

United Nations

Nations Unies

UNRESTRICTED

T/P.V. 150  
8 March 1949

**TRUSTEESHIP  
COUNCIL**

**CONSEIL  
DE TUTELLE**

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TRUSTEESHIP COUNCIL

Fourth Session

VERBATIM RECORD OF THE THIRTY-FOURTH MEETING  
(Transcription from sound recording)

Lake Success, New York  
Tuesday, 8 March 1949, at 2.30 p.m.

President:

Mr. LIU CHIEH

China

The PRESIDENT: I declare open the thirty-fourth meeting of the Trusteeship Council.

REPORT OF THE UNITED NATIONS MISSION TO EAST AFRICA -RUANDA-URUNDI  
(Continued)

The PRESIDENT: Yesterday the Council was coming to a close of this debate on the Visiting Mission's report on Ruanda-Urundi and the Council has before it a draft resolution submitted by the delegation of France. The representative of the Philippines has proposed an amendment to that draft resolution.

I believe that the Council has scheduled for today the question of administrative unions and a special representative of the United Kingdom has arrived to discuss this question with the members of the Council and I hope that the Council can complete the draft resolution very quickly so that we may proceed with the study of the question of administrative unions.

Mr. RYCKMANS (Belgium) (Interpretation from French): Yesterday at the end of the meeting I asked for the floor in order to make a short statement.

The observations which have been made here in connexion with the report of the Visiting Mission reveal a tendency on the part of certain members of the Trusteeship Council which I consider dangerous and of a nature that may harm considerably the work which the Council is called upon to carry out.

There seems to be a belief that the Administering Authorities, in accepting trusteeship over a territory, have contracted to establish, in the territory, deliberative political assemblies elected by universal suffrage, a complete and perfect system of primary, middle and higher education, a system of social security and a system of medical assistance, all comparable to those which are found in European countries.

We are continually being judged according to what remains to be done in a territory and not according to what we have already done there. No account is taken of the clause contained in Article 76.

Paragraph (b) of this Article says:

"The basic objectives of the trusteeship system...shall be:  
"...to promote political, economic, social and educational advancement of the inhabitants of the Trust Territories, and their progressive development towards self-government or independence..."

But the Article then adds:

"...as may be appropriate to the particular circumstances of each territory and its peoples..."

/That is

That is a clause of Article 76 which is never borne in mind when our action is being judged: "...as may be appropriate to the particular circumstances of each territory..." (1)

That means, in other words, as may be appropriate to its possibilities financially and budgetarily speaking and this is something which is never taken into account in this Council at all.

We are simply told "Oh, you are not sending enough doctors there, you are not setting up enough schools there" etc. However, nobody tells us how we are to pay for these things.

Suppose that, in order to give satisfaction to some of the members of the Council, we endeavoured to comply with the wishes expressed here by some of the representatives. In some cases it just cannot be done. For instance, when we are told about an official educational system or a public educational system, some members forget that before a school can be opened, one must have teachers; before one can have teachers, one must have normal schools or teachers' colleges; before one can have teachers' colleges, one must have professors who can teach in such teachers' colleges or normal schools.

But, as the members of the Council know very well, we have organized our educational system through the co-operation of missions organized, long ago, normal schools with European instructors who know the native language and who are able to train a native instructor to teach Kirundi grammar in Kirundi language, which no Belgian instructor could do under certain circumstances.

/Therefore, if such

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(1) Because of a failure in the recording of the English interpretation the first part of Mr. Ryckman's statement was translated from the French recording.

Interpretation commences with the words "That means..."

Therefore, if such recommendations were made, it would be impossible to comply with them within a short span of time. Furthermore, we are asked to increase the number of doctors down there. Of course, we might be able to increase the number of doctors. We have doctors in the Congo, for instance. In the Congo there are more physicians per thousand population than in Ruanda-Urundi, for the very simple reason that in the Congo the population is much more dispersed. We have more doctors per inhabitants in the Congo, but we have less doctors per square mile or per thousand square miles of territory.

It would be then a problem of transferring doctors from the Congo to Ruanda-Urundi. But if this was done, the doctors would not be able to do their service effectively. Can you simply send a doctor to a place with just his medical kit? You cannot do that: if you want to have a doctor, you also have to have hospital equipment, nurses, indigenous assistants and attendants, a house for the doctor and all kinds of facilities.

Just to build a house for a doctor to live in in Ruanda-Urundi means about two-tenths of one per cent of the whole budget of the Territory. This would be quite an expense, but let us suppose that we would send doctors to Ruanda-Urundi who would not have at their disposal a medical service or a hospital. Let us suppose that we did that in order to throw dust in the eyes of the Council, so as to satisfy the request of some members. What would be the budgetary result?

If we followed all the suggestions and recommendations that have been made by the Trusteeship Council and the Visiting Mission, the budget of Ruanda-Urundi would be at least doubled. Every year Ruanda-Urundi would run into debt to an extent just about equal to its income. Then the Trusteeship Council would come round and tell us that we had jeopardized the credit of the Territory; that we had spent money wildly, without taking into account the resources of the Territory.

Even where it is a question of gifts to a Territory, as happens with the Colonial Welfare and Development Fund, as happens in the case of French or French territories or dependencies, when we freely give non-reimbursable and non-interest-bearing grants to some territory, we still have to be very careful. We have to achieve some balance between social purpose expenditures which have no immediate reimbursement and no immediate effect, and economic grants. We have to see to it that we do not have hospitals for which we have no staff; we should not build schools for which we would have no teachers or which we would not be able to maintain. We have to see to it that economic expenditures are such as to ensure the

/perpetuation

perpetuation of certain social expenditures which we are expected to undertake.

You know that it is bad policy to borrow for non-productive ends, or for non-economic ends. If we were to do that in Ruanda-Urundi: if we ran the Territory into debt in order to satisfy some of the members of the Council, then these very members, I think, would come back and level considerable reproaches at us for having jeopardized the financial credit of that Territory.

Moreover, I was pained when I heard the expressions used particularly by the representative of Iraq. The representative of Iraq told us that the educational situation in that Territory was deplorable. He let it be understood that it was inexcusable on our part to have permitted the perpetuation of such a situation because, he said, modern ideas and research have put an end to old ideas of slow and deliberate progress and empirical evidence from numerous parts of the world has served to demolish the conception of slow progress and has put an end to the unjustified idea that the indigenous peoples need long periods of time before they can make any progress. That is what the representative of Iraq said.

Well, when the representative of Iraq reproaches us about the educational situation, we still see that there are about 300,000 people in schools out of a population of 3,000,000, while in Iraq the population is 20% higher, and out of that population no more than 101,000 children are in schools. I have taken these figures for what they are worth; I have not taken them out of an official document as there are no such official documents at our disposal. I hope that such figures will be available in the Secretariat as a result of the suggestion of the representative of the United States. Nevertheless, this information is available and I drew it out of the Information Almanack which is not an official document but an authoritative book. I am therefore giving these figures for what they are worth. I do not commit myself as to their authenticity: I am not saying that in order to attack Iraq at all. If I were to attack Iraq, I would weaken my argument. I am not attacking Iraq at all; I am simply noting that Iraq is a country of an ancient civilization. It is a country where, hundreds of years ago in the dark ages of Ottoman domination, there was even then a high, cultivated élite. For twenty years this élite has had complete independence; it has mastered its own destiny.

/There is

There is a country which says that it has no more prejudice as regards gradualist theories and slow progress. There is a country whose population is 20% greater than that of Ruanda-Urundi, but which has, nevertheless, 101,000 people in schools, while in Ruanda-Urundi there are 300,000.

In evaluating our work in primitive territories -- in territories that are not comparable with the level of civilization of countries represented on this Council -- please take into account the realities. Do not just tell us whither we are supposed to go; look at where we started from, and also look at the Charter because the Charter says that we have to promote progress as may be appropriate to the particular circumstances. You have to look at the circumstances and possibilities of the territory in assessing our work, also take into account the financial and budgetary possibilities. Do not just make a recommendation which is absolutely unfulfilable under the present financial conditions, because countries of high civilization and culture with greater resources than those that we can count upon in Ruanda-Urundi have been unable to fulfil these ideas in their countries, although they are most desirous of promoting the progress of their own people and although they are more able to do so than the people of Ruanda-Urundi, for instance.

The PRESIDENT: If there are no further observations, I will put the Philippine amendment to the vote.

Mr. GERIG (United States of America): Could we have the Philippine amendment read again. We do not have the paper before us, and I am not quite clear about it.

The PRESIDENT: The Philippine amendment is to replace the last paragraph of the French draft resolution by the following:

"DECIDES in the meantime to tentatively approve the observations and conclusions contained therein, particularly those appearing in Chapter V, pp. 72 to 76 of the Report and to resume further discussion on said Report at its next session in June 1949."

/Mr RYCKAMIS

Mr. RYCKMANS (Belgium) (Interpretation from French): Permit me to say just a few words regarding the French draft resolution

The French draft resolution would request the Administering Authority to submit to the Council such observations as it may deem necessary, not later than 30 May 1949.

I should like to make it clear to the Council what my attitude is regarding this request.

I have told the Council already that I have received some information from Ruanda-Urundi. I have not received complete information and I have been unable to reply to all questions. I have told you that the instructions to the Governor of Ruanda-Urundi had been to utilize the report which is now being elaborated--as a matter of fact, it has probably already been sent to Brussels -- and to take advantage of that for formulating whatever observations he may deem fit in connexion with the report of the Visiting Mission and the resolutions of the Council.

I do not know, however, whether the Government has the intention of submitting observations on every point. If, on certain points, the Government has not submitted observations on the findings of the Visiting Mission, I do not want that to be considered as disregarding the Council on the part of our Government.

As far as I am concerned, I would prefer the Council to send to the Government of the Administering Authority the report of the Visiting Mission and ask that Government to inform the Council what measures have been taken and what measures are being contemplated subsequent to the report of the Visiting Mission and, at the same time, what observations the Government may wish to submit in connexion with the report and the recommendations that follow thereupon.

