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TRUSTEESHIP COUNCIL

Fourth Session

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

Lake Success, New York  
Thursday, 10 March 1949, at 2.30 p.m.

President: Mr. LIU CHIEH China

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

ADMINISTRATIVE UNIONS AFFECTING TRUST TERRITORIES

QUESTIONS ON THE EAST AFRICA INTER-TERRITORIAL ORGANIZATION (T/263)  
REPLIES OF SIR GEORGE SANFORD, SPECIAL REPRESENTATIVE FOR TANGANYIKA  
UNDER BRITISH ADMINISTRATION (Continued)

The PRESIDENT: The Council will continue this afternoon to discuss the report of the Committee on Administrative Unions. We have now come to page 12 of document T/263, section IX, "Application of international conventions in Tanganyika and other dependent territory(ies) forming the East Africa Inter-Territorial Organization."

Question 34: "If it were found that an international convention could be applied to Tanganyika but that circumstances in Kenya or Uganda would not allow such application, could such a convention be applied to Tanganyika taking into account the provisions of the Inter-Territorial Organization?"

Sir George SANFORD (Special Representative): Yes.

The PRESIDENT: Question 35: "What will be the effect of the union on the social advancement of the inhabitants of the territory (working conditions, hygiene, health, social insurance)?"

Sir George SANFORD (Special Representative): The subjects mentioned, working conditions, hygiene, health, and social insurance, are not subjects which come within the purview of the High Commission. But there are certain services being administered by the High Commission, such as agricultural research and medical research, which should have a beneficial effect throughout East Africa.

All this work is designed to promote the well-being of the inhabitants.

The PRESIDENT: Question 36: "Will the proposed union have a favourable effect on the educational advancement of the inhabitants?"

Sir George SANFORD (Special Representative): Again, education is not a subject which comes within the purview of the East Africa High Commission.

I should like to take this opportunity of inviting attention to page 48 of document T/218 where the Visiting Mission stated that

/Makerere College

Makerere College is to be brought within the scope of the High Commission at an early date. In fact, the only provision made in the Order-in-Council is that, at a date to be decided, the Assembly should be empowered to legislate on Makerere College. That date was fixed for August last year, and at its meeting in January of this year, the Assembly passed a bill, which has since received assent, providing for the government of Makerere College and making that College autonomous.

The provision in the act is: "There shall be established a body to be known as the Makerere College Council, and the government control and administration of the College shall be vested in the Council in accordance with the provisions of this Act."

Following assent to that act, Makerere College has become a completely autonomous body.

In regard to services under the purview of the High Commission, I have already mentioned the establishment of an East Africa Literature Bureau for the provision of literature for Africans. The work of that Bureau should have a favourable effect on educational advancement in East Africa.

The PRESIDENT: Question 37: "Given that the opposition of the indigenous population of Tanganyika seems due to fear of the unfavourable social influence on the part of the white settlers of Kenya, what measures does the Administering Authority contemplate to ensure the social advancement of Tanganyika under the Inter-Territorial Organization?"

Sir George SANFORD (Special Representative): The influence of the white settlers in Kenya upon the operation of the Inter-Territorial Organization in no way militates against social advancement of the indigenous population of Tanganyika.

I should like to repeat what I said when answering question 26, dealing with economic influences, that, in fact, no question arises of disproportionate influence being exercised in the operation of the Inter-Territorial Organization by the white settlers of Kenya. In the Assembly itself, there are two unofficial European members from Kenya out of a total of twenty-three members. Tanganyika also has two European members in the Assembly.

The PRESIDENT: Question 38: "Is it possible to have the figures showing the participation of the indigenous inhabitants, the Europeans and the Asiatics in the agricultural, industrial and commercial enterprises in each of the three territories?"

/Sir George SANFORD

Sir George SANFORD (Special Representative): No figures are available at the moment, but some indication may be possible when the census returns have been examined. A census of the population in East Africa was held during the course of last year, but returns have not yet been fully examined.

/The PRESIDENT



The PRESIDENT:

Question 39. "Can the Administering Authority supply information concerning expressions of opinion of the inhabitants of Tanganyika in regard to the Inter-Territorial Organization? "

Sir George SANFORD (Special Representative): I think that I answered this question yesterday, giving information received from the government of Tanganyika.

I would only add two things. The first is that African newspapers are not well developed in Tanganyika. I can remember no expressions of opinion by Africans appearing in any newspaper in Tanganyika containing any serious criticism of the proposals when they were published nearly two years ago. And if there had been such criticisms I feel sure that they would have come to my notice.

Nor have I heard of any expressions of opinion in Tanganyika about the Inter-Territorial Organization since it was established at the beginning of 1948.

As I stated in my opening remarks, the Assembly has met three times and gives promise of being an effective inter-territorial body for the discussion of the common services and subjects which come within its purview. I may add that with the object of emphasizing the inter-territorial nature of this organization, I arranged last July, with the willing help and co-operation of the government of Tanganyika, to hold a meeting of the Standing Committee on Finance of the Assembly, in Dar-es-Salaam. This arrangement was greatly appreciated in Dar-es-Salaam, and I hope that it will be possible for the Assembly to meet there at some future date. The difficulty at present is accommodation, not only for the Assembly itself, a body to which the public of course has access, but also accommodation for the members of the Assembly visiting Dar-es-Salaam.

Similar difficulties have been found in Uganda, but I have arranged, with the co-operation of the government of Uganda, for the meeting of the Assembly, which is due to begin on the 26th April, to be held in Uganda at Kampala, and I hope that that will be productive of good, as there is fair indication that this organization is an inter-territorial organization and is of close concern to the various countries.

The PRESIDENT: We have now considered the questions asked by the Committee on Administrative Unions, in so far as they concern Tanganyika.

/ Would any representative

Would any representative like to ask supplementary questions?

Mr. LIN (China): I should like to say that at the time when the Visiting Mission was in Tanganyika it was understood that Makerere College was to be one of those services to be brought under the Inter-Territorial Organization in accordance with the third schedule of the Order-in-Council.

We have learned since then, in January this year, that the college is going to be an autonomous institution.

I should like to ask, how is the Governing Council of the college constituted; how is it organized; how is it financed; and what part the Tanganyika government takes in the financing and administration of the college, if it takes any part?

Sir George SANFORD (Special Representative): The membership of the Council of the college consists of a Chairman and a Vice-Chairman, both of whom are appointed by the High Commission, two ex-officio members and twelve other members. The ex-officio members are the Principal and the Vice-Principal of the college. Of the twelve other members, two will be appointed by the Inter-University Council; two will be appointed by the governor of Kenya, two by the governor of Tanganyika, two by the governor of Uganda, one by the British Resident of Zanzibar and three are members to be appointed by the Academic Board of the college from among the members of that board.

The funds upon which the college relies are derived partly from grants from His Majesty's Government, partly from contributions by the Territories concerned, and partly from endowments and other sources.

The governments of Kenya, Tanganyika and Uganda contribute to the funds of the college.

May I add that the third schedule refers to matters with respect which the Assembly may pass laws, and that is the only function devolving upon the Inter-Territorial Organization in relation to Makerere. I wish to emphasize that now that the Assembly has passed this Act, the college is completely autonomous.

The PRESIDENT: Are there any further questions? If there are no further questions regarding the proposed administrative union affecting Tanganyika, I would like to take this opportunity to thank Sir George Sanford, on behalf of the Council, for coming over specially to assist  
/ the Council

the Council in the examination of this question, and to say that the Council, like myself, is very much gratified by the way in which Sir George Sanford has been able to enlighten the Council and the members on some very complicated problems, and I am sure the <sup>Committee on</sup> Administrative Unions

will find that most of the questions it had already replied to, and if there are further questions the Committee would like to go into, it can avail itself of the presence of Sir George for further exchange of views.

I understand that Sir George is here for only a very brief visit and on behalf of the Council I have to offer him our very sincere appreciation.

Sir George Sanford, Special Representative for Tanganyika under British Administration, withdrew from the Council table.

Sir Alan BURNS (United Kingdom): My delegation has been very glad to have Sir George Sanford here to assist the Council in any way regarding administrative unions, and of course he will be available to the Committee if it meets within the next few days.

As you are aware, I have asked for Mr. Lamb to come here in connexion with the Report of the Visiting Mission to Tanganyika, and I have heard that unfortunately his health will not allow him to come. Sir George Sanford has very kindly agreed to assist, as far as he can, in that consideration, as of course I have not the advantage of knowing anything about Tanganyika personally. Sir George Sanford himself has not been there as an official for some years but nevertheless he knows more, probably, than anyone else on that matter and he will be glad to give his assistance so far as it is possible within the next few days.

/ the PRESIDENT:

The PRESIDENT: Now I think the Council would like to continue to study the report by the Committee on Administrative Unions especially with regard to a few questions that were raised by the Committee in expectation of further directives from the Council.

The Council will notice that in document T/263 there are questions asked by the Committee on Administrative Unions concerning territories other than Tanganyika and several of the other Trust Territories. I do not know whether the representatives of the Administering Authorities concerned have any observations to make.

Mr. RYCKMANS (Belgium): I have not received an answer from my Government.

The PRESIDENT: In that case the Council will have to wait for the replies of the Administering Authorities to the questions asked in relation to the other territories.

I think there is one question the Committee on Administrative Unions has raised, that is the one concerning Trust Territories under French Administration, their status within the French Union and the question whether the Committee should make any special study of that problem.

I have to draw the attention of members of the Council to a draft resolution submitted by the delegation of France on 3 March 1949 contained in document T/265. I will lay this draft resolution before the Council. Are there any observations on this draft resolution?

