconsider its rules of procedure, particularly section 15 regarding petitions..... The Trusteeship Council should give some thought to the method by which petitioners could be protected from any evil effects from the point of view of the administering power, how protection can be afforded to the petitioners in presenting their petitions.

"The Byelorussian delegation considers further that the rules set down in the rules of procedure limit greatly the possibility of visits to Trust Territories. For instance, rule 97 states that the Trusteeship Council can carry out special investigations and enquiries in Trust Territories only in agreement with the Administering Authority. This rule is such that it cannot in any way be reconciled with Article 87 sub-paragraph (c) of the Charter which says that only periodic visits to respective Trust Territories shall be agreed upon with the Administering Authority. The General Assembly, and under its authority the Trusteeship Council in carrying out its functions, may provide for periodic visits to the respective Trust Territories at times agreed upon with the Administering Authority. It speaks only about the 'times' which are to be agreed upon.....As regards the necessity and admission as such no accord or agreement has to be reached with the Administering Authority. The Trusteeship Council can come to a decision on that at its own discretion."

"In the rules of procedure which were approved by the Trusteeship Council a very important rule (47) which was approved by the Preparatory Commission was omitted. This rule said that the representatives of the Trusteeship Council on missions to Trust Territories should be chosen for their competence and integrity, preferably from among non-nationals of the Administering Authority. The Trusteeship Council deleted this most important provision from its rules of procedure. This provision guaranteed an unprejudiced and impartial investigation and study and would promote the success of the work of the Trusteeship Council."

/".....Those

"...Those who participated in the work of the Preparatory Commission will know how important the Preparatory Commission considered to be the question of periodic surveys of the development of the political institutions of Trust Territories and the capacity of these countries to become self-governing and independent. The periodic surveys as foreseen by the Preparatory Commission were considered as being the best method of carrying out the democratic spirit and letter of the Charter, and the Trusteeship Council should have taken that situation into consideration.

"Finally the Byelorussian delegation considers that in the rules of procedure of the Trusteeship Council there should be a provision for representation in the Council for the Native populations of Trust Territories when the Council is considering the yearly reports of the administering power for these specific territories."

"With respect to the questionnaire regarding the political, social and economic progress of the populations in Trust Territories, it is the opinion of the Byelorussian delegation that this questionnaire somewhat limits the information on Trust Territories....In the majority of cases, the questionnaire simply asks for a description of the economic and social aspects in the Trust Territories. There is not sufficiently reflected the activities and measures which have been adopted by the administering power in the development of political institutions, as well as the developments in the economic and social field....The questionnaire should serve not only as a basis for developing yearly reports of the administering powers, but it should also serve as a concrete programme for promoting and for aiding the Trust Territories to reach independence and self-government."

The representative of Iraq raised a point of substance in regard to rule 81 of the Rules of Procedure of the Trusteeship Council. The first lines of this rule read as follows:

"Normally petitions shall be considered inadmissible if they are directed against judgments of competent courts of the Administering Authority...."

He presented "....the case of a politician in a Trust Territory who believes in the freedom of his country, who believes that his country - the Trust Territory - should be free and should be given self-government. It is not unlikely that this man could be - I do not say that he is - considered a disturber of the peace, as an agitator, and even as a renegade. Being considered in that way, he is brought to court. The court is mostly - if not always - composed of judges from the Administering Authority. The

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court passes a judgment that the man is a disturber of the peace. He is thrown into jail. He petitions the Trusteeship Council. According to this rule 81 of the Rules of Procedure, his petition is inadmissible."

He believed that ".....a distinction should be made between ordinary criminal cases and political cases."

He pointed out that "according to the questionnaire, we would have no clear idea at all as to how many troops or how many military forces are stationed in a Trust Territory."

He referred to the questionnaires of the Permanent Mandates Commission and quoted from document A/14.1926.VI on B and C mandates, the following questions: :

"Are any military forces maintained for the defence of the territory?

"If so, how are they recruited, organized and armed? What is the period of service? What proportion of European or Japanese do they include? What is their strength? Is it provided that discharged soldiers are called up as reservists in case of an emergency?

"If the territory has no armed forces of its own, what are the arrangements for its defence?

"If military expenditure and expenditure on police are included under the same item of the budget, please indicate separately the expenditure on each."

He wanted to take that important point into consideration and ".....to draw the attention of the Trusteeship Council to the desirability of the Administering Authority presenting somewhat more elaborate and constructive information as to the bulk of forces stationed in a Trust Territory."

Representatives of several of the Administering Authorities replied to certain of the above comments. Their replies are contained in the records of the Committee, which will be made available to the Trusteeship Council.

Mr. Sayre, President of the Trusteeship Council, expressed appreciation of the comments made by members of the Committee, many of which were useful and constructive.