Because of all this, I shall abstain from voting and let the Council judge as it may deem fit.

Mr. MUMAYIZ (Iraq): I had no intention of participating in the debate at this stage, but the statement just made by the representative of Belgium makes it necessary for my delegation to submit this point.

The Council has heard on several occasions remarks by certain representatives, if any of the non-administering powers expressed an opinion. They questioned the sincerity of those powers.

My delegation, on several occasions, made it quite clear that, if we express an opinion about conditions in a Trust Territory, we are only guided by the desire to see that conditions in that Territory are constantly improved. We have no ulterior motives in expressing any opinion.

/The reference

The reference of the representative of Belgium about Iraq, and the figures he apparently obtained from publications which are entirely unofficial and entirely unauthentic, was disliked by us. We are only here to say things which are for the benefit of the Trust Territories, and not to compare conditions in one country with conditions in another.

Mr. RYCKMANS (Belgium) (Interpretation from French): I apologize for drawing out this discussion, but this is an important issue. I hope my colleagues will do me justice because I have avoided, as far as possible, all personal attacks. This is not a personal attack.

I remember that one day, one of our colleagues said, with much cogency, that we would be unable to weigh any criticisms because such criticisms might be justified with respect to our countries. He was right when he said that. It is not because somebody realizes that he might be attacked also that he should abstain from criticising the administration of Ruanda-Urundi.

But, on the other hand, if we are Administering Authorities, if we have something under trust under our administration, if we are responsible, we have the right to hold up the example of a Government which not only has the duties of a trustee but which has duties of a father.

I wish to make it clear that I am not criticising Iraq for having only 100,000 children in its schools. I well realize that Iraq is more desirous of serving the people of Iraq than Belgium is desirous of serving the people of Ruanda-Urundi. I well realize that Iraq is doing everything to develop education in its country.

But I say, if there is a people which is free, master of its destiny, independent for a score of years, and the inheritor of an ancient civilization which has always had culture, then if this people, I say, despite its goodwill, despite its efforts, are unable within a generation to reincarnate itself or transform itself let it not condemn us for not having transformed savages within one generation into civilized persons.

I am not condemning Iraq. I am paying tribute to Iraq, but I ask Iraq to pay the same tribute to Belgium.

The PRESIDENT: It has been the practice of this Council, in general, to try as far as possible to avoid comparative references in debates to countries which are not under trust, for the reason that

/members serve



members serve on this Council by election by the General Assembly, and they have certain obligations under the Charter. They are entitled to make their comments in the light and in the sense of such obligations under the Charter.

References to any country which is not under trusteeship will only complicate the procedure as well as the contents of the debates.

The comparison of relationships between father and son has just been made, or between guardian and minor. I believe it would not be quite right if an adult, in his admonitions to a minor, should be asked, "How about you yourself?". That would be inconsistent with the operation of the trusteeship system in which all the members of the Council have the same obligations, except that those who have no administrative responsibilities should really act in the capacity of an opposition intended to counter-balance a body of this composition.

I suppose that any member who sits in a parliamentary committee which is charged with the scrutiny of a report would feel duty-bound to ask such questions, even if those questions are not related to any foreign country, and the same questions would have been asked on the report if it were dealing with a report relating to one's own country.

/I say this

I say this because I notice that there have been departures from the practice and <sup>I hope</sup> the remarks coming from non-administering representatives and administering representatives will be taken in the same spirit as motivated by their sense of obligation in the Charter.

Mr. CERIG (United States of America): I feel that I should have to take some reservation on the ruling - if it is a ruling - that the President has just now made, in the light of the principle which was adopted at the last General Assembly with respect to reports on colonies. I read a paragraph of a resolution which was adopted by the last General Assembly, in which it is said:

" The General Assembly

INVITES the Secretary-General to extend the use of supplemental information in future years and considers that, in order to provide a means of assessing the information transmitted under Article 73 e, the Secretary-General should be authorized to include in his summaries and analyses all relevant and comparable official statistical information, within the categories referred to in Article 73 e of the Charter, which has been communicated to the United Nations or to the specialized agencies; "

It seems to me that there is a very important principle inherent here, and I mention it because yesterday I laid before this Council a proposal which received the support of quite a number of delegations which is patterned after this paragraph of the resolution which I have just read.

This resolution did not pertain to Trust Territories only; it pertained even to colonies. We have all agreed that where there is comparable statistical material, it is available for use in a committee or in discussions in the United Nations. That is what was decided by the Assembly.

I feel therefore that the ruling of the President would be contrary to the decision taken by the Assembly and it is impossible for the United States delegation to agree to it.

The PRESIDENT: In principle I agree with the remarks of the representative of the United States. That will be seen if the records are referred to.

What I just said was not intended as a ruling from the Chair. I was interpreting what was previously the practice of the Council,

/ and the records will

and the records will also show that some members did hold that view and it has been the practice in the Council that we should avoid making such references. In fact, before this resolution to which the representative of the United States has referred, there was considerable opinion that such statistical references should not be made in regard to Non-Self-Governing Territories. That was the trend in the Fourth Committee as far as I recall. There was no such decision in regard to the Trusteeship Council. But if the Trusteeship Council is willing to adopt that attitude I have no objection at all.

I do not want my remarks to be considered as a ruling because the records will show that I hold the widest views on this subject, along the lines suggested in that Assembly resolution just read out.

I think that the members who are familiar with the proceedings of the Fourth Committee will recall that that was a point which was never decided in regard to the Trusteeship Council.

Sir Alan BURNS (United Kingdom): I am very glad that you have said that that was not a ruling, because I have a great respect for the rulings of the Chair and I would only in the very last resort ever attempt to challenge such a ruling.

But I am bound to say that it has come as a shock to me to learn that the President regards the representatives of the non-administering powers as a kind of opposition. It has been said several times in this Council since I have been sitting here that we must try and work together and must try and avoid any division between the administering powers and the non-administering powers.

I hope therefore that we are not going to get divided into two sides, and that the non-administering powers, in the words used by the President, are to be an opposition opposed to the administering powers.

Nor can I agree that when this opposition, as the President has termed it, attacks an administering power, that the administering power is to remain silent and to accept everything that has been said against it without attempting in any way to defend its own position.

The PRESIDENT: I am afraid that the brief remarks from the Chair have led to a misunderstanding. I think no-one has emphasized more the harmonious working of this Council than I have ever since I have had the honour of participating in its work.

Again and again I have expressed the view that there was <sup>no</sup>

/division between the

division between the representatives of the non-administering and administering powers, and I think that the records will show clearly my views on this question.

If I used the word "opposition" I was referring to that balance and counter-balance in a body composed as we are, and the opposition here does not mean that this is a bloc who would always try to work in an opposite way to the other bloc. What I had in mind is really in the sense that we must have other plans to put forward in order to have a balanced view of the situation, because without questions, without expressions of criticisms, we would not bring out the classifications.

It seems to me that is how the great British institution of the opposition works, and it was my respect for that institution that led me to think that those who are non-administering powers, rather than feel that they are opposed to the other side, should feel that they should ask such questions so as to bring out their questions in their proper perspective.

That is my view in that respect.

Mr. RYCKMANS (Belgium): I want just to have a yardstick. If I told one of my colleagues: "If you expose me for the bad things I have done I will expose you for the bad things you have done", that would be blackmail; and I am not doing that.

But this I say. When the representative of Iraq tells me - does not ask a question but tells me - after profound study that conditions of education in Ruanda-Urundi are deplorable, if I reply to him "Well, conditions are just as deplorable in Iraq", that would be blackmail. But I say to him, "conditions of education in Iraq are backward, but they are not deplorable; in Ruanda-Urundi they are backward too, but please do not judge them as deplorable without having a yardstick."

If he comes to me and says, "Well, in Ruanda-Urundi, for instance, there are no vital statistics", I have a perfect right to say to him, "You don't know what it is to keep vital statistics."

And I will show you the difficulty of keeping vital statistics by showing you twenty nations, which are represented in the United Nations and which can not keep vital statistics in their own countries. So do not come and tell me that every civilized country, when it goes into a backward place, ought to keep vital statistics the next day.

/ That is all I want.

That is all I want. I want a yard stick and I want to see that you are able to judge and to make comparisons in order to come to a sound and sane judgment and not to condemn us for situations for which we are not responsible.

Mr. GARREAU (France):

Mr. GARREAU (France) (Interpretation from French): I do not wish to prolong unnecessarily this discussion. I wish simply to advance a few remarks, in the first place, to maintain, as the delegate of the United States has, a right that has been recognized already by the Assembly -- at least so far as the non-self-governing territories are concerned. I wish to uphold the indispensable right to compare.

You cannot judge matters purely from a theoretical standpoint and when criticisms are formulated from this purely theoretical point of view it is quite natural that the representatives of the Administering Authority should bring the Council back to a practical plane and explain why it has not been possible to do better than has been done for obvious reasons of a practical kind.

When the President spoke of parliamentary opposition I did not -- as far as I'm concerned -- take the phrase as being pejorative. But it gave me the idea that in parliamentary debate it is customary when the opposition brings criticisms then the other party also has the opportunity to say: "Well, what did you do when you were in power? What did you do in similar circumstances in the analogous situation that existed at such and such a time? Did you then do as well as we are doing now?"

That is, parliamentary debate constantly allows of comparison. It allows comparisons as between the achievements of the two parties when each was in power in its turn. Now it would seem to me that here we are working on democratic bases and democratic rules authorize the making of comparisons that are deemed necessary.

Furthermore, in the same circumstances comparisons have been made not only by the representatives of the Administering Authorities but also by the representatives of the non-administering authorities. I, for example, recollect that the representative of the Philippines has at least twice suggested comparison as between what was achieved in his country and what has been achieved in some Trust Territories over the same period of time. At the last meeting the representative of the Soviet Union spontaneously offered to establish a comparison as between what had been achieved in the Soviet Union and what had been achieved in a Trust Territory over the same period of time.