Mr. SAYRE (United States): I have read with great interest the resolution.

I would like to ask the representative of France as to the concluding few words. I notice that in this resolution the concluding words are that this study shall be made and the conclusions reached "before the end of the present session". As I understand it, the Committee on Administrative Unions studying that problem has been asked in our general resolution to lay its report before this Council before the beginning of its next session.

I raise the question whether there will be time to make this additional study before the end of the present session and I would like to ask the representative of France, if I may, whether that difference from the main resolution is intentional or whether it was merely an oversight.

/Mr. GARPEAU

Mr. GARREAU (France) (Interpretation from French): I thought that I could leave it to the Committee, that I would give it all the time necessary to proceed with this study. It is therefore an oversight so that you could delete the last words of my resolution so that the Committee would have the necessary time.

Consequently we would be doing as we have done for the other Unions that have been studied by the Committee.

The PRESIDENT: In other words you would like to substitute the words of the main resolution for these words? Is that the case?

Mr. GARREAU (France) (Interpretation from French): I was proposing, if you are agreeable, to delete the words "before the end of the present session". In this way the resolution would read: "The sub-committee shall report to the Council on this study". We would not be fixing any date.

The PRESIDENT: Would you not like to bring it in line with the original resolution? That is, the sub-committee shall report to the Council not later than three weeks before the opening of the fifth session. Do you agree to that?

Mr. GARREAU (France) (Interpretation from French): Yes.

Mr. SAYRE (United States): That is what I had in mind, to make this wording identical with the wording of the prior resolution as to that part.

The PRESIDENT: As amended, then, the ending of that operative clause would read: "shall report to the Council not later than three weeks before the opening of the fifth session."

Mr. SGLDATOV (Union of Soviet Socialist Republics) (Interpretation from Russian): I am not quite clear as to the reasons for discussing the matter which has been put before us by the representative of France because the powers which were originally given to the Committee on Administrative Unions give that Committee the full right to take up the question of the French Union without the necessity of the Trusteeship Council adopting another resolution on that score.

/The PRESIDENT:



The PRESIDENT: The question is raised on page 3 of the report of the Committee. The relevant passage is:

".....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 Committee's terms of reference. 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. In this connection, the Committee agreed to postpone the examination of the Customs Union between the Cameroons under French Administration and French Equatorial Africa until the Trusteeship Council had given its ruling. It was understood that, whatever the ruling of the Trusteeship Council, the Committee would undertake at a later stage a study of the Customs Union concerning Cameroons under French administration."

/Mr. SOLDATOV

Mr. SOLDATOV (Union of Soviet Socialist Republics)  
(Interpretation from Russian): I do not know whether I have the right to repeat here what was said in the Committee during the discussion of this question as I was neither the Chairman nor the Rapporteur of that body so I must simply state my point of view on this question here in the Council as if I had not been present at the meetings of that Committee.

The delegation of the Soviet Union considers that on the question of the French Union and its influence on the development of the Trust Territories under French administration, we feel that this question is completely within the competence of the Committee which the Trusteeship Council has set up for the purpose of studying administrative unions, and there is no need for singling out the question of the French Union as a special question, nor is there any need for adopting a special resolution on that point.

I think it was obvious in itself that this problem would be studied by the Committee on Administrative Unions which had been set up. Furthermore, the Committee on Administrative Unions itself at the beginning of its work, when it started its task, when it was determining the scheduling of the discussions in its own committee, did decide that it would study the question of administrative unions in reference to all the Trust Territories.

It would be one thing if <sup>it could be said</sup> there was nothing to study here because there were no elements of administrative union such as would seem to be the case in Western Samoa; or they could give their conclusions in another way regarding the presence of possible administrative unions.

It seems to me that it would be quite correct not to single out any specific Trust Territories from the total number of all the Trust Territories; that is, we should leave the entire question up to the Committee on Administrative Unions in order that they study the question as a whole and in reference to all of the Trust Territories.

And that is why I am not quite clear as to why the Trusteeship Council has to take a special decision and to deal with this problem at this time, particularly since the draft resolution which has been submitted by the delegation of France

to a certain extent prejudices the character of the French

/Union



Union and its relation to the Trust Territories.

How can we here in the Council pass judgment on this question before it has been discussed and debated? That would not be logical. We have set up a committee specially for the discussion and study of the problem of administrative unions in all the Trust Territories, and now what we would have would be that we would take one of the Trust Territories and, without having studied the question in committee as we have previously decided and without even discussing the question here in the Council, we would prejudge the nature of the French Union in reference to the Trust Territories.

It would seem to me that even from the point of view of our procedure or method of work this would be an incorrect approach, because if we now take the question of the French Union in connexion with this resolution, it would be stated then that the Trusteeship Council did not decide to hand this matter over to the Committee but had decided to take up the matter in full Council.

If that is the case, then let us discuss the entire question in substance here. Therefore, I would like to have an explanation on all the problems and questions which have arisen in my mind in connexion with the draft resolution submitted by the delegation of France.

The PRESIDENT: The Committee on Administrative Union has asked for a directive from this Council. It is for the Council to decide in what form the Council should give its opinion as to whether the Committee should or should not study this problem together with the other administrative unions.

There has been objection to this draft resolution on the part of the representative of the Soviet Union. At the same time I would like to draw the attention of the Council to the reference in document T/263 by the Committee to the effect that "whatever the ruling of the Trusteeship Council, the Committee would undertake at a later stage a study of the Customs Union concerning Cameroons under French administration."

It seems to me that if the question of Customs Union is

/studied

studied by the Committee it would be bringing the question of French-administered Territories under study by the Committee. I do feel that I cannot quite understand what the problem is for the Committee, because if it is going to study Customs Union, that should be within the meaning of the terms of reference of that Committee, because the Council appointed a Committee to study administrative union in the provisions of the Trusteeship Agreements. The provisions are generally couched in comprehensive terms -- administrative, customs, fiscal unions -- and if the Committee was perplexed by the word "union" because the words "French Union" occur in the French Constitution, and that has raised the question whether the Committee can study the French Union, then I would say that perhaps the Committee is not quite certain -- and has reason not to be certain -- that it could study such a question.

It seems to me that if the Committee has decided to study Customs Union, then there should not be any question at all. Perhaps I could ask the Rapporteur of that Committee what is the reason for asking for such a ruling from the Council.

Mr. LIN (Rapporteur of the Committee on Administrative Unions): The Committee was equally divided on this issue, that is, whether it is competent within its present terms of reference to study the relationship between the two Trust Territories under French administration and the French Union.

Admittedly, the French Union which includes the two Trust Territories is a unique form of political association but it is not exactly an administrative union.

Some members of our Committee think that the French Union is a form of federation, therefore the Committee should be able to study this federation within its present terms of reference.

As to the Customs Union, that is only one part, and a rather small part of the problem. There is no objection on the part of the French delegation to a study made by the Committee on the Customs Union involved; but the French representative feels that the French Union is not an administrative union, therefore the Committee should not study this matter.

/The PRESIDENT:

The PRESIDENT: It seems to me we are going round in a vicious circle; the Committee was asked to study administrative unions, not because the Council feels that they are administrative unions. The Committee was asked to study the administrative union to see whether it is political union. If it is administrative union, then it is strictly within the terms of the Trusteeship Agreement. What the Committee was asked to find out was whether it was something more than administrative union. So if there is some other arrangement which is not administrative union, then I think it would be within the competence of the Committee to report to the Council that there is such an arrangement, whether it is an administrative union and whether it affects the status of the Trust Territory -- I think those were the terms of reference of the Committee.

The Committee is not asked to study administrative union as administrative union; the Committee is asked to study whether the administrative union is something more than an administrative union.

It seems to me that that is the question.

Mr. LIN (Rapporteur of the Committee on Administrative Unions): Unfortunately the Committee is equally divided on this opinion; therefore, a ruling is required by the Council.

I think the proposition should be placed before the Council whether the present terms of reference of the Committee authorize the Committee to study the questions arising out of the relationship between the two Trust Territories and the French Union.

/Mr. GARREAU:

Mr. CARREAU (France) (Interpretation from French): I will venture to remind the Council that if I have submitted this draft resolution, it is in order to satisfy the wish expressed by a certain number of members of the Council, but I do not insist on it. If it is not to the particular taste of the representative of the USSR, I have no objection. I mean he can vote against the resolution; the Council can even reject my resolution. I have no amour propre in this connexion. It is merely to satisfy the desires of certain members of the Council that I have submitted my resolution, but the Council does not have to accept it.

Mr. SAYRE (United States of America): I wonder whether we are not making undue trouble. As I read the Committee's report which was laid before us, it was to the effect that the Committee was evenly divided. When it was proposed that their agenda included a discussion of the French union, the Committee, being equally divided, decided to request a ruling on this matter by the Trusteeship Council. That request is before us. The representative of France, in order to expedite the situation, has introduced a resolution, which, it would seem to me, would be a satisfactory settlement of the whole matter and would enable the Committee forthwith to proceed to a consideration of this French union.

I wonder if it would not save time if we either adopt, or, if the Trusteeship Council feels that the French union should not be considered by the Committee, vote against this resolution. In other words, as I understand the problem, it is a problem on which the Committee was evenly divided; they have asked for a ruling by the Trusteeship Council and it seems to me the Trusteeship Council should therefore decide forthwith whether they want this study of the French union made by the Committee or not.

Is that not all there is to it, and might we not proceed to vote on that French resolution?

Mr. PADILLA NERVO (Mexico): I believe that the ruling required from the Council by the Committee, in view of the division among the members of the Council, is to the effect as to whether or not according to the terms of reference the Committee could consider this union.