Now we, the Administering Authorities, therefore cannot be said to have a monopoly over comparisons as against the representatives of the non-administering authorities, so that I must conclude by saying that I uphold formally the right of the Administering Authority to

/suggest comparisons

suggest comparisons whenever these seem necessary to them for purposes of explaining their position and to justify what they have done and what they have not been able to do.

The PRESIDENT: If there is a right the right will be applicable to both the Administering and non-administering representatives.

Mr. CANAS (Costa Rica) (Interpretation from Spanish): I am speaking in this debate although I think it has already been going on a little too long in order to make clear what the position of my delegation is.

I believe that countries that have had the honour of being appointed to this Council were appointed without a view having been taken necessarily as to their previous progress. I think that if a country has been appointed to the Council it must work in the Council independently of what has been achieved in its country. The fact that a country has no population statistics, for example, does not imply that this country does not realize the importance of such statistics and that does not prevent this country either from requesting such information from the Administering Authorities and from the Trust Territories if they can be obtained. That is to say, if a country is a member of the Council within the Council he can make such requests as seem appropriate.

This discussion reminds me of the case of a critic who was taken to a concert. He fell asleep in the concert. When the concert was over they asked him what was the matter. He said, "Well, the trouble was that I don't like Schubert's 'Fourth Symphony'". The reply to that was "Could you write a 'Fourth Symphony'?" Which proves that you do not have to be able to write a symphony in order to know whether you like symphonies. I'm not of the view either that whenever a doctor has a cold he should close his office.

Mr. MUMAYIZ (Iraq): I think the yardstick to which the honourable representative of Belgium refers would be an accurate measure only when Iraq has taken the duties of Belgium as an Administering Power. Otherwise it would be entirely out of order if the comparison is made under present circumstances.

I want furthermore to refer to the point made by the representative of the United Kingdom. We do not want to associate our delegation with the opposition bloc if there is any such bloc around this table.

/We are only

We are only here as neutral observers and members of this Council and we commend the work of any power if it is commendable and criticize it if it must be criticized. This is our position.

The PRESIDENT: I think that we need not labour on this point any more.

Mr. PADILLA-HERVO (Mexico): I did not want to intervene in this debate. However there are certain questions which seem to me to be a matter of principle.

I do regret that as time passes it seems that we lose view of the main objective of our task here. Every session as our time progresses I admit that on certain occasions some representatives -- among whom I include myself -- probably do not take great care in the use of their words and that some of their words might provoke, on the part of the Administering Authority's representative whose report is under discussion, an answer that reflects impatience. Yet we should not lose sight of the substance of what every representative says.

In order to make myself clear I will say that in respect to education, with more or less soft words on the substance of the matter, I think that everybody has agreed -- even the Administering Authorities themselves -- that education in Trust Territories ought to be improved, that it has to be improved, that it is deficient and that if they give an explanation of budgetary matters for not improving it with the necessary speed, yet the substance of the question is that education must be improved.

I think that any comparison that is made by the representatives in this Council between a Trust Territory and a territory that is not under the jurisdiction of this Council is an out-of-place comparison. I believe that the comparisons to which the representative of the United States has referred were comparisons of entirely different nature, and were comparisons of statistical data between territories. But I do not think that the representative of the United States was referring to a comparison of conditions in Trust Territories with conditions in the countries of any of the representatives here because there would be one main reason why that comparison would be absolutely useless and out of place.

/I ask the representatives



I ask the representatives of Belgium and Iraq to forgive me for quoting that example because they have just brought it up. And I say that when the representative of Belgium refers to the number of children enrolled in the schools in one country as compared with the number enrolled in another territory he loses sight of a very important question which is the very aim of the Trusteeship Council and that is, to ensure at the end that the peoples of the Trust Territories will attain either self-government or independence.

I have said many times that it is not as important to know how many children of school age arrive at the schools the first year; we have requested the Administering Authorities to follow through and tell us how many children remain in the schools -- what have they done for them to remain in the schools? How many children have arrived at higher education and finally at complete education so that they are able to take some part in the administration of the Territory?

To have a very large enrolment of children in the schools who go back to their communities to become illiterates again would be an unfinished task and would be the same thing as spending work, money and labour to make half a bridge which would not be of any use if the other half of the bridge is not being built.

The important thing in that particular aspect of education is how much success the Administering Authority has had through the many years during which they have administered the Territory to ensure that so many children, in greater number every year, arrive at a finished education.

I think also that it will be a different position for any representative here to explain what the situation in his own country is. I do not think it is the purpose of this Council to have as an answer to an observation made by any representative on the conditions in a Trust Territory, a statement of how the conditions are in that respect in his own country.

Mr. GERIG (United States of America): Referring briefly to the reference made by the representative of Mexico,  
/as regards

as regards this resolution which I read, a resolution adopted by the General Assembly, there is no restriction whatever on the scope of that resolution. It says that in these analyses which the Secretary-General may bring together, they may contain all relevant and comparable official statistical information. That can be drawn from any metropolitan country, any independent country -- it is not confined to colonies only, it is any statistical information. There was a long discussion about that, and there is no qualification on that. If it is in the analyses laid on our table, the Assembly may discuss it.

I just wanted to make the point clear that there is no restriction of the kind which the representative of Mexico seemed to imply.

Mr. PADILLA NERVO (Mexico): I did refer to the comparisons made in this Council as an answer to an observation made by another representative. I do not have before me the resolution to which the representative of the United States refers, but it seems to me that that <sup>is a</sup> question of statistics, as I said before, made in a scientific way and presenting to the Council some tables of statistical figures from a technical point of view.

I am referring to the comparison for the sake of debate as an answer to one representative's observation, when a comparison is made between the situation and the situation in the country of the speaker. That is the kind of comparison to which I object.

Mr. SOLDATOV (Union of Soviet Socialist Republics) (Interpretation from Russian): I am afraid that we are again wasting a lot of time on a question which is not directly relevant to our terms of reference.

I am getting the impression that the Trusteeship Council is not dealing with the item on the agenda with which it is supposed to be dealing. Attempts are being made to establish some general criteria as regards the assaying <sup>of</sup> the situation that may be prevailing in certain Trust Territories, instead of studying concretely the documentation and information

/which

which we do have before us with respect to those Trust Territories.

In this connexion, attempts are being made to divert the attention of the Trusteeship Council from the discussion of concrete matters relevant to the situation in Trust Territories and to get the Council's attention over into another track -- into the consideration of problems in any countries rather than just Trust Territories.

Yesterday the representative of the United States expressed a desire that the members of the Trusteeship Council might have at their disposal comparative data as regards education. When the representative of the United States advanced that proposal I also made a statement, after several others had spoken, and I said that as formulated by the representative of the United States the proposal was not in any way unacceptable; it should not necessarily lead to discussions which would make us waste a lot of time. All that was desired was information to be made available in the Secretariat regarding certain concrete questions; and, as a matter of fact, even the framework of that question was clearly determined.

Since, therefore, such an innocent document was at stake, I hoped that not much time would be lost in discussing it. I said of course it would not be bad to have such data at our disposal.

But as soon as I said that I was in favour of that trend, immediately objections were raised; some said it was no longer a matter of us discussing concrete situations in Trust Territories but to switch or shunt the matter over into a discussion of the situation in various other non-Trust Territories.

Therefore, it seems that even on trifling questions, instead of discussing matters on the agenda, there is a tendency towards discussing matters not on the agenda, to shunt the discussion on to irrelevant tracks. As the situation stands now, I cannot even say that I would support the proposal of the United States representative as he formulated it orally, to say nothing of what he has submitted in written form, because

/it seems

it seems to be quite different from what he told us orally.

I want to make one thing clear. These attempts to divert the Trusteeship Council from the discussion of concrete items which are included on our agenda, which are on the agenda of today's meeting, and to shunt the discussion on to another track, on to the discussion of general academic and theoretical criteria -- this tendency is not justified by our terms of reference and by our task.

In order to avoid such a waste of time, even when we are discussing the United States draft, I shall say that the best thing to do might be to give up the collection of any even innocent information, because if anything like that is attempted, the Trusteeship Council might find itself losing hours and hours on long discussions.

As regards what was said here by the representative of Belgium with respect to Iraq, this I think was also done by the representatives of the United Kingdom and of France, who some time ago also advanced some other questions which were not directly relevant to the work of the Trusteeship Council in casting aspersions on one of the countries represented in the Trusteeship Council.

/Of course, it is

Of course it is a question of degree. In some cases the medicine may be lighter and applied in doses that are smaller in respect of Iraq and in the case of the country which was criticized at a previous stage of the work of the Council. The medicine in this case may be more anodyne. But I think we ought to get back to a tradition of a business-like approach and of sticking directly to our terms of reference in a business-like fashion.

Therefore, may I suggest that we put an end to this discussion which is not directly relevant to the work of the Trusteeship Council.

Mr. HOOD (Australia): Although this discussion began rather fortuitously, I do not at all agree with the representative who has just spoken in regarding it as a waste of time. I think the President has been wise to let the discussion run to this length, and I agree also with the representative of Mexico in thinking that we are indeed touching on an important point of principle in relation to the whole work of the Council.

Is the point of this discussion not this: namely, that for the Council or for any members of the Council to use terms of qualification, qualitative terms, in judging or assessing or commenting upon conditions in the Trust Territories <sup>is</sup> a wrong method? The use of qualitative terms such as the one we have heard this afternoon, "deplorable", or another, which I recollect was used last week, "lamentable", and of one which caused some controversy in the Fourth Committee itself in Paris, the use in a resolution of the qualitative term "backward" -- all such terms whether used deliberately or loosely in discussion inevitably provoke replies and inevitably also provoke comparisons which by and large are not particularly helpful to the final judgment of the Council on the matter in hand.

I would say then that the moral to be drawn from this discussion is that the Council in its work should, so far as possible, refrain from the use of qualitative terms, and I would apply that even to terms of commendation. It may be desirable from time to time, but I think we should be sparing in the use of them.

One model, in my opinion, would be the conclusions of the report of the Visiting Mission itself now under discussion. I have looked through those conclusions carefully, and broadly speaking they are phrased, all of them, in objective terms. They point out deficiencies where  
/deficiencies exist

deficiencies exist; they propose remedies and constructive suggestions, but they do avoid the use of qualitative terms, such as "good", "bad", or "indifferent".

That, I think, should be the rule for the conduct of this sort of discussion in the Council, and the less the members of the Council make use of terms of qualification of that kind, the more expeditious and the more businesslike will be the formation of the Council's conclusions.

Mr. GARREAU (France) (Interpretation from French): I am happy finally to be able to agree entirely with the representative of the USSR on the fact that the discussion has taken a road that has carried it very far from its agenda.

But obviously, such digressions will be precipitated each time that the discussion of the Council requires observations of a basic kind on the way on which the Council should see its work from the point of view of method.

I think that this discussion is not entirely useless, but I think we should take it up again only when, in accordance with the Assembly's resolution, we have to deal with the different commentaries or criticisms or proposals that will have been made in the Fourth Committee and in the Assembly itself in connexion with the work of the Council. I think such an item could be put upon our agenda and could be discussed at our next session.

I would point out that the compilation of the various proposals made, which were sent through the Fourth Committee and the Assembly, was not complete; that is, it should have had besides criticisms the observations that were made by the representatives of the Administering Authorities, and these latter observations seem to me to be fundamental to the discussion.

Thus, the highly interesting point that has been developed here about our methods should be taken up again when the time comes to the effect that the fundamental question of how the Trusteeship Council should conduct its business be discussed in a thorough-going way.

The PRESIDENT: I think I agree with the view that although we have deviated from our agenda, some useful purpose has been served by airing this matter affecting a principle that is underlying the work  
/of the Council

of the Council. I think that since so much time has been spent on the debate, perhaps it will not be out of place if I say that I find myself in a rather difficult position because in the past I have always thought that the understanding is that as little comparative reference should be made to a country that is not under trust as possible, particularly including the metropolitan countries because I remember that in the debates in the Fourth Committee and in the earlier meetings of this Council it was the wish of most of the Administering Powers that no reference should be made to the metropolitan countries. I would have ruled out of order any reference to a metropolitan country in the debates on a Trust Territory. But now a new principle has been introduced, and I myself do not feel quite happy about it because I can foresee a lot of difficulties in future. For the time being we will leave that question until the matter can be discussed again.

In the meantime I was going to put the Philippine amendment to the vote.

A vote was taken by a show of hands.

The proposed amendment was rejected by 6 votes to 5.

The PRESIDENT: We come back now to the draft resolution submitted by the representative of France contained in document T/270 under date of 4 March 1949.

Mr. PADILLA NERVO (Mexico): If I remember, it seems to me that at the end of our last meeting the representative of France made another proposal instead of this amendment. He said, if I remember correctly, that he was requesting the Council to adjourn the discussion of this report, and he quoted a rule of procedure to that effect. He requested that in accordance with that rule of procedure the discussion should be adjourned until the date he proposed, May of this year -- that is, the next session.

I would like to know the position of the representative of France in that respect.

/The PRESIDENT

The PRESIDENT: I do remember the representative of France asking the Chair to rule that it should be adjourned until the next session, and I said that if the representative of France would move the adjournment, I would put it to vote.

I understand, however, that that proposal was made in view of the amendment. Now that the amendment has been defeated, the resolution would have the same effect, and unless the representative of France withdraws his resolution and moves adjournment, I think the resolution stands.

Mr. GARREAU (France) (Interpretation from French): I simply suggested an alternative; I did not submit a substitute.

In view of the various comments that had been made, I suggested that another way of getting the agreement of all members of the Council would be to refer to paragraph (g) of rule 56 of our rules of procedure. In other words, the discussion should simply be postponed until the next session, without any other conditions attached.

That was simply a suggestion on my part. I was expecting some reactions from my colleagues, and if those are favourable I might submit a new resolution which would be an actual substitute for the resolution which I submitted the other day.

Sir Alan BURNS (United Kingdom): On a point of order, having put the amendment to the meeting, can we now abandon the substantive motion?

The PRESIDENT: Now we come back to the draft resolution. I would think that the representative of France, who proposed this, is entitled to withdraw it.

As I said before the representative of France spoke, as I see the parliamentary situation, the draft resolution stands. In my opinion the resolution, if passed, would have the same effect as adjournment. I do not see any point in submitting another resolution to substitute for the present one.

May I ask if the representative of France intends to produce a new resolution, or should I put the present one to vote?

/Mr. RYCKMANS



Mr. RYCKMANS (Belgium) (Interpretation from French): As representative of the Administering Authority, I would prefer the second alternative; in other words, <sup>that</sup> the Council should not vote on a resolution, but should simply decide to postpone the matter until its next session.

The PRESIDENT: I leave it to the representative of France.

Mr. GARREAU (France) (Interpretation from French): May I ask the representative of Mexico whether he would agree to accept the second alternative, namely, the proposal I made at the end of the meeting yesterday, in which case I think we can agree simply to postpone discussion until the next session. I would then withdraw my original proposal.

Mr. PADILLA NERVO (Mexico): When I made some observations with respect to the implications of this draft resolution yesterday I stated that, ~~as~~ far as my delegation is concerned, I had no objection to postponing the discussion of this report until the next session. I do, therefore, agree with the second proposal of the representative of France.

I said that my objection to this proposal was on a matter of principle, and I did not want the adoption of this resolution to form a precedent, so that this Council cannot give its opinion on a report by its own Visiting Mission, without having before it the observations on that report by the Administering Authority. That would take us into a very complicated question, and a complicated discussion as to how far we can accept as being made in absolute good faith a majority or unanimous report by members of this Mission, with which representatives of Administering and Non-Administering Authorities concur.

I did not think that was a matter for serious discussion. We do not have a minority report. The Mission is formed of persons in this Council in whom we have absolute faith and trust, and we should not think that we cannot give an opinion on their report, as a matter of principle and precedent, until the Administering Authority tells us whether or not errors or involuntarily false statements are made by the Visiting Mission.

/For that reason

For that reason only, I objected to the passing of this resolution. I do agree to the adjournment of the discussion, as suggested by the representative of France.

Mr. SOLDATOV (Union of Soviet Socialist Republics) (Interpretation from Russian): At yesterday's meeting, when we were dealing with the French draft resolution regarding the report of the Visiting Mission to Ruanda-Urundi, the delegation of the USSR made it clear that it entertained certain doubts. It also stated that the adoption of such a resolution by the Trusteeship Council would lead to the setting of a precedent, which would bring forth undesirable consequences.

As was already noted yesterday, the question arises: why did this resolution of France appear; why did it see the light of day at all? What actuated its emergence?

The draft resolution was due to the fact that the Administering Authority did not submit its observations on time. The representative of the Administering Authority said that the Administering Authority wanted to submit its observations, and he insisted that we should not discuss the matter at all at the beginning of our work.

Since the Council did decide to discuss the matter, and did hear statements, he now wants us to adopt no decision on the report of the Visiting Mission. The draft submitted by the French delegation therefore creates a precedent in the work of the Trusteeship Council, which it is thought may have most undesirable consequences.

It is the view of the USSR delegation that this precedent is incompatible, both with the provisions of the Charter and of our rules of procedure. Neither the Charter nor the rules of procedure says that consideration of the reports of Visiting Missions should be postponed until the Administering Authority deems it fit to make observations thereon.

Furthermore, the French draft resolution not only sets such an unnecessary and undesirable precedent, in violation of the rules of procedure, because it leads to the conclusion that the Trusteeship Council cannot adopt any decision in connexion with the reports of Visiting Missions until the Administering Authority has submitted its observations. More than that, the draft resolution even sets a

/time-limit

time-limit of seven months.

The report was issued as an official document on 31 October 1948. Under the French draft resolution, a time-limit is set at 30 May 1949. This constitutes an exact time-limit. Seven months are vouchsafed to the Administering Authority for the submission of observations.

The USSR Delegation noted that on the basis of these considerations, the consequences of the adoption of the French draft resolution are not designed to increase the efficiency or effectiveness of the work of the Trusteeship Council. In other words, the adoption of the resolution as worded by the delegation of France, will not lend itself to improving or making more efficient the work of the Council. This is clear to all members of the Council.

/That is why

That is why the delegation of the USSR took exception to the draft resolution submitted by the delegation of France and our objections remain in force. Unfortunately, none of the members of the Council have been able to remove our doubts in connexion with the French draft resolution; none of the members of the Council has been able to convince us that this French draft resolution will not lead to the undesirable consequences which I have just outlined; none of the members of the Council has been able to convince us that such undesirable consequences will not ensue from the adoption of this draft resolution.

Furthermore, the argument of the representative of Mexico was a very cogent one. The Visiting Mission is an organ of the Trusteeship Council and the Trusteeship Council cannot adopt a resolution according to which the work of the Council itself or any part thereof is made a function of the desires of the Administering Authorities.

The Trusteeship Council has certain sovereign rights to organize its work as it deems fit. Therefore, in view of the undesirability of this most deplorable precedent which would be set by the adoption of this draft resolution and which would jeopardize the work of the Trusteeship Council, the delegation of the USSR states that it objects to the French draft resolution.

As regards the second suggestion that has been made to the effect that this draft resolution should be discarded altogether and replaced by a complete postponement of the consideration of the report of the Visiting Mission without stating the reasons why, the delegation of the USSR considers it nothing but another form of stating exactly the same thing that is contained in the French draft resolution. This latter alternative is perhaps not so clear-cut; it is a little more bashful. But the substance is exactly the same as the original draft resolution of the delegation of France and the same considerations apply thereto.

Mr. GARREAU (France) (Interpretation from French): If I addressed my remarks just now particularly to the representative of Mexico so as to get his opinion of the suggestion I made yesterday evening, it was because this suggestion had been prompted by his own remarks and I would like him to remember this.

Since the representative of Mexico seems to prefer the second alternative, I withdraw my original proposal, substituting for it a new proposal to the effect that we postpone the discussion on the report of the Visiting Mission until the next session.