/This Council

This Council, in my opinion, has to state whether or not this French union should be considered by the Committee. Whether we do that in the terms of the French resolution or just by a vote that this union should be studied by the Committee, I think that even if it accomplishes the same purpose we should bear in mind one thing, and that is the following.

It has been contended that that Committee is supposed to study administrative unions, fiscal unions or federations of common services involving the Trust Territories, and if it is claimed that a certain union is not a customs union or a fiscal union, then the Committee and the Council cannot study it. But that, in my opinion, is a completely wrong position, because all those unions, as the President has just said, have been made legal by the Trusteeship Agreements. The Administering Power has the faculty, according to the Trusteeship Agreement, to make those unions under the condition that they do not go against the principal objectives of the Trusteeship Council and in no way impair the status of the Trust Territories.

Therefore, the purpose of the recommendation of the General Assembly is to investigate if a union of any kind goes that far, but it is not in any way to study administrative unions just because they are administrative, or fiscal just because they are fiscal. What we are going to investigate is if under that name or any other name a union is against the terms of the Trusteeship Agreement or against the Charter, and if that is our purpose, we have to study any union whatever its name.

In the terms of reference of the Committee it is stated:

"...The Committee shall

(a) Draw up an outline of the various aspects of the problem, including those aspects raised during the discussions of the Trusteeship Council and the Fourth Committee and the plenary meetings of the General Assembly, with particular reference to those facts which will enable the Council to determine the compatibility of existing or proposed unions with the terms of the Charter and the Trusteeship Agreements, and their effects on the political, economic, social and educational advancement of the inhabitants, on the status or political integrity of the Trust Territories, and on their separate development as distinct entities;"

Even the terms of reference speak of unions as existing or proposed, without qualification as to whether they are administrative or /customs unions



customs unions.

From that point of view, in my opinion the French union, as any other union, should be studied by the Committee for that reason. I do not think, therefore, that it is necessary that the name given by the Administering Authority to the union be "administrative". That is not the reason why the Council is investigating the matter.

I think, therefore, that the decision of the Council is that this question should be studied by the Committee for the reasons I have stated.

For that reason, I have some objections to the wording of the French resolution. I do not think that it is proper, in view of the antecedents, for these functions that the Council is exercising to keep the word "exceptionally" in the resolute part of the French resolution and "in addition to its regular duties". With the omission of those words, I think that the Council could vote for this proposal or else it could just take a vote as to whether or not we would decide to ask the Committee to look into this question, without having any formal resolution.

Mr. GARREAU (France) (Interpretation from French): I remember that the terms of reference of the sub-committee were based upon a provision of the Charter which envisions administrative unions, and the Committee, after the examination, was to examine three reports: on Ruanda-Urundi, Tanganyika and New Guinea under Australian Trusteeship where there would be situations that could be characterized as administrative unions.

It is therefore perfectly clear that the term "administrative union" applies to Trust Territories which have administrative unions with neighbouring territories. That is what the provision relates to.

In the French case, this kind of Administrative Union does not exist at all. This was very clear; there was no possible contestation when it was a question of the report that you have received from us this year.

In the course of discussion in the sub-committee the French delegation said that under the Assembly Resolution it could not study the French Union; it could only study Administrative Unions.

There was a tie vote in the sub-committee -- members were equally divided -- so, in a spirit of compromise my delegation, taking into account suggestions made in the Council, decided to move a resolution that the sub-committee could consider the French Union, but not on the basis of the Charter provision, because that provision does not envisage anything but Administrative Unions. The resolution suggested that the committee would be allowed to study the French Union.

Remarks have been made from both sides. I must therefore state that I am against any amendment to my resolution, and if necessary I would even withdraw it. I am against any decision that entrusts the sub-committee with the study of matters that do not fall within its terms of reference, or even within the terms of reference of the Council. If this were the case I would vote against any decision analogous to the kind that the representative of Mexico is suggesting.

The PRESIDENT: May I ask whether it would be agreeable to the Council if, instead of a resolution, we simply decided that the committee can go ahead and study the status of the various Territories?

Mr. CRAW (New Zealand): If that proposal were to be put to the vote, I, for one, wish to make it perfectly clear that my reasons for voting in favour of that proposal would probably be quite different from the reasons which would induce the representative of Mexico, for instance, to vote in favour of it.

I would vote in favour because, in my opinion, the committee has not the authority to discuss the French Union, and it asked the Council for this authority. I would therefore vote in favour of the proposal in order to give the sub-committee that authority.

/The PRESIDENT



The PRESIDENT: My view is that the committee is not authorized to study the French Union as such. It is not asked to study the French Union. It is asked to study any arrangement in the form of unions or federations affecting any Trust Territory.

The committee will necessarily come to its own conclusions when it studies the Territories in that respect. The committee is not asked to study Administrative Unions because they are administrative -- that is only a convenient term.

The purpose is to study whether they are administrative or whether they are more than administrative. The committee's task is really to make a study of the status of the Territories to see whether any arrangement is in existence or proposed which would affect their status as Trust Territories.

Since the committee has decided to study the Customs Union existing in French administered territories, I think it has already brought this within its competence.

Sir Alan BURNS (United Kingdom): Is it not a fact that the whole of this discussion stems from a discussion in the Fourth Committee. It started off with the consideration of the Administrative Unions between Tanganyika and two British Colonies, and between New Guinea and Papua, and in the question of Ruanda-Urundi.

These other questions have been brought up in the committee without any authority. The whole thing started from those particular Administrative Unions, and that is the authority we have from the General Assembly, to enquire into those Administrative Unions.

The committee seems to me to have wandered off into other paths, and is referring to matters which are not within our terms of reference.

Mr. PADILLA NERVO (Mexico): I think that the observation made by the representative of the United Kingdom is true in this respect: what prompted the General Assembly Resolution was the report of the Trusteeship Council, and that report did refer to those Territories mentioned.

The reason for this recommendation of the <sup>General</sup> Assembly, however, is not that it referred to those particular Territories. The general authority is the Administering Authority under the general clause in all Trusteeship Agreements, and the purpose is the same for all unions which do not conform with the Trusteeship Agreement. Since we are studying other reports, in which reference is made to those Unions,

/I do not see

I do not see any reason why we could not at this time examine that question. Otherwise the problem will again arise in this year's report to the Fourth Committee, and the same objections will be made in that Committee in respect of the reports which were not considered last year.

Another long discussion will ensue as to whether or not a certain Union is one of the permissible Unions, according to the Trusteeship Agreement.

If The Council could now advance, and find out that these Unions do not interfere with the Trusteeship Agreement, we would be that much advanced in that respect. I repeat, with good reason, that there are only certain Unions that are permissible according to the Trusteeship Agreement, and under certain conditions. But if another Union is not permissible, and it is claimed that it might affect the status of the Trust Territory, that question should be studied by the committee. Otherwise we shall have to study it here in Council.

The terms of reference given to the Trusteeship Council by the General Assembly recommend<sup>it</sup> to investigate this question in all its aspects, with special reference to such Unions already constituted or proposed, in the light of the terms of the Trusteeship Agreement, and of the assurance given by the Administering Authority in this connexion.

The resolution of the General Assembly recalls the assurance given by the Administering Authority in that respect.

/The Assembly recalls

The Assembly recalls that it approved the Trusteeship Agreements "...upon the assurance of the Administering Powers that they do not consider the terms of the relevant articles in the Trusteeship Agreements 'as giving powers to the Administering Authority to establish any form of political association between the Trust Territories respectively administered by them and adjacent territories'".

The same Resolution goes on to state that it

"Endorses the observations of the Trusteeship Council that an administrative union 'must remain strictly administrative in its nature and its scope and that its operation must not have the effect of creating any conditions which will obstruct the separate development of the Trust Territory, in the fields of political...advancement, as a distinct entity'".

That is exactly what the Trusteeship Council is entrusted to do and that is what it decided to do through the committee in order to avoid a lengthy and difficult discussion in the Council as a whole.

Therefore I think that there is no doubt that the Council might decide not to entrust that task to the committee. But I do not think that it could be claimed that the Council does not have the task of making the study in respect to administrative unions. It has been entrusted with that task by the General Assembly itself.

Mr. GARREAU (France) (Interpretation from French): I am sorry to be in complete disagreement with the delegation of Mexico as regards the interpretation to be given to the General Assembly Resolution.

I think that in this case it would be up to the General Assembly to decide and not up to the Trusteeship Council. In any case I cannot accept the interpretation of the Mexican delegation as it differs entirely from mine. It is contrary to what the French delegation has maintained.

Therefore if there is disagreement the General Assembly must explain to us what it meant.

Mr. RYCKMANS (Belgium) (Interpretation from French): I think that we are now losing time. Whether the committee studies this question or whether the Council authorizes it first would not lead me to believe that the fact that a Trusteeship Agreement exists is contrary to the Charter. The fact that a political relation exists between a Trust Territory and the Administering Authority is a fact that is of the essence of trusteeship.

/What, then

What, then, is the meaning of this discussion? The meaning of such discussion would be this: Is the Council going to force France to take away from its Trust Territories the right to send representatives to councils of the French Republic and its assemblies? Can anyone imagine that the Trusteeship Council would be so stupid as to order the French Republic to take away from the populations of the Trust Territories a right which it has given to it?

The Trusteeship Council would be putting itself in an absurd position before the world and would become odious to the inhabitants of the Trust Territories if it were to take such an initiative. If the French Government, having given a right to the indigenous population, is asked now to withdraw that right, such a situation would exist.

Is this what we mean? If this is what we mean then we are wasting our time.