/The PRESIDENT

The PRESIDENT: The proposal has been made that we postpone discussion of this question until the next session.

Under rule 56 of the rules of procedure, I should put that proposal to the vote immediately but I believe there can be one speaker for and one speaker against the proposal.

I understand that the representative of the United States wishes to speak.

Mr. GERIG (United States of America): I was going to speak before the last proposal was made. However, in view of this proposal I do not wish to speak at the moment.

The PRESIDENT: If there are no more speakers on this proposal, I will put the proposal to the vote.

A vote was taken by show of hands.

The proposal was adopted by 8 votes to 2.

The PRESIDENT: The question of the Visiting Mission's report is postponed until the next session of the Trusteeship Council.

Mr. PADILLA-NERVO (Mexico): According to the rules of procedure, I should like to explain my vote in the light of what I have said before.

I voted in favour of the motion because, according to our rules of procedure, we are not deciding a question of principle or setting a precedent in respect to the substance of the question. The Council is simply deciding, for reasons of its own, to postpone discussion of this question until a certain date.

That does not set a precedent and I consider that we have not, in any way, decided that we cannot discuss or reach conclusions on the report of the Visiting Mission until we have received observations on that report from the Administering Authority.

The PRESIDENT: That will be placed in the records unless some objection is made.

Mr. CANAS (Costa Rica) (Interpretation from Spanish): I wish to associate myself with the statement just made by the representative of Mexico.

I wish to make it clear his statements reflect the viewpoint of my delegation also; that the resolution we have just taken obligates the Council only in this particular case.

The PRESIDENT: The meeting is suspended until 4:30 p.m. when the Council will begin the discussion of administrative unions.

The meeting was suspended at 4:07 p.m. and resumed at 4:34 p.m.

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ADMINISTRATIVE UNIONS AFFECTING TRUST TERRITORIES (T/226, T/263, T/265)

The PRESIDENT: As scheduled in our timetable, the Council will now proceed to discuss the question of administrative unions. The Council will recall that, during an earlier meeting of the present session, it decided to form a Committee composed of six members to undertake a preliminary study of this question on behalf of the Council. That Committee has submitted its report and the Government of the United Kingdom has expressly designated Sir George Sanford to come over to consult with the Council on this matter.

The Council will, I think, agree with me that it will be very helpful if Sir George will take his seat at the Council Table in order to participate in the discussions which we are going to have.

At the invitation of the President, Sir George Sanford, special representative for Tanganyika under British Administration, took his seat at the Council Table.

The PRESIDENT: First of all, I will call upon the Rapporteur of the Committee if he has anything to add to the interim report that the Committee has submitted to this Council.

Mr. LIN (Rapporteur of the Committee on Administrative Unions):

I have the honour to present an interim report on behalf of the Committee on Administrative Unions. This interim, or preliminary report is submitted in accordance with paragraph (c) of the Trusteeship Council's resolution establishing the Committee.

The report stands by itself and is self-explanatory. However, I should like to make one or two observations, calling the attention of the members of the Council to certain points of importance.

In the first place, the Committee at an early date decided to study such fiscal, customs or administrative unions or common services as involve the following Trust Territories: Tanganyika, Ruanda-Urundi, New Guinea, the Cameroons and Togoland under British Administration and the Cameroons and Togoland under French Administration.

I would like to call the attention of the Council to paragraph 10 of the report, on page 3. The Committee was equally divided on the question of whether it was competent to examine within its terms of reference the manifold problems arising from the establishment of <sup>the</sup> French Union

/affecting

affecting the Trust Territories under French Administration. The French representative on the Committee was of the opinion that the French Union was not an administrative union, and was therefore not within the terms of reference of the Committee. Accordingly, the Committee, on the proposal of the Chinese representative motivated by the desire to expedite its work, decided to request a ruling on this matter by the Trusteeship Council. Of course, the Committee would study the customs union existing between the Cameroons under French Administration and the adjacent territory.

Another point to which I should like to call the attention of the Council is a communication from the delegation of the United Kingdom to the Committee. This is printed as document T/AC.14/17 -- not as a Trusteeship Council document, but as a committee document. This matter came up after the Committee had finished the preliminary report, so that it has not been discussed by the Committee. As the Council will note, the United Kingdom delegation is of the opinion that the administrative arrangements involving British Togoland and the Cameroons under British Administration with their adjacent territories are not, strictly speaking, administrative unions, and are not, therefore, within the terms of reference of the Committee. I presume this matter will have to be referred to the Trusteeship Council for a ruling too.

The PRESIDENT: I think the Council may like to hear any introductory remarks that Sir George Sanford may wish to make on this subject.

/Sir George SANFORD



Sir George SANFORD (Special Representative): The interterritorial organization in East Africa has been set up in order to give a constitutional framework for the operation of certain services, services which are defined and services which in each case are of common interest to the three territories, Kenya, Tanganyika and Uganda.

These three territories form one compact, geographical area. To the northeast is Kenya, to the northwest is Uganda which is approached through Kenya, and to the south of both Kenya and Uganda lies Tanganyika which has a common frontier with Uganda on the west and through part of Lake Victoria, and a common frontier with Kenya through the rest of Lake Victoria and down to the coast.

These three territories have, since the end of the first world war, recognized that they have a common interest in many services, particularly in economic services, and throughout the past thirty years, they have been developing more and more a common interest in many of these subjects.

It is now twenty-five years since they decided that it was in the common interest of all three territories that goods, particularly in the first instance, goods of local production, should move freely across the interterritorial boundaries. That was agreed to by the Governments in 1923, and within a few years after that, arrangements were made by which goods which were imported into the area could be transferred from one country to the other without paying further duties on the borders and without anything more than a statistical record, in order that the duty paid on entry into the area might be appropriately allocated to the country in which the imports were consumed.

Shortly after that, in 1931 or 1932, proposals matured for the unification of posts and telegraphs services, services which had been combined as between Kenya and Uganda some years earlier. Tanganyika came into the unified posts and telegraphs services of East Africa, a condition which existed from 1933 onward.

During the war, the further community of interests grew up very strongly, because East Africa found itself with an enemy on the north -- common problems of magnitude, particularly problems of supply and production, became more acute when the demands on local produce were increased owing to the decision to use East Africa as a reception area for prisoners of war and refugees from occupied countries.

It was also important that any efforts that East Africa could make towards the prosecution of the war should be done. Shipping problems had to be dealt with on an East African basis.

/There were

There were 101 different aspects of policy which could only satisfactorily be resolved by close interterritorial co-ordination.

As the war came to an end, it was realized that some of those services which had been built up in the war would gradually disappear, such as the demobilization services, but there was such a record of interterritorial co-operation and co-ordination during the war that a great many of the steps taken during that time were bound to continue.

The interterritorial organization, which has been described fully in the report of the Visiting Mission to Tanganyika, sought to establish a more satisfactory way of administering those services and dealing with subjects of common interest to the territories by setting up a constitutional machine without, however, in any way interfering with the autonomy of the separate Governments, and at the same time, providing a forum for public discussion with representatives of the territories on these matters of common concern to all three territories.

I should like to go through the list of services which have been set out in the schedule to the Order-in-Council, and to indicate why those services are operated on an interterritorial basis. Before I do that, I think I should say one word about the constitutional framework which has been set up.

It consists of three parts. There is the High Commission itself, which consists of the Governors of the three territories. No new overriding authority has been set up. The High Commission, consisting of those three Governors, was, in their persons, there all the time.

Secondly, there is an East Africa Central Legislative Assembly, which consists of a speaker and 23 members. Seven of those members are members of the staff of High Commission services, such as myself. One is an Arab member, and five are appointed from each of the territories. Of those five, one is a member of the government service appointed by the Government concerned; one is a European, one is an Indian, and one is an African, appointed by the Governors of the territories concerned. Barring the case of Kenya, where they have elective representation, the European and the Indian are elected by the corresponding unofficial elective members of the Legislative Council. Finally, one member from each territory is elected by the unofficial members of the Legislative Council of the territory concerned voting as a whole.

Thirdly, there is an executive organization with four principal executive officers, each of whom is individually responsible for the administration of the services committed to his charge. Those four are

/the Postmaster General

the Postmaster General, who deals with posts and telegraph services; the finance member, under whose charge come the administration of income tax and the administration of customs; the Commissioner for Transport, who deals with railways and harbor services; and the Administrator, who is myself. I deal with rather a large number of services of common interest, principal among which is the group of services connected with research.

But today, to research services should also be added such matters as civil aviation, meteorological services, statistics, Lake Victoria Fisheries Board, and so on.

The services themselves are shown in a schedule to the Order-in-Council, and I should like to indicate how they arose and what their function is.

The secretariat of the High Commission requires, I think, no explanation; it is virtually the same as the secretariat which had been set up when, in 1926, it was agreed that the Governors of the East African territories should meet periodically in conference. But the secretariat of the High Commission also deals with the correspondence on inter-governmental level over a much wider field than East Africa. It is in close contact with similar organizations in other parts of Africa and also with islands in the Indian Ocean such as Zanzibar, Seychelles and Mauritius.

The Anti-Locust Directorate has now had its place taken by a Desert Locust Survey. The work of the Anti-Locust Directorate, which covered a very wide field indeed and required co-operation over the whole of Somalia, British Somaliland, Aden and Arabia and Sudan and so on -- Eritrea and Ethiopia -- was so successful that at the end of last year, it was felt that active measures against the locust are no longer required, but that it would be a wise precaution to have scouts out over the whole of Africa and Arabia. The Desert Locust Survey operates that intelligence service on locusts, trying to find them out before they swarm.

/The Directorate

The Directorate of Civil Aviation is a service which covers all matters dealing with civil aviation, including licensing of people who wish to fly for hire or reward. It is naturally a service which should be based over as wide a field as possible and the East African area, Kenya, Tanganyika and Uganda is the area over which these licences operate.

The Directorate of Training is one of the services which has virtually disappeared on an East African basis. Training is now mainly done on a territorial basis, and the only work left for the directorate is winding up their operations.