If we are going to vote right now, it seems to me that everybody already has his ideas well formed in his mind. But we cannot vote to ask France to take away the right it has given the indigenous population to send representatives to the French assemblies and legislatures.

The PRESIDENT: I have heard no suggestions to that effect.

Mr. RYCKMANS (Belgium): That is the result of our vote. Suppose we decide that the Cameroons and Togoland may not belong to the French union. What will be the result? The one result will be that we will oblige France to take away from the inhabitants of Togoland the right to send representatives to the French assemblies. That is the one and only result of our vote.

Are we going to vote something of that sort and be the laughing-stock of the whole world?

The PRESIDENT: I think that is anticipating a great deal.

Mr. GARREAU (France) (Interpretation from French): In view of the developments in this discussion, I really see no reason for maintaining my resolution.

I submitted this resolution in a spirit of conciliation in order that the vote of the committee would not lead us to a deadlock; I wanted to avoid that. However, the gesture that I made has been misunderstood rather badly by members of the Council and I will therefore withdraw my resolution.

But, I want to tell the Council that the French Constitution is not going to be discussed either in the Council or in the committee. The French Constitution is outside the competence of the committee and outside the

/terms of reference

terms of reference of the Trusteeship Council.

I shall say again that the General Assembly, in moving its Resolution, had in mind administrative unions. It did not have the French Union in mind. If this latter question can be raised, it can be raised only in the Assembly and in the Assembly we will discuss the problem.

In the circumstances, therefore, I would vote against any authority given the committee to study a problem which does not fall within the terms of reference of the Resolution of the General Assembly. I therefore withdraw my proposal.

Mr. SOLDATOV (Union of Soviet Socialist Republics) (Interpretation from Russian): At first I understood that we are simply deciding a rather minor matter: that the committee on administrative unions, which was created by the Trusteeship Council, is doing its job.

As the Chairman himself explained, in carrying out its job it must study the question of administrative unions in all Territories and the relationship of the Trust Territory to the French Union as far as the French Trust Territories are concerned. The only question which I understood to be before the body was the question of the relationship of the French Trust Territories to the French Union.

If we look at the British Trust Territories we have the same problem. The administrative union in the case of Tanganyika is called an Inter-territorial Organization. The representative of the United Kingdom might raise the same sort of question. We can have all sorts of nomenclature for the various forms of so-called administrative union, of which we are now speaking.

But what is the main question? It is to study the question as to whether the Administering Authority is applying, towards the Trust Territory, any measures which, in the form of an administrative union, go further than those types of administrative unions envisaged in the appropriate Articles of the Charter and of the Trusteeship Agreement.

It was in this connexion, I think, that the President quite clearly explained to us--and I think the representative of Mexico also spoke in this spirit -- that the committee is to submit all possible information on this question and to give its conclusions in the light of the terms of reference which were established for that committee. It should give these for all the Trust Territories.

Why does the representative of Belgium state that the conclusions of the committee will be those which he himself stated here in order to frighten us into thinking that such radical conclusions are going to be reached.

/The committee



The Committee on Administrative Unions will study the question and analyze it and that is all it is going to do.

Now we are going into the substance of the matter. I said, at the very beginning, that if it is a matter of a substance of discussion and if we are going to take up the question of the French Union and Trust Territories in the Trusteeship Council, then I do not think that that is a matter which we could take up today. The delegation of the USSR is unprepared to discuss the substance of this question at this time. If it is so decided, then perhaps we can discuss this tomorrow.

On the other hand, it seems to me that we should instruct the committee to simply continue its work in reference to the French Trust Territories.

/Mr. PADILLA-NERVO

Mr. PADILLA NERVO (Mexico): I certainly regret that the representative of France has decided not to accept that the Committee shall study that question. I think that it would be even very convenient for the French Government that the Committee study this question, and I think that the assertion made by the representative of Belgium is entirely wrong because he said if we vote that this goes to the Committee, then we vote that we do not accept that France and the Territories do this or the other.

In the first place, the Committee is not going to draw any conclusions: the conclusions are going to be made here; in the second place, the representative of Belgium assumes that the Committee is going to make an unsatisfactory opinion in respect of the French Union, and for that reason does not accept that the matter go before the Committee. That is the same as admitting that the Committee is going to produce unsatisfactory opinions in respect of the Union that it is going to consider.

It might be just the opposite. The Committee might find out that the best way to further self-government in the Territories is the one followed by the French Government.

The Committee might do that, but it is a question of whether or not it can study the question. It has nothing to do with the conclusions: I do not have doubts about the conclusions. It is a matter of principle that we study it. The General Assembly even recommended to us that we could even appeal to the International Court of Justice for an advisory opinion if there were difficulties and differences of opinion in the Assembly as to whether or not certain unions interfere with the Trusteeship Agreement.

But why go into all that in the Fourth Committee of the General Assembly if we can here make a satisfactory study. We are not going to make any extremist conclusions without any reason. We can avoid that trouble in the General Assembly. I do not see any objection to the Committee going into that question.

I have said many times that it is wrong for the Council that, in the rush of the moment and in reaction to certain words that may not have been carefully studied, when representatives of the Council are in agreement with the substance of the question, we cannot find a conciliatory way out of the difficulty instead of taking up contradictory positions without any reason.

/I think



I think that the President might request the representative of France to see the possibility of accepting that this question be studied by the Committee. If I objected to that word, it was because I do not want it to be said later on when we study another union between a Territory administered by another country and another adjacent territory that we cannot study that question because, if we did make a study in the case of the French Union, that was an exceptional case. Thus, by putting that word in our resolution, we excluded all the others. It was only for that reason that I objected to the word "exceptionally", and not particularly with regard to the French Union.

I think it is a good preparation for the Fourth Committee and the General Assembly next year for us to have an opinion of the Sub-Committee and of the Council, instead of trying to discuss that question in the Assembly. The decision that we are now going to take will figure in our Report. If we make a decision that is more or less evenly divided, it will go to the Fourth Committee. We will then have the whole discussion, particularly about the French Union and unions that have similar character.

I think that all these questions could be avoided, and it would be much more useful if that small Committee could now make a quiet, serene and tranquil study of the matter and the documents submitted to the Council, and could also arrive at a decision without making speeches of a political character in the Fourth Committee.

Mr. RYCKMANS (Belgium): I am afraid I have expressed myself unfortunately, or else I have been mistranslated. I have never refused to have that question sent to the Sub-Committee. I said that the Sub-Committee would be wasting its time if it occupied itself with that question, and that we were wasting our time now discussing whether the matter was going to be sent to the Committee or not, because there is a difference between the case of Ruanda-Urundi and that of the French Union. This difference our distinguished Soviet colleague sees perfectly well; it is that I may conceive the Council requesting the Belgian Government to make the Governor of Ruanda-Urundi directly responsible to the Minister for Colonies in Brussels instead of making him responsible in the first place to the Governor General of the Belgian Congo. The action of the Sub-Committee and later on of the Trusteeship Council may have an effect, whereas I do not conceive the

/Council

Council, even on the advice of its Sub-Committee, asking France to take away from the natives of the Cameroons and of Togoland the right to send representatives to the French Assembly.

Therefore, as we know perfectly well that we cannot -- that we would never be fools enough to request France to do that, why are we wasting our time explaining to ourselves what we are not going to do?

Mr. GARREAU (France) (Interpretation from French): I do not wish to repeat myself indefinitely, but I remind the Council once more that I was animated by a spirit of conciliation; I wanted to meet the suggestions of the delegation of Mexico. That is why I wanted not to take into account the vote of the Sub-Committee, and to see whether I could not expedite the situation. In accordance with instructions from my Government, I decided to submit this resolution, but in view of the difficulties that it has raised and the interpretation that is being given to it, I find that I have to withdraw it because I consider that the Sub-Committee is not qualified to study a question of French Constitutional Law and we cannot allow such a digression. I state this categorically.

It is of interest to the members of the Council, all they have to do is to re-read the terms of the Trusteeship Agreement, where they will see that the French Trust Territories are administered as an integral part of the French Union. That is what is stated there.

Mr. SAYRE (United States of America): I cannot help regret that feelings are being stirred up and that what seem to me unnecessary complications are being introduced. I would like, with the President's permission, to explain how the matter lies in my mind and to see if we cannot reach some kind of agreement which will expedite the matter.

In my own mind, it is not a question of whether or not the French Union shall be studied. If this resolution, as originally introduced by the French representative and later withdrawn by him had been passed, it would simply entrust the Sub-Committee to make a study of the French Union. Why should such a resolution be necessary, ask my colleagues from the USSR and from Mexico?

To my mind, some such resolution is necessary for this reason: in the Sub-Committee there was an honest difference of opinion -- a square conflict, a three-to-three deadlock -- as to whether the

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Committee, within its terms of reference, had jurisdiction to study the matter. To look into that question I have before me the General Assembly Resolution which was passed on 18 November 1948. In that General Assembly Resolution, the second paragraph makes very clear that the General Assembly has in mind a study of administrative unions entered into under the authority of the pertinent paragraph of the Trusteeship Agreement which, in the case of the French Trusteeship Agreement, is article 4.

/You notice

You notice that language almost quotes the language of article 4 and pertinently uses the language "unions with adjacent territories", which you will find in article 4 of the Trusteeship Agreement of Togoland and, similarly, in article 4 of the Trusteeship Agreement of the Cameroons. That is, the question arose, was debated in the Fourth Committee, and it seems to me this Resolution of the General Assembly makes very clear that the Resolution was confined to those unions entered into under the authority of the pertinent provision of the Trusteeship Agreement which is "unions with adjacent territories."

The French Union is not quite that kind of a union. The French Union is something of a different character; it is not a union entered into under the authority of a provision of the Trusteeship Agreement. It is something of its own nature. I would question very sincerely whether the Resolution passed by the General Assembly would include a consideration of the study of the French Union.

That does not mean that the Trusteeship Agreement may not consider such problems, but I think it does make clear the meaning of the scope of the Trusteeship Council resolution passed in pursuance of that General Assembly Resolution. I refer to our own resolution passed on 27 January, which begins by reciting the General Assembly Resolution, and then goes on to use certain words taken from the General Assembly Resolution.

As a matter of procedure, it seems to me that there is a very serious question here -- whether the terms of reference setting up that Trusteeship Council Committee did include the kind of union which is not formed under the authority of a trusteeship agreement article, namely, article 4 in the French Cameroons and the French Togoland Trusteeship Agreement.

When the question arises in the Committee, "Can we discuss this matter of the French Union?", as a matter of procedure, I would be inclined to doubt it. That is a matter, I am sure, on which different people will take different viewpoints. The Committee itself was evenly divided.

In order to bring the matter to a speedy conclusion and to permit that Sub-Committee to make the examination if it saw fit, the French representative offered this resolution which we had before us. It seemed to me it was a very pertinent and a very convenient resolution.

I think what I have already said explains those words "exceptionally and in addition to its regular duties", and I hope my colleague from

Mexico will not impute to those words some political connotation, because I have not understood such at all. I had understood that they were to make clear that, whatever the terms of reference might be, and I think I have explained their difficulty, that the passage of this resolution would certainly enlarge the terms of reference so as to include a study of the French Union.

Quite truly, it may be unwise to make that study. On the other hand, so far as I myself am concerned, if the Committee cares to study it, feels that it would be useful to study it, feels that the Charter provisions or trusteeship agreement provisions or any other pertinent provisions are violated by the French Union, it is certainly the business of the Trusteeship Council and its pertinent committees to make those studies.

If the terms of reference are enlarged as I have suggested, I would see no real reason for not making that study. On the other hand, I do feel that we should have a response to the Committee's request. The Committee has requested a ruling on this matter which, I think very honestly, caused their square division of opinion. I would feel it unfortunate if the Council cannot pass a resolution in response to that request.

I hope, in view of what I have said, that my colleague from Mexico will understand those words "exceptionally and in addition to its regular duties". If there is any particular objection to that wording, quite possibly it could be changed so as to make clear that this is in addition to the duties which some members of the Committee have felt lie within the terms of reference.

I merely offer this explanation because I do not see why we cannot reach this speedy conclusion.

The PRESIDENT: I wonder if the representative of the United States is now proposing a resolution along the same lines, or incorporating it as his own.

Mr. SAYRE (United States of America): I am not proposing a resolution because, if the representative of France is unwilling that this discussion should be entered into by the Committee, I cannot see any possible profit in the Committee's pursuing that study.

Therefore I leave the matter to my colleague from France. I think that, unless we find some resolution to which he agrees, it is quite profitless to enter into such a study.

/The PRESIDENT



The PRESIDENT: I think the Council appreciates very much, as I also do, the spirit in which the representative of France has put forward this draft resolution. Since he has already put it forward, I do not think that, fundamentally, he objects to this question being studied by the Committee. But, procedurally, he has withdrawn this resolution, and the representative of the United States has spoken very strongly in favour of having such a resolution.

I was wondering whether the representative of the United States is, in effect, proposing this resolution as his own.

Mr. SAYRE (United States of America): I am not for the reason I have just given. If the representative of France is unwilling, then I think that it would be a waste of time to refer this question to a sub-committee.

Mr. GARREAU (France) (Interpretation from French): I would like the Council to understand my position clearly. I had submitted a resolution. Those who would want the question of the relations between the Trust Territories and the French Union studied by the Committee had only to vote in favour of my resolution.

But two opinions have been advanced; one by the USSR delegation and the other by the Mexican delegation. I interpret this as meaning that the Sub-Committee had the right to study the question, contrary to a vote taken by the Sub-Committee.

I believe that the Sub-Committee does not have the right to study this question. It does not have the right, and France will not participate in this discussion. We will not aid it nor will we furnish any documents to it.

If the Council decides that it wants the matter brought to the Sub-Committee, I am ready to re-introduce my resolution. The Council can then vote upon it. This is my last gesture of conciliation, but I cannot agree to the interpretations of the USSR representative or the Mexican representative.

/The PRESIDENT

The PRESIDENT: Do I understand then that the draft resolution is resurrected? If so I will put it to the vote.

A vote was taken by show of hands.

The resolution was adopted by 7 votes to 1.

The PRESIDENT: The Committee is instructed to go ahead to make such study and report to the Council not later than three weeks before the beginning of the fifth session of the Council.

After the recess the Council will come to the petitions.

Mr. SAYRE (United States of America): Which petitions, if I may ask?

The PRESIDENT: The petitions contained in document T/264. I propose that in the light of the observations by the representative of the Soviet Union at the close of yesterday's meeting, to put the Siggins petition first, to decide whether the Council desires to send for the petitioner.

Mr. PADILLA-NERVO (Mexico): I just want to avail myself of this opportunity to state publicly my thanks to the representative of France for having accepted again to submit his resolution to the vote.

Although he is not in agreement with what I said I still think that what I said was not in any way against the attitude of the French delegation here or the position of France. It is a general position, that I believe that this Council might go into the study of any union that it might think interfered with the general clauses of the Trusteeship Agreement or with the Charter. As to the reason I objected originally to the word "exceptionally" I did express what my reason was against that word, and after the clarification by the representative of the United States of America I did vote for this resolution.

I want to state publicly that I recognize the attitude taken by the representative of France, that I appreciate it and that the remarks that I made are of a general nature in respect to the functions of this Council and are in no way directed against the attitude of the French government in respect to this union.

The PRESIDENT: I am certain that the Council appreciates the position taken by the representative of Mexico.

The Council is adjourned until 4.30 p.m.

The meeting was suspended at 4.12 and reconvened at 4.40 p.m.



EXAMINATION OF PETITIONS LISTED IN THE ANNEX TO THE AGENDAPETITION FROM A. J. SIGGINS (T/PET.2/55, T/PET.2/55/Add.1)

The PRESIDENT: For this afternoon's agenda we have on our schedule petitions related to the Visiting Mission's report and other petitions which require attention.

In view of the observations yesterday of some representatives that there are requests for oral presentation I shall transpose the order of the items and suggest that the Council will take up first the petition from A. J. Siggins, which is contained in document T/PET.2/55 and T/PET.2/55/Add.1.

The petitioner protests against the alleged fortification of Tanganyika by the United Kingdom Government on the grounds that it is against the terms of Britain's Mandate. He demands that the Government be prevented from allegedly forcing innocent natives to take part in preparations for war and also protests against alleged proposals for recruiting a huge army in Africa. He also claims to be the originator of the Trans-African Railway scheme and accuses the British Government of having filched and distorted his scheme. He enclosed with his petition various newspaper clippings some of which deal critically with the Ground Nuts scheme.

In accordance with rule 80 (b) of our rules of procedure I address a letter to the Administering Authority regarding his request for oral presentation. The rule states that if there is such a request for oral presentation the President shall enquire of the Administering Authority or Authorities concerned as to whether there are substantial reasons why the matter should first be discussed in Council. If the Administering Authorities are of the opinion that such substantial reasons exist the President shall defer action until the matter has been decided by the Council.

At a previous meeting I brought to the Council's attention a letter which I wrote to Sir Alexander Cadogan in Paris. That letter was apparently misdirected and I understand that Sir Alan Burns now has all the information from the United Kingdom Government and is in a position to deal with it.

The request for oral presentation is contained in document T/PET.2/55 under date of 15 September 1948. On page 7 of this document at the end of the letter the petitioner states:

"My points need elaborating and I appeal to you, Sir, to allow me to appear before the Trusteeship Council, the Security Council and the General Assembly in order that I

/may produce

may produce evidence in support of my protest against what I claim is a crime against peace and a crime against humanity."

I think that in dealing with this petition we should like to consider, in the light of those observations yesterday, whether there is justification to grant such a request.

/Mr. GARREAU

Mr. GARREAU (France) (Interpretation from French):

Before examining the petition in substance I would like to know who Mr. Siggins is. I would like to have some information on the person of the petitioner. Can the United Kingdom representative, or perhaps some other member of the Council, give us some information on Mr. Siggins?

Sir Alan BURNS (United Kingdom): He was born in New Zealand and was in East Africa for some time but has not lived there since 1929. I am afraid that is all I can say about him.

If the Council wishes to discuss first the question of whether or not an oral petition should be presented, I should like to speak on that subject without going into the substance of the matter.

The PRESIDENT: As I said, I addressed a letter enquiring whether the Administering Authority considers that the matter should first be discussed in the Council and the Council may like to take up the matter first, if the representative of the Administering Authority considers that the substance should first be considered.

Sir Alan BURNS (United Kingdom): I am quite ready to do whatever the Council wishes. I understood from the representative of the Soviet Union yesterday that he was in favour of dealing with the question of an oral presentation and deciding on that as soon as possible, but I am prepared to discuss the whole thing now.

The PRESIDENT: I think we can discuss the whole thing now because it is impossible to decide whether there is a case for granting the request until we know what the petitioner wants and whether there is any prima facie case for consideration at all.

Sir Alan BURNS (United Kingdom): I spoke in reply to the question from the representative of France asking what  
/was known

was known about the petitioner, and I gave very briefly what I did know.

I would like to deal first with the question of whether or not he should be allowed to make an oral presentation of his petition.