The Income Tax Department has been a joint department of East Africa ever since Tanganyika, Uganda and in this case, Zanzibar introduced income tax at the beginning of 1940. There are great advantages in having the income tax administered on an East African basis, not least of which is that the income assessed to tax is East African income. When income tax has been collected it is divided between the appropriate territories concerned.

The Industrial Council has been given powers by territorial legislation to deal with applications for licences to manufacture, schedule articles of which there are at present seven. During the war, the Industrial Council was the counterpart on the industrial side, of the Production and Supply Council, but in fact the work which it was able to do was not very significant.

After the conclusion of the war the governments concerned felt strongly that certain classes of industry could not be expected to start at all in East Africa unless a measure of protection was given to them. The measure of protection given is that laid down in Territorial Ordinances and is merely this: that when an industry of the kind scheduled has been begun, the person already in that industry shall have an opportunity of making representations if another applicant applies to manufacture the same kind of article.

The most important of these articles is obviously cotton textiles. East Africa grows a considerable amount of cotton, particularly in Uganda. It has often been wondered why all that cotton moves down the railway system to the sea, goes overseas, is manufactured overseas and then comes back as cotton piecegoods for sale - and there is a big demand for them.

The reason is that there was not sufficient security for the large investment concerned unless there was some measure of security provided  
/ by law.

by law. That law has been put into force by territorial enactment and each territory has entrusted the work of administering that law, that is to say of hearing and adjudicating upon the applications, to the Industrial Council.

The Inter-Territorial Languages Committee has been in existence for fifteen years and deals, as it were, as a research matter, with the Swahili language.

The East African Office in London has been in existence for more than twenty years, and works on an inter-territorial basis, as the most efficient way in which East African affairs may be represented in London and where contact can be maintained between visitors and other people interested in East Africa.

I have referred to the Posts and Telegraphs Department as a department which was unified in 1933, and which should be unified if the best efforts are to be given to the development of that service.

The East African Posts and Telegraphs Department, under the inter-territorial organization as set up, has become, with effect from the beginning of this year, a department which is what is called self-contained; that is to say it takes to its own accounts its revenues, and administers its expenditure from those revenues.

I think documents have been placed before the Council giving details of what was proposed in relation to the conversion of that department into a self-contained department. I only emphasize one thing: that the people who worked out a scheme for turning the Posts and Telegraphs Department into a self-contained department, were quite unable to say whether that department, when self-contained, would show a surplus of revenue over expenditure or not. There were so many hidden items which had not occurred previously in the budget of the Posts and Telegraphs Department in these territories that they felt quite unable to give an opinion, and also felt that some years' experience ought to have been obtained of the working of that department as a self-contained department, before it was decided whether or not the department should make a contribution to the revenues of the Territory.

I am saying that because the committee which went into the scheme, emphasized their difficulty in relation to the finances of the department; and also to point out that if it should so happen that this department after some years of operation on a self-contained basis - and I should add here that a very considerable extension programme is in prospect - if it

/ should be found

should be found that that department is making a substantial profit, it will be then for the governments of the countries to decide whether the department should make a contribution to revenue or not; whether they should make a contribution to revenue, or whether the surplus funds which in that event would be available, should be used for the extension of further services or for reduction in cost to users.

The Production and Supply Council was established during the war as the outcome of many previous efforts to ensure inter-territorial co-ordination for war purposes. It still sits and it deals with matters such as the feeding of East Africa, such as the importation of essential supplies, among which I would mention jute goods which are very difficult, and so on.

It is not a policy board itself but is a council in which the representatives of the Territories get round the table and reach conclusions as far as possible unanimously, about what the East African governments should be advised to do. The action taken will be action taken by the governments.

The Publicity Committee has ceased to exist and its place is taken by the Tourist Travel Association with which the High Commission has very little to do at the present moment, except that it keeps a watching eye on its operations and helps it where it can. But the Tourist Travel Association is, as it were, a company.

The Refugee Administration has been dealing with the comparatively large number of refugees who found sanctuary in East Africa during the war, and is in process of being wound up.

The research services, as I mentioned before, are one of the most important parts of the High Commission services under the control of the Administrator. The organizations concerned deal with agricultural research, veterinary research, tsetse research, trypanosomiasis research, fisheries research and shortly industrial and scientific research, and they are all being substantially supported by funds provided by His Majesty's Government. They are essentially services which should operate over a wide area and it is the idea underlying each research organization that whereas there is a headquarters, it also operates in the field throughout the area.

The Statistical Department

The Statistical Department is in the process of formation because it is still very short of staff. But the fact that East Africa is in one economic unit, that it has a common currency, that it has common customs tariffs and so forth makes a very strong reason for the Statistical Department being fully co-ordinated throughout East Africa.

The Tsetse Reclamation Department comes into the field partly of research services. I do not think I need say anything more about that.

The Lake Victoria Fisheries Board is dealing with a lake which <sup>wholly</sup> lies/within the three territories but not within merely one or two of them and the fisheries problems around that lake are common problems.

The Meteorological Department, again, should operate over as large an area as possible. That is a department which has been in existence for twenty years or more.

Finally, under the first schedule of the Order-in-Council we get three series of services which are not services operated by the High Commission so much as maintenance of contact; first with the defence services, secondly/<sup>with</sup> the Air Transport Authority which operates through the High Commission Secretariat and, thirdly, with the Currency Board. There has been virtually no occasion where the High Commission had to operate in relation to the Currency Board transactions since the High Commission was started.

In the second schedule we have reference to the Customs and Excise Department, that is to say to the amalgamated department after the Department of Customs of Tanganyika had been amalgamated with the Customs Department of Kenya and Uganda. When agreement was reached between the territories that there should be a common tariff and freedom of movement of goods over the inter-territorial boundaries the Customs Department of Tanganyika still remained a separate entity with the result that Kenya and Uganda were, in customs phraseology, still foreign territory to Tanganyika and vice versa. The opportunity has now been taken of having a joint department which does simplify transactions in relation to ships bringing goods to East Africa and has certain other benefits on goods transferred from one country to the other.

The East African Information Office has not yet been started.

The East African Literature Bureau is an organization quite recently constituted in order to provide literature for Africans throughout East Africa. When it gets under way it is the hope that the principal African /languages

languages will have literature produced in them, in addition to English and of course Swahili which is largely spoken and read throughout East Africa particularly in Tanganyika and Kenya.

Radio Communication Service has not yet been started. Radio communication services at present come under the general control of the Postmaster-General.

The Railways and Harbours Administration is one of the most important services under the control of the High Commission and, as the Council knows, the Kenya and Uganda Railways and Harbours and the Tanganyika Ports and Railways Administrations were amalgamated with effect from 1 May 1948. <sup>There was</sup> /before that physical contact between the two systems in the Lake Victoria basin and also in the Moshi area in the foothills of Kilimanjaro. Agreements had been reached between the two systems to avoid competition in the areas where the two systems impinged. But it has been apparent for many years that the essential economic unity of East Africa will be best served by an amalgamation of the Railways and Harbours systems and that has now been done, though with certain reservations which the Tanganyika Government has made in agreeing to the amalgamation -- including the power to direct Tanganyika traffic to Tanganyika ports. But the occasion for them to use those powers has certainly not yet risen and they will only be used, I take it, if it is to the benefit of the users in Tanganyika that they should be so used.

The advantages to Tanganyika of this amalgamation should, I think, be expressed. As I see them they include the ability to make use of the technical staff and other staff of the Kenya-Uganda Railway System in dealing with Tanganyika problems. That is, I think, a very real benefit. The advantages also include the prospect which is at present being worked out of a common rating system which, generally speaking, will be at lower rate than that at present operating in Tanganyika. In addition to that, there will be under one system the abolition of the taper rate.

The taper rate, though perhaps it is unnecessary for me to say, is a rate under which the rates quoted over certain distance are lower per ton mile. When there were two systems you would have a taper rate applying on the Kenya-Uganda Railway System and when you got on the Tanganyika System a new taper applied. With the combined system the old taper will continue with, of course, considerable benefits to the user.

/The geological



The geological survey has not started nor has the regional topographical survey.

Certain further research services are in the process of being set up but have not yet matured. One is a Bureau of Health and Hygiene which is <sup>only</sup> staffed in a fairly small way but it is hoped through that Bureau to assimilate information of what medical research is going on in the various territories.

That is a description of the services which have come under the purview of the High Commission which are services operated on an East African basis, services which come within the purview of the Central Legislative Assembly. The Assembly deals with the estimates of these services, is entitled to ask any questions about them and can introduce motions and resolutions on these matters, thus bringing to the administration of these services the benefit of public expression which was completely absent before.

Finally, I should mention that when this inter-territorial organization was set up it was felt that the need was urgent to provide a forum for the public discussion of matters affecting these services but it was not necessarily felt that the right answer had been obtained at first shot. It was therefore decided that the Assembly should have a limited life of four years and that before the end of those four years, that is before the end of 1951, several questions should be gone into again with a view to deciding whether the Assembly should continue and if so with what constitution and with what function. I will say that the Assembly has met now on two occasions -- its last meeting was in January of this year -- and so far it seems to have functioned very well indeed. It has dealt with the estimates of all these services, it has passed certain laws although its legislative programme has not hitherto been at all dense and it has shown a very marked spirit of co-operation between the members of the Assembly.

I think that the way in which the members of the Assembly have dealt with these common problems from the East African point of view augurs very well for the effectiveness of its work in the future.

/The PRESIDENT:

The PRESIDENT: I am sure the Council appreciates very much the statement of Sir George Sanford and particularly his coming over specially to consult with us. I would like to assure him that the Council will take full advantage of his presence here to learn more about the various aspects of the proposed administrative union.

Of course, the Council is aware that under the Resolution of the General Assembly the Council is asked to undertake a general study of the question / <sup>and the question of</sup> administrative union affecting Tanganyika is only part of the general question; but I believe the conditions obtaining in Tanganyika in the administrative union affecting Tanganyika would be helpful in understanding the general question of administrative union as a whole.