My view is that I do not think that Mr. Siggins should be given permission to present his case orally, for the following reasons:

He is not a resident of Tanganyika and, so far as is known, he has not lived there since 1929; he is therefore some twenty years out of date.

Secondly, he represents no one except himself and has no recognizable mandate from any section of the population of the Territory of Tanganyika.

Thirdly, there is no reason to suppose that he will advance any pertinent information in the oral presentation of his case.

I am generally in favour of allowing any indigenous inhabitant of a Trust Territory to present his case orally before this Council; but I am not in favour of allowing persons such as Mr. Siggins to come here and waste the time of the Council. If we once were to admit the right of everyone to present oral petitions to this Council, there would be no end to it. Every crank in my own country and in every other country might feel it worth his while to achieve a little notoriety to come before the Council and to state his case.

For these reasons, I strongly urge the Council not to agree to any oral presentation by Mr. Siggins.

That is the position as regards the oral presentation. If you wish to discuss that question now, I shall defer the rest of what I have to say.

/Mr. GARREAU:

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Mr. GARREAU (France) (interpretation from French) : This petition inspires a great deal of mistrust in me. I have no doubt about the good faith of Mr. Siggins who is a partisan of peace. He is surely a man of good character who has a horror of war. That is his right. We all hate war.

But he is speaking to us about Tanganyika in particular and about its innocent populations. Tanganyika knew war the first time at the beginning of World War I, when the Germans utilized the country as a base of operations in Africa. The natives wanted to get rid of German hegemony in the country and of an administration which was harsh. They had to fight, they participated in the common struggle. The Germans left Tanganyika.

/They have also ...



They have also felt the effects of war a second time. In 1939 a great number of Germans reentered Tanganyika and organized themselves into a Hitlerite militarist society to take over once again the administration of the country. Fortunately this danger was avoided. If the war had not been won by the Allies, the population of Tanganyika would have been submitted to the Hitlerite law; would have been treated as an inferior race; would have been deprived of all freedom. Consequently I think it is to the interest of the population of Tanganyika to take protective measures against the reoccurrence of such dangers in one way or another.

But it does not suffice not to want war; sometimes war happens to you without your wanting it. The population of Tanganyika would be in the case of any other population of the world. That is why, while I pay tribute to the pacific spirit of Mr. Siggins' petition, it seems to me that in substance this petition is not serious and does not require the detailed attention of the Council.

Mr. MUMAYIZ (Iraq): My delegation is already on record that it will further any direct contact between the Council and anyone that happens to be a subject of study or a matter for discussion in this Council.

In line with that, I would like to support, as a matter of principle and I repeat, as a matter of principle -- any steps taken by the Council by which such contact is to be maintained. Therefore my delegation is in agreement with the suggestion that the petitioner in question be given the opportunity to appear before the Council and present his case orally.

Mr. SOLDATOV (Union of Soviet Socialist Republics) (Interpretation from Russian): In connexion with the statement made by the representative of the United Kingdom regarding the procedure, I would like to recall our rules of procedure.

Rule 76 says:

"Petitions may be accepted and examined by the Trusteeship Council if they concern the affairs of one or more Trust Territories or the operation of the International Trusteeship System as laid down in the Charter, except that with respect to petitions relating to a strategic area the functions of the Trusteeship Council shall  
/be governed

be governed by Article 83 of the Charter and the terms of the relevant Trusteeship agreements."

Rule 77 states:

"Petitioners may be inhabitants of Trust Territories or other parties."

In this connexion it seems that on the basis of the fact that an individual himself does not happen to be an indigenous inhabitant of a Trust Territory, this fact alone is not sufficient to reject his request to be heard before the Council on a petition and on a further explanation of his petition, and it is not only for informational purposes alone, but for an oral statement which he might wish to make.

There is, further, rule 80. Of course the rest of the members of the Council can read it just as I have read it here, and there is no reason for me to repeat it orally.

I personally completely agree with the statement of principle made by the representative of Iraq that a petitioner has the full right to express his petition and amplify it orally in person before the Trusteeship Council. In this given case we have no grounds for rejecting the request of the petitioner to this effect, particularly because the question which the petitioner has raised is rather an important one, because even those facts and information of which the petitioner has already advised the Council as they stand deserve the careful consideration of the Council itself.

These are the preliminary remarks which the USSR delegation wished to make at this moment without going into a substantive discussion of the contents of the petition.

Sir Alan BURNS (United Kingdom): I think at this stage it may be desirable for me to say something in the matter of the substance of the petition which may assist the Council in coming to a decision on the first point.

I want to make it quite clear, as I said in my opening speech, that I am in no way opposed to any indigenous inhabitant of a Trust Territory coming here to state his case, but I am opposed to a general permission to anybody who wishes to come here and send in a petition being afforded the opportunity. My reason for that is that this Council will be swamped by all sorts of cranks who will seek to appear before this Council in order to gain a little notoriety.

/Mr. Siggins' paper

Mr. Siggins' paper reports to the effect that the United Kingdom proposes to establish a military base in Tanganyika and to recruit and train an army of Africans to replace the Indian Army in Imperial defence.

These charges happen to be completely without foundation and were refuted quite clearly in statements to the press by the GOC in East Africa, Major-General Dimoline, and also by the Tanganyika Government.

General Dimoline stated, if I may quote to you:

"We are definitely not recruiting large numbers of natives in Tanganyika for military service, and indeed, as is well known, Tanganyika has only one battalion of the King's African Rifles plus its contribution which is comparatively small to the auxiliary services of the East African command."

I think Mr. Siggins' contention is sheer nonsense, and I can only think he is getting muddled up with the groundnuts scheme, in connexion with which large numbers of natives are being asked to work in order to improve their own standard of living.

That is a quotation from the public statement made by General Dimoline.

The Tanganyika Government for its part stated that they have absolutely no knowledge of any plan for the recruitment of a huge army of Africans in the Territory. The only recruitment then taking place or contemplated fell under the following heads: firstly, the normal annual enrollment of volunteer <sup>replacements</sup> for the local regular forces, and secondly, the recruitment in two districts of the Lake Province of Tanganyika of a civilian labour force to work on the McKenna Road military base in Kenya. The maximum number to be accepted for this purpose was 2,000, and recruitment closed on 3<sup>rd</sup> October last without regard to the numbers recruited.

It is clear from the statements I have quoted that there is no foundation for Mr. Siggins' charge against the Administering Authority in which he has persisted even though it has been pointed out to him by the Secretariat that the Administering Authority is, by the terms of Article 5 (c) of the Trusteeship Agreement, fully entitled to take all proper measures for the military security of the Territory. Nevertheless, Mr. Siggins has seen fit to press his petition and to support it with additional material contained in T/PET. 2/55/Add. 1. This additional material could, in fact, be objected to as being too late under article 86 (1) of the Council's rules of procedure, but I am not going to insist on this.

/In my view

In my view the communication in this document is totally irrelevant and should be rejected by the Council.

As for Mr. Siggins' comments on the ground nuts scheme, these are manifestly absurd and need only be contrasted with what the Trusteeship Council's own Visiting Mission has reported to the Council to demonstrate their total inaccuracy.

In my view the proper action of the Trusteeship Council is to reject this petition out of hand.

/i gave in answer

I gave in answer to the enquiry by the representative of France a statement that Mr. Siggins, born in New Zealand, had not been in the country since 1929. Perhaps I should say a little more, to give the Council some idea of the petitioner.

According to his own statements he had some fourteen years' experience in trading and planting in East Africa, and he is known to have run a small sisal plantation and a mango concession in the southern part of Tanganyika. He left that Territory owing the Government some money for rent and royalties.

He is well known to the British Government for many visionary schemes that he has submitted to them in the past. In 1934 he informed the Colonial Office that he had conceived with Dr. Schacht a plan for the floating of an international chartered company, in which the United Kingdom, the United States and Germany were to participate on equal terms. This chartered company would be allowed to acquire state privileges and sovereignty rights over large areas in Africa and in Northern Australia and parts of Canada.

In 1935 Mr. Siggins was also concerned with attempts to obtain capital to invest in a road making concession granted by the Ethiopian Government to a Swiss firm, as well as with another proposal to obtain from Government sources a sum of money for obtaining a strip of territory in Southern Tanganyika.

In 1938 he propounded the formation of a Central African buffer state, comprising the various territories in that area. In 1940 he produced a scheme for training under his direction young people of both sexes to be export traders.

Between 1940 and 1945 he propounded another thirteen schemes, including proposals for settling Polish refugees in East African territories, for raising African irregulars to fight German parachute attacks in Tanganyika, and for increasing the full food production of this area.

All of these schemes involved Mr. Siggins' own services in a leading capacity.

I do not really think that Mr. Siggins is a responsible person whom this Council need take seriously when he puts in a petition, such as he has submitted to the Council.

/Mr. RYCKMANS



Mr. RYCKMANS (Belgium) (Interpretation from French): It seems to me that the essential point first to be considered is what Mr. Siggins wants. He points out that the British Government has "filched and distorted" his project for the construction of a railroad.

Is he asking for compensation from the British Government? If he wants compensation and interest from that Government, he should go to the courts. But he does not ask us anything. He just points out that his project was "filched and distorted".

I do not think that there is anything the Trusteeship Council can do in this field.

The second point is that what is called a petition brings to the notice of the Council certain newspaper articles about military activities in Africa. Here again he does not ask us anything, nor could the Council take action regarding such activities, unless it had serious grounds for belief that forced recruitment was being undertaken, and that the United Kingdom was going beyond the terms allowed by Article 84 of the Charter, which provides for the voluntary recruitment of forces for the military security of the Territory and the maintenance of order. But here again Mr. Siggins does not ask anything of the Council -- he merely requests to be allowed to appear.

He also asks to be allowed to appear before the Security Council and before the General Assembly.

With regard to the military phase of this matter, which is a question for the Security Council, of course, it would seem to me that this would be best left to the Security Council to take the initiative. If it deems that it is of interest to hear what Mr. Siggins has to say about the security situation, then the Security Council will give him a hearing. We are not concerned with that.

We would be mostly interested in the railroad question which he has raised in his applications. He does not request anything from us -- he merely brings it to our notice. He is not petitioning for anything, it seems to me.

Mr. GARREAU (France) (Interpretation from French): First of all I want to take up a statement made by the representative of the USSR that is based upon our rules of procedure, a statement according to which any individual living in a Territory will have the right to be heard by the Council. All you need to do, however, is to read Article 80 of the rules of procedure to see that this interpretation is not correct.

/Rule 80 says

Rule 80 says: "The Trusteeship Council may hear oral presentations.. It also says: "The Trusteeship Council, in exceptional cases, may also hear orally petitions.....".

It is not, therefore, a right. It is a power of the Council. The Council may decide whether it wants to give a hearing to a petitioner; but the Council may also decide that it is of no interest to give a hearing to the oral presentation of a petition.

This right of the Council is necessary to protect it from becoming a circus, or from becoming a forum for people of an extravagant turn of mind who would profit from this right -- which exists only in the imagination of the representative of the USSR -- to come here and speak to the Council.

I have therefore referred to the statement of the representative of the USSR in passing, to bring out the fact that it is not based on any rule of procedure, but is merely his personal interpretation of the rules of procedure.

I come back now to the petition itself. I will limit myself to stating that as far as the recruiting of natives is concerned, the United Kingdom delegation has already replied and has made the situation clear.

As for the question of fortified bases, we need only refer to the Trusteeship Agreement, Article 5(c), which gives powers to the Administering Authority, and which sets limitations to the recruiting of the native population and to the way in which the police force in the interior of the Territory is to be organized. The question of military bases and other military matters comes under paragraph (c) of Article 5 of the Trusteeship Agreement. I therefore do not see that we can give any kind of sequence to this petition of Mr. Siggins.

Mr. SOLDATOV (Union of Soviet Socialist Republics) (Interpretation from Russian): First of all I would like to read Article 80 once again, before speaking of <sup>the</sup> substance of the petition. The English text says:

"The Trusteeship Council may hear oral presentations in support of elaboration of a previously submitted written petition. Oral presentations shall be confined to the subject-matter of the petition as stated in writing by the petitioners. The Trusteeship Council, in exceptional cases, may also hear orally petitions which have not  
/been previously submitted

"been previously submitted in writing, provided that the Trusteeship Council and the Administering Authority concerned have been previously informed with regard to their subject-matter."

/In this way the

In this way the provisions of rule 80 -- if it is taken independently or together with rules 76 and 77 -- quite clearly state that the Trusteeship Council can hear the petitioner regardless of whether the individual is, himself, an indigenous inhabitant of the Trust Territory or not.

It seems to me that what is written in our rules of procedure -- and up the present these rules of procedure have not been changed or modified -- is quite clearly stated. I think there is no question of interpretation at all because it would be difficult to visualize anything more clearly stated than what is stated here.

Now, since several representatives have spoken on the substance of the petitions, I would like to say something on the substance also.

The petition of Mr. Siggins which has come to the attention...

Sir Alan BURNS (United Kingdom): I would just like to interject a remark.

I just want to say that I am not disputing that the Trusteeship Council may hear him. But that is at the discretion of the Trusteeship Council and the petitioner himself has no right to be here.

I am not disputing that the rules permit this to be done.

Mr. SOLDATOV (Union of Soviet Socialist Republics) (Interpretation from Russian): The petitioner, in his statement, protests against the British Administering Authority converting the Trust Territory of Tanganyika into a fortified base. He protests further against the forcing of the indigenous population of the Territory to participate in military preparations.

On 20 August 1948, the petitioner sent us a quotation from the "London Daily Mail", dated August 1948 from Nairobi, Kenya. I would like to read this because these facts were published in an English newspaper and they are being quoted here by the petitioner. It says:

"Plans for raising an army of Africans to take the place of the Indian Army have been drawn up for Field-Marshal Viscount Montgomery, and are being considered by the War Office.

"There are 17,000,000 Africans available, of whom more than 200,000 saw service in the last war.

"Major-General W.A. Dimoline, G.O.C. East African Command, considers that, given the best officer material, a magnificent army could be built in a few years.

"General Dimoline has now been appointed Commander, Aldershot District, and it is expected that a drive will be made to interest the best type of young officers in an African career.

/General Dimoline

"General Dimoline told me today:

'Now that the cream of British Army officer material no longer goes off to India, as has been the case for 50 years, there is a good chance of welding the excellent material here into a strong fighting force equal to anything that ever came out of India.'

"And here in Kenya there is real 'Gurkha' material in the lion-hunting Masai tribe."

In a reply to the letter from the Trusteeship Department of the United Nations, the petitioner, in his letter of 1 September 1948, states in his reply to Mr. Bunche -- I will just quote a few parts of this letter because it will take too long to quote the whole letter and it would be a waste of time -- that:

"I protest that none of the Natives is a volunteer, none knows what he is called upon to defend - or attack. I may state here that I had a long experience of African warfare and knew African languages well, but although I questioned thousands of Natives in South Africa, Rhodesia, Portuguese East Africa and Tanganyika who had served many years in the armed forces of Britain, Portugal, Belgium, France and Germany, in Africa and Overseas, not one knew what he had been or was fighting about -- indeed, many had served under two or more flags."

He further states:

"I protest that these innocent, ignorant Natives, whose education has been neglected by their European masters, are being exploited, not to defend Tanganyika or fight at the behest of the Security Council, but to defend colour bars and white imperialism." It is stated still further:

"The issue is not purely a military matter; it is one of world relief and rehabilitation. While Britain is exploiting the land and labour of Colonial peoples for selfish reasons, food production is being held up. This, I submit, is an issue of spiritual and moral, as well as physical importance to the whole world."

I have quoted these few parts of the petitioner's letter in order to draw special attention to them in the feeling that these problems deserve the most careful consideration and investigation.

In his letter of 1 September, at the end, the petitioner states:

"My points need elaborating and I appeal to you, Sir, to allow me to appear before the Trusteeship Council, the Security Council

/and



and the General Assembly in order that I may produce evidence in support of my protest against what I claim is a crime against peace and a crime against humanity."

There are a number of other letters which were referred to but I will just speak of the letter of January 1948 and simply say that obviously the petitioner has information which would be of interest to the Trusteeship Council.

"Further to my several letters on the subject, may I appeal to the Trusteeship Council to hold in trust for the native inhabitants of the Trust Territories of Tanganyika and Ruanda-Urundi, all deposits of uranium that have been or may be found by the present holders of mandates over those Territories.

"In my view it would be wrong to use such deposits for the purpose of making atom bombs, particularly as now all the members of the United Nations have signed the declaration of human rights."

In this way, from the letters of the petitioner, it follows that he wishes to supply the Trusteeship Council with additional information on the question which he has raised. Further, the very petitions to which I have referred have raised serious questions regarding the situation in the Trust Territory and the conditions of the indigenous population in the Trust Territory.

We have heard statements to the effect that Mr. Siggins is an individual who does not deserve the serious attention being paid to his remarks. Furthermore the representative of the United Kingdom could not present any concrete facts which would explain that the individual is such a person.

/On the contrary

On the contrary, the picture of the activities in which the petitioner was engaged would seem to show that the petitioner is a very energetic and a very capable person who is fully cognizant of the position, not only in the Trust Territory and in Africa, but in the world in general. At least, that seems to be the conclusion that can be reached.

Furthermore, the fact that the petitioner is a family man -- he is married; he has two children; he lives a normal life -- confirms that we have no right here, without having any further information or basis, to say that the petitioner does not deserve our attention because he is not a worthy person. What data or information is there to show that the petitioner is not a worthy person? Perhaps the facts which he presents are not pleasant or acceptable, and it is for that reason that he might not be accepted as being a worthy individual.

Then there is the question of studying the facts in the petition, and of receiving additional information from the petitioner and from the Administering Authorities, so that the Trusteeship Council in discussing and analyzing the question could give its conclusions and pass judgment on the problem.

There is the statement here that if the Trusteeship Council threw its doors wide open, all sorts of undesirable elements would come flooding in here to make endless statements. I do not think that that could be taken seriously, because up to the present time during the course of the work of the Council, I do not think that a single petitioner has been here, nor have any of them made an oral and personal presentation to the Council. I think we could, therefore, say that the Trusteeship Council has taken very successful measures to protect itself not only from undesirable elements, but also to protect itself from petitioners who might have submitted valuable information regarding the situation in Trust Territories.

I will not refer to what took place during the third session of the Council because all members of the Council know what took place at that time and it seems to me that there is no reason to recall them now.

Mr. INGLES (Philippines): The Philippine delegation is in favour of a liberal interpretation of the rules of procedure relating to petitions because it considers that the right of petition is one of the cornerstones of the International Trusteeship System.

We cannot associate ourselves therefore with the view that the right of petition should be limited only to the indigenous inhabitants

/of particular

of particular Trust Territories.

With respect to the right to make an oral presentation, the rules of procedure, it is true, do not make it mandatory upon the Council to allow oral presentation. It is, as pointed out by some representatives, a discretionary power. It does not mean that a request for an oral presentation should be automatically allowed; neither does it mean that a request for an oral presentation should be automatically rejected. What the rules of procedure provide for is a sound exercise of discretion and not a mandatory decision.

Coming to the petitioner in this case, we have been struck by two important points raised by the petitioner. This Council, we believe, would not be concerning itself with the establishment of fortifications or the recruitment of forces in Tanganyika because apparently that is provided for in the Trusteeship Agreement. We have been struck, however, by the statement in the original petition which seems to be contrary to the requirements laid down in the Trusteeship Agreement that the forces to be recruited by the Administering Authority should be volunteer forces. There is a charge here that there is force employed in the recruitment of these forces. That is the only point which we consider this Council competent to enquire into. Nevertheless, it is a serious charge which should be investigated.

When we come to the other point about the Groundnut Scheme, there are many statements made here which, in the view of my delegation, should be looked into. I refer to the statements made on page 6 of document T/PET.2/55/Add.1. It says here:

"(1) The Scheme exploits the Africans, uproots them from their communal and family life, and demoralises them; it also wastes an enormous amount of labour.

"(2) It will damage large areas of land in the "Groundnut country", and take much-needed labour away from village husbandry.

"(3) It cannot possibly produce groundnuts at anything near the usual market price, or in quantities as great as could be produced by private enterprise.

"(4) The Scheme is absorbing precious man-power, materials and capital that are urgently needed elsewhere.

"(5) Tanganyika is not a British Colony, but a Trust Territory; therefore, we must be doubly careful to fulfil our trust to the inhabitants. We are not doing this while carrying out the Groundnut Scheme."

/Of course,

Of course, there are always two sides to a question and I realize that this subject has been taken up by the Visiting Mission. Nevertheless, in the interests of an orderly consideration of this matter, we do not see any strong reasons which should prevent us from inviting the petitioner to make an oral presentation of his claim.

We have listened to the dossier on the petitioner read by the representative of the Administering Authority and we should like to state in this connexion that what should determine the allowance of an oral petition is not the character of the petitioner, but the substance of his petition. If, in the opinion of the Council, there are substantial grounds raised in the petition which deserve looking into -- not for the purpose of confirmation by the Council that the facts therein are true, but only for the purpose of looking into the matter further -- my delegation would be in favour of allowing the petitioner to make an oral presentation with respect to this petition.

Mr. RYCKMANS (Belgium) (Interpretation from French): I wish to speak about the intervention of the representative of the USSR.

Generally he is very careful about the interference of the Trusteeship Council into matters coming outside its competence.

/He has read to us

He has read to us a newspaper article which does not concern the Trust Territory. If the British in Kenya recruit troops from the "lion-hunting Masai" as "Gurkha" material, it does not necessarily have any implications on imperialism or on the colour bar.

But even if it did, the Trusteeship Council would not be exercising its competence if it interfered in this matter. According to the article which the USSR representative has read, an article which is datelined Nairobi, Kenya -- Kenya is not a Trust Territory -- plans for Viscount Montgomery by the War Office are mentioned, and this study was of the possibility for recruiting, not in Tanganyika, but in Kenya, in connexion with which it was said "And here in Kenya there is real 'Gurkha' material."

The Trusteeship Council is not concerned with what goes on in Kenya, but it would be concerned with matters in Tanganyika Territory.

As regards what the delegation of the Philippines has said in connexion with giving a hearing to Mr. Siggins, I am quite surprised. Mr. Siggins has not been to Tanganyika for twenty years. Of the Groundnut Scheme, he only knows what he has read in the paper.

There is a Visiting Mission of the Council which went to Tanganyika which examined this question of the Groundnut Scheme on the spot. The representative of the Philippines believes that to get elucidation on this point he must address himself to a person who left the Territory twenty years ago, rather than the Visiting Mission.

Mr. GARREAU (France) (Interpretation from French): I also wish to raise the same question. I want to know whether the Visiting Mission ever heard about obligatory recruiting, mandatory conscription in Tanganyika.

The representative of the Philippines has very precisely laid out the grounds upon which the Trusteeship Council can base its examination of the question. So far as a Trust Territory is concerned, the Council would be justified; so far as the military phase of the affair is concerned, this phase is covered by the Trusteeship Agreement so we would not be concerned with it.

But now I want to know whether, contrary to the Trusteeship Agreement, the Administering Authority recruits by force members of the indigenous population. This question can be cleared up. We can ask the Chairman of the Visiting Mission whether, during their stay in Tanganyika, anything about military recruitment came to their notice, and if it did, whether it was in violation of the Trusteeship Agreement.

/The PRESIDENT



The PRESIDENT: In regard to this question, there are two aspects: the first, whether the Council feels that, as a matter of principle, it should grant the request or deny the request; the second, whether the contents of the petition warrant the granting of such a request.

As far as the present petition is concerned, the Council is fortunate to have dispatched a Visiting Mission there, and the observations of the members of the Visiting Mission in regard to the points raised in the petition may help the Council to dispose of the petition.

I can see that, even if we sent for the petitioner and heard his oral presentation in support of the information he presented in his written petition, the observations of the Visiting Mission might be given in such a way as to neutralize all oral presentations or other evidence the petitioner may present in person.

I do not know whether the Council feels that it should examine the contents of the report, with the collaboration of the Chairman of the Visiting Mission, and then, if it feels that it does wish to have the petitioner here in person to support the evidence he has submitted or to give further information, it should decide whether or not to send for the petitioner.

Mr. SOLDATOV (Union of Soviet Socialist Republics)(Interpretation from Russian): In so far as I understand it, the petition which we are now considering was not received through the Visiting Mission and the Visiting Mission did not study the questions which are set forth in the petition.

Possibly the Visiting Mission did not have an opportunity to give enough attention to the questions which are raised in this petition. We all know that the Visiting Mission did not have time to deal with all questions.

The PRESIDENT: I am aware that the petition did not come through the Visiting Mission. When I suggested that procedure, I had in mind that the matters raised in this petition, for instance, fortification, recruitment and the Groundnut Scheme, are matters which the Visiting Mission may very well have investigated. It may have noticed whether fortification was going on and what were the conditions of recruitment and how the Groundnut Scheme worked.

/Unless we give

Unless we give more weight to other evidence than that which has been reported by the Visiting Mission, I feel that it would be a more desirable and wiser course to listen to the Visiting Mission first. Then if the Council feels that it is unable to come to any conclusion in spite of the presentation by the Visiting Mission, it can decide whether or not to summon the petitioner.

Otherwise, it seems to me it would be not only a waste of the Council's time but also would cause the petitioner to make the trip in vain, if the preponderance of evidence collected by the Visiting Mission already enables the Council to come to a decision without an oral presentation by the petitioner.

Mr. SOLDATOV (Union of Soviet Socialist Republics) (Interpretation from Russian): I thank you for the explanation and before going on further on the substance of the petition, I would like to make a comment on the statement by the representative of Belgium, and I do not want to return to the question again.

The representative of Belgium utilized the opportunity for developing the fact that we are studying a petition which contains information not only on Tanganyika but also information in Kenya and Uganda. He implied that the USSR representative wants to take up questions not on the Trust Territory but on the adjacent English colonies.

/I think that

quoted from General Dimoline's statement? "We are definitely not recruiting large numbers of natives in Tanganyika for military service." That is a clear denial of the implication that these natives are being recruited in Tanganyika Territory.

I have also stated that natives are not being recruited by force and that all recruited are volunteers. I make that explicit denial of the allegations contained in Mr. Siggins' petition.

The representative of the Philippines has stated, very rightly, that there are two sides to every question. But I am bound to say that there is a tendency among some members of this Council to believe only that side of the question which is to the discredit of the Administering Authority, and I take the strongest exception to the fact that statements made by my Government are treated as though they were lies.

I state explicitly that no troops are being enlisted by force in Tanganyika. And I have quoted to you a statement by General Dimoline explicitly stating that there are no troops being recruited beyond the small numbers mentioned in his statement.

I assume that the members of this Council are reasonable men. Are we going to seriously consider that although the Visiting Mission, also consisting of reasonable men, had no specific instructions when they went to Tanganyika to see whether troops were being recruited by force, and to see whether there was this large army being recruited, are we seriously going to consider that these members of this our own Mission were so foolish that they would not have seen such things, or heard of such things if they were in Tanganyika? We are putting our intelligence on a very low standard if that is so.

The representative of the Philippines also stated that it is not a question of considering the character of a person, but the substance of a petition.

I would say that I do not agree with him. When we are considering the substance of a petition we must consider who is presenting the petition. If we hear a statement from a creditable witness, we accept his statement until it is disproved. If we receive a statement from an irresponsible person, and I regret to say that is the tendency in certain sections of this Council, then I can say that we are not doing our duty.

I repeat that the Visiting Mission made statements regarding the groundnut operations in Tanganyika which completely deny the statements made by Mr. Siggins in his petition.

/ I have made statements

I have made statements explicitly denying some of those statements, and if they are not accepted by this Council I regard it as a considerable insult to my country.

Mr. PADILLA-NERVO (Mexico): My delegation has always been in favour of taking the most liberal view in the interpretation of the rules of procedure regarding petitioners and the possibility of having oral presentation of petitions.

But I think that the main thing that this Council ought to take into consideration in deciding whether or not it will listen to a further oral statement by a petitioner, is the consideration as to whether or not the matter requires clarification, and whether or not, taking into consideration the petition itself, and what we might know of the petitioner, we believe that other information might come from an oral presentation and put this Council in a better position to decide on the substance of the matter.

I do not want to speak about the substance of this question at this stage. But it is clear to me - taking into consideration also the statement made by the representative of the United Kingdom, in which I absolutely believe, that the petitioner has not been in Tanganyika for more than twenty years - that this petitioner can add nothing by oral presentation of this matter. And I consider that this Council