Perhaps Sir George Sanford would be willing to submit himself to any questions which members of the Council may like to address to him. I would like to draw the attention of the Council to the interim report of the Committee on this question. It will be noted that in this interim report there were a number of questions asked, in fact the report consists mainly of questions on the various aspects of administrative union. Sir George Sanford may like to look over these questions and give his replies to all or some of them, supplemented by such questions as members of the Council may wish to ask.

I am aware that Sir George Sanford only arrived yesterday and I do not expect that he has had an opportunity of examining the interim report. I would therefore ask whether the members of the Council have any special questions to address to Sir George Sanford at this moment.

Sir Alan BURNS (United Kingdom): I was at pains to telegraph most of the questions that were put down so that Sir George Sanford would be acquainted with the questions before he came here, and I think he is ready to answer nearly all of them. If there are any he cannot answer, perhaps he will say so, but I think he is ready to answer nearly all.

The PRESIDENT: In that case, in the absence of any <sup>members of</sup> questions from the Council, perhaps Sir George Sanford would

/like to

like to turn to document T/263 and refer to the questions beginning on page 6 and take the Council through those questions?

Sir George SANFORD (Special Representative): If I may answer question 1, the first part -- Does the Administering Authority envisage a procedure of rotation for the Chairmanship?-- it is not expected that a system of rotation for the chairmanship will be adopted or would, indeed, be suitable for the inter-territorial organization in East Africa.

The fact is, that the executive organization is centred in Nairobi and that for convenience of administration the chairman of the High Commission, who has certain special powers when the High Commissioner is not in session, should reside in the same place as the High Commission's Secretariat and the headquarters of the organization itself.

Incidentally, most of the services administered by the High Commission have their headquarters in or near Nairobi.

Turning to question 2, the High Commission normally ~~reaches~~ reaches its decision by mutual consent and internal deliberation. There may be occasions when one member of the High Commission disagrees with the other two, in which case the decision would normally be taken by <sup>vote of</sup> the majority; but if the interests of the country of the dissenting Governor were being seriously interfered with by that decision, it would be open to the dissenting Governor to approach the Secretary of State.

I should add that the problem would be one in which a decision was required on an East African basis, and it would be that problem, normally, which would be put to the Secretary of State in order to get a decision for East Africa as a whole.

I am not aware of any case where that has happened at all. Generally speaking, the decision of the High Commission is by mutual consent through deliberation. No Governor has a right of veto.

The PRESIDENT: I would like to add that while Sir George Sanford gives his remarks on these questions, if any representative feels that there is further elucidation required in regard to any particular question, I will recognize

/representatives

representatives who desire to ask supplementary questions , as that may save time because the Council will not be submitting itself to repetition later on.

Sir George SANFORD (Special Representative): On question 3, the occasions when the High Commission would have to exercise its power of acquiring land are, in fact, negligible. It has been arranged by all the East African Governments that where land is required for High Commission purposes they will, if possible, make Government land available to the High Commission, on condition that the High Commission may use it for so long as the High Commission wants it for High Commission purposes. If the High Commission ceases to want that particular piece of land, it would surrender it to the Governments concerned.

Consequently, the only occasions when the High Commission would want to exercise the power to buy land would be where, for instance, land was required for court extensions or for housing or for research services and stations -- land which is already in private ownership and not Government land. Very few cases would come forward for action under those powers.

The PRESIDENT: May I suggest that when there are sub-questions, the special representative should briefly refer to it, so that the members of the Council will have a clearer idea of the replies to the various questions. I notice that there are many sub-questions.

Sir George SANFORD (Special Representative): Question 4: As I stated in my opening remarks, the High Commission has appointed four Principal Executive Officers whose functions are to see to the administration of the services committed to their charge. They act under colonial regulations, the laws of the country, such regulations as may be approved by the High Commission and so on. There have been no formal and complete statements of the powers and duties of these officers any more than there is for officers appointed as members of the Government of Kenya or Tanganyika.

In reply to sub-question (2), the principal executive officers, heads of departments and more senior officers in the High Commission's services, are appointed by the Secretary of State. Those who are <sup>below</sup> the salary range of the kind of appointment for which the Secretary of State's appointment is required, would be appointed by the High Commission through the principal executive officers concerned.

/Sub-question (3)

Sub-question (3). There are at present none of the higher or senior offices of the staff of the High Commission held by Africans. The Railways, Posts and Telegraphs and Customs Departments have Africans in positions of special grade clerical posts -- station masters, permanent way inspectors, and so on, but as yet nothing higher than that.

Sub-question (4). No.

Mr. CRAW (New Zealand): In regard to sub-question (2), I think the intention of the question was to discover whether or not the officers are drawn from the British colonial service, or are they drawn from a pool, if such exists.

Sir George SANFORD (Special Representative): The principal executive officers have been drawn from the colonial service or from the railway service. The heads of departments have been drawn from a somewhat wider field; for instance, the director of the Agricultural and Forestry Research Organisation was drawn from Rothamstead, the principal agricultural research station in Great Britain. The director of the Veterinary Research Organisation was also drawn from a veterinary research station in Great Britain. The scientific secretary to the High Commission was appointed from the Colonial Research Committee in Great Britain -- not from the colonial civil service. The Commissioner for Transport was in the Railway Service, which I regard as being colonial civil service although it is slightly different.

Mr. PADILLA NERVO (Mexico): If I understood correctly, in answer to sub-paragraph (1) of question 4 in respect to the powers and functions assigned to the officers appointed by the High Commission, the special representative stated that there is no law or regulation that specifies the powers and functions assigned to these officers.

Was I correct in this statement?

Sir George Sanford (Special Representative): The principal executive officers have been given individual responsibility for the administration of departments and services coming under their care. The heads of departments who work under them have the normal functions of heads of departments such as one comes across in any colonial territory. All these heads of departments and principal executive /officers

officers of the High Commission exercise powers subject to the colonial regulations which have been laid down for the colonial service as a whole, to the laws of the country, and to the local regulations which apply.

That is absolutely parallel to what happens in any colonial territory. The precise definition of the functions of a head of a department are not laid down, but he works subject to the regulations imposed upon him and upon the service which he operates and he also works in accordance with the laws of the country.

Mr. LIN (China): In connexion with sub-question (4) of question 4 on the top of page 7, I would like to ask the special representative a question concerning the civil service. Is there any special civil service for East Africa? Take a man, for instance, who is working in the railroads in Tanganyika; is he under <sup>the</sup> Tanganyika civil service regulations or under Kenya civil service regulations, or are there East Africa High Commission civil service regulations?

Sir George SANFORD (Special Representative): He would work under the railway regulations applying to all railway employees.

Sir Alan BURNS (United Kingdom): As I understand it -- and I would like to ask the special representative if I am right -- there used to be a separate Tanganyika Railway Service quite distinct from the old Kenya Railway Service. Now there is only one service which is under the High Commission, and all the railway servants serve under the High Commission.

Sir George SANFORD (Special Representative): That is so.

Question (5). The advisory and consultative bodies which have so far been set up by the High Commission include the following: the Transport Advisory Council, which deals with all matters of policy in the nation to railways and harbours. It has two sub-committees, one dealing with railways and one dealing with ports and harbours; its appointment is by notice in the High Commission Gazette and its constitution is the Commissioner of Transport as chairman, three members appointed by the High Commission and two members appointed by each of the three governments, making a total of ten. The membership of that

/Council

Council includes not only the two members appointed by the Government of Tanganyika, but one resident of Tanganyika appointed among the three members appointed by the High Commission. I may say that those three have been chosen one from Tanganyika, one from Kenya and one from Uganda.

Another is the Posts and Telegraphs Advisory Board to advise on the postal and telegraph services. That is the body which prepared the proposals for turning the Post and Telegraph Department into a self-contained service, which, I think, has been placed before the Council. But since that report was prepared the constitution of the Council has been enlarged from a body containing two members from each of the territories to a body which also includes three members appointed by the High Commission, one of whom comes from Tanganyika, one from Kenya and one from Uganda.

The third is the Revenue Advisory Board which has not, I think, yet been appointed. It was probably appointed today when the High Commission is sitting. That similarly has got representation by the High Commission and representation from each of the territories. The functions of the Revenue Advisory Board will be to advise on administrative matters arising out of the administration of the income tax and the Customs Management Ordinances.

For income tax purposes the composition will be enlarged by one representative from Zanzibar, which also associates itself with the East African Income tax.

Then there is the East African Industrial Council, which has been reconstituted owing to the decision of the Government to entrust to it the examination of applications for industrial licenses.

I should imagine that that is one of the documents that has been placed before the Council because the Industrial Council had its constitution formally expressed in the High Commission Gazette, as it had become a semi-judicial body in dealing with these applications, and it was necessary to prescribe a procedure to be followed in dealing with these applications.

The Production and Supply Council also has representation from an East African point of view, that is, the High Commission, and from the various territories. It is a loosely constructed body; it was formed as a body in which these common problems, particularly those arising out of the war, might be discussed on an inter-territorial basis. It has no fixed constitution and it seems unnecessary to have one unless it is given more formal powers and duties than it has at present.

/At the present



At the present time it is empowered to reach decisions, but those decisions can only be carried out by the Governments, and if any Government disagrees with it the matter must be reconsidered.

There is an Advisory Committee on Literature for Africans. That is a representative body, in order to help the Director of the Literature Bureau so to operate that Bureau as to give the best results in terms of literature for Africans.

There is the Inter-Territorial Swahili Language Committee, which has been in existence for many years, and which helps the Secretary of that Committee in dealing with the Swahili language, and there is also the Advisory Committee on Desert Locusts Survey, which I mentioned in my earlier remarks.

In addition to that the advisory and consultative bodies include an Advisory Council on Agriculture, Animal Industry and Forestry, particularly directed towards consideration of research problems and how they should best be carried out and integrated with the research work going on in the Territory.

Those are the advisory and consultative bodies which have been set up so far.

Sub-question (4)

There may, at any time in the future, be other such bodies set up, the decision being taken upon whether the subject for consideration would respond to consideration on an East-African basis, or whether it is a purely territorial problem.

Sub-question (5)

This refers to the term "common interest".

Sub-question (6)

This asks whether "common interest" refers to matters not included in the three schedules.

The answer to this is "Yes". A matter of "common interest" might well lie outside those matters which have been referred to the High Commission or placed under its purview or that of the Central Assembly.

It was always the case that the East-African Governors Conference could deal with any subject of common interest to the Territory, and so can the High Commission. And the High Commission can set up, with agreement from the three Governments, a committee or an advisory body

/to go into

go into matters which lie outside the confined purview of the High Commission itself.

The High Commission at the present moment is setting up a committee, because inter-territorial examination has been suggested and is desired by the Governments, to examine customs tariffs and to make recommendations for the elimination of anomalies, due regard being paid to the necessity for maintaining revenue at approximately the present levels; and certainly to consider what provision should be made for drawbacks reputed in respect of materials used in secondary industries, and what safeguards against abuse are necessary.

That committee will be set up by the High Commission and will be asked to make recommendations to the three Governments on those matters. That is just one instance of a matter which clearly lies outside those matters which come within the purview of the High Commission, but which are of common interest to the Territories and which should be dealt with, in their view, on an inter-territorial basis.

Mr. LIN (China): What the special representative has said would seem to indicate an extension of the services under the schedules, without any formal addition to the schedule of services.

Sir George SANFORD (Special Representative): There is no suggestion that one of these advisory or consultative bodies would form a distinct service. I thought I had made it plain that this body that I have just mentioned was required to report and to make recommendations to the Governments. It would be for the Governments to consider the report when the matter had been discussed on an inter-territorial basis.

No committee appointed by one Government could get the inter-territorial aspect of the matter.

Question 6

The answer to this question is "No".

Question 7

Question 7 is one I find a little difficult to answer. The true answer to the first part is that they are responsible to their own consciences. They would act in the Assembly in accordance with the arguments brought forth, and their responsibilities in the communities from which they come.

/The answer to

The answer to the second question is that they would have an opportunity of consulting members of the Tanganyika Legislative Council before the debate took place in the Assembly, or with any other members of the community. They would go armed with information as circumstances offered.

It might I add that there is a qualification. In relation to money required for non-self-contained services of the High Commission, it is necessary for the money to be voted by the Territorial Legislative Council, and consequently, after the discussion in the Assembly, where money has been voted for these services, there would have to be a debate also in the Territorial Legislative Council. That is a qualification to my answer, which referred solely to consultation before the debate in the Assembly. On that particular point -- the money for the non-self-contained services, say, meteorological services -- there would also have to take place a debate in the Legislative Council of Tanganyika, Kenya and of Uganda, all in the Finance Committee of those Councils.

#### Question 8

I think I answered that question in my reply to question 7. Normally the subjects would be different, with that one exception I mentioned in the case of money for the non-self-contained services.

There are no guarantees that the representatives of any country will act in accordance with the wishes of the Government from which he comes -- the strong probability is that they will.

#### Question 9

For non-self-contained services, I should just say that these are all the High Commission services I have mentioned, except the railroads and harbours and the press and telegraph administration; for all the non-self-contained services the money is voted by the Territorial Legislative Council in proportions agreed between them, or is provided from other sources such as His Majesty's Government in Great Britain, through the Development and Welfare Fund or otherwise.

With regard to sub-question (2), the answer is that the High Commission itself has no funds, and that the money for the non-self-contained services comes from the Territorial Legislatures, or from His Majesty's Government or other sources.

#### Question 10

The answer, in short, is that the High Commission would continue to function. But it is apparent from the Order-in-Council that any substantial revision of parts 3 and 4, which deal with the Assembly,

/would also necessitate

would also necessitate a revision of those parts which deal with the High Commission itself, and with the operations of the finance member and other officers of the High Commission.

Question 11

It is very difficult to elaborate the meaning of the expression "substantial opposition". What it means is this: we are now dealing with a suggestion that certain services should be added to the list of those services to come within the purview and to be administered by the High Commission.

/The list was prepared

The list was prepared at the time when the items on the list were all that were in existence or were immediately confiscated. The undertaking given to the East African Legislative Council was that no service would be added unless they agreed by resolution.

Furthermore, if there was any substantial opposition in any of the Council, that service would not be added without further reference to the Secretary of State and further opportunity for debate. That does not necessarily mean that opposition from one or two people or any particular number of votes would be sufficient to become substantial. It does mean that if, shall we say, the whole of the non-official members of a Legislative Council voted against it, that would be substantial and it might be substantial if only a few voted against it but the reasons were substantial.

I may say that considerable thought was given to the possibility of further elaborating this expression but it was ultimately found that there was no simple way of doing it. It means that the opposition in the Legislative Council of any of the Territories, to the addition of the services, is substantial. There is no question of forcing it through.

The PRESIDENT: Question 12?

Sir George SANFORD (Special Representative): Question 12: Experience has shown that the administration of these services, which were common services, required a constitutional and juridical framework for their efficient performance. That experience was certainly added to during the war, which is explained in the document leading up to this organization; that is, what the defects were in the system which had grown up under the Governor's conference where there was no opportunity for consulting the public; where decisions were taken without any public forum for debate; where the executive organization which worked under the Governor's conference had no powers over staff or anything of that sort; and where inconceivable delays arose from the absence of a constitutional authority for dealing with these common services.

It was a matter of real urgency that something should be done to solve that problem of getting the common services onto a better footing.

The PRESIDENT: I notice in Question 12 the committee asked why it was necessary to set up this union at this particular moment.

Sir George SANFORD (Special Representative): It was a question of the sooner the better, particularly as during the war the common interest and the development of common services had become so pronounced.

/In addition

In addition to that, the alternative was to go back to the thoroughly unsatisfactory system in force before the war.

Question 13: There are certain kinds of legislation which may not be assented to by the High Commission without reference to the Secretary of State.

All other acts are submitted to the Secretary of State after assent in order that it may be ascertained whether His Majesty, the King will exercise his power of disallowance or not. In other words, all acts, passed by the Assembly and assented to or reserved by the High Commission are referred to London to ascertain whether they may continue to be laws or not or in order to obtain the sanction of the King.

## II Characteristics of administrative and political union in general.

Question 14: As has been stated in the document, the Governments of the three territories still retain the administration of their countries. They still retain their entity; they still correspond with the Secretary of State; each of them has a King's Representative; they deal with all the basic services such as education, health, administration and public works and, in other words, they retain their entity.

The Interterritorial Organization deals solely with services and subjects which are interterritorial by nature. There is no fusion of the governments nor is there political union. There is, however, a joint customs department which is accompanied by agreements to have the same customs duties. There is free trade across the boundaries and that is as near a customs union as you can get without having a central assembly to impose the duties. That has not come about yet. The territorial legislative councils retain the power to apply customs and excise duties.

The series of services which are administered by the High Commission and the East African Organization are services common to East Africa which should be administered on an East African basis to give the most effective results.

Question 15: The laws must refer to matters specified in the Third Schedule, none of which, I suggest, are political in kind at all. But if provision had been made on a matter involving political implications, it would be within the power of the High Commission to include such provision in the law, with the advice and consent of the Assembly and subject to the Royal Instructions and to the King's power of disallowance.

It is difficult to know what is meant by the term "political implications" in relation to, for instance, a law on civil aviation or income tax or Victoria College or the railways and harbors and so forth. Generally speaking, these laws are for the efficient administration of services, so

/there is

there is nothing one could regard as political about them -- that is, in the sense that I use the word political. Even income tax has been a political subject when it was being introduced. But now that it is introduced, all the Assembly deals with is administrative and general provisions. I cannot imagine that those are highly political. The Assembly does not deal with the rates of taxes and allowances which might be political.

The PRESIDENT: Are there any questions which members would like to ask on this question?

I do not know whether we have time to complete the third section as it contains quite a few questions, but I think we can continue anyway.

III. Data pertaining to the compatibility of the East Africa Inter-Territorial Organization with the provisions of the Charter and with the Trusteeship Agreement.

Sir George SANFORD (Special Representative): Question 16: I am advised that, while there may be some doubt whether the Trusteeship Agreement is strictly a treaty within the usual meaning of the word, the Administering Authority regards the duty imposed on the High Commission by this clause not to assent to certain Bills as pertaining to any Bill affecting Tanganyika which may appear to be inconsistent with the Trusteeship Agreement for Tanganyika.

/Question 17:

Question 17

The subjects dealt with by the Inter-Territorial Organization are somewhat remote from that of the development of political institutions suited to Tanganyika, and I should think the answer is that there would be no such effect. The chances of any effect of that kind are really very remote because of the subjects dealt with.

It is a fact, of course, that the inhabitants of Tanganyika, as the inhabitants of the other territories, have representation on all the bodies set up on an inter-territorial basis, and the experience gained there can be nothing but a help.

The PRESIDENT: Some of these questions, particularly 2 and 3, are very important from the point of view of the Trusteeship Council. In fact, I would like to invite all members, and particularly the members of the Committee who are going to make a more detailed and definitive study after this session and before the next session, to take full advantage of Sir George Sanford's presence here if they feel that fuller replies would make the subject clearer.

Sir George SANFORD (Special representative):

Question 18:

Not at all.

Any legislation passed by the Assembly in relation to defence would necessarily take article 5 (c) of the Trusteeship Agreement into account.

The PRESIDENT: In other words, they would be only volunteer forces?

/Sir George SANFORD



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Sir George SANFORD (Special representative): Certainly. It would not be possible to legislate except on the basis of the wording of article 5 (c).

Question 19:

I think not at all.

Question 20:

There is nothing in the documents setting up the Inter-Territorial Organization, or in the range it works, which affects this matter.

The PRESIDENT: We have come to the end of Section III and I think it is a convenient place for us to halt. I shall adjourn the Council until tomorrow when we will ask Sir George to elaborate on the questions that remain.

The Council is adjourned until 2.30 p.m. tomorrow afternoon.

The meeting rose at 5.54 p.m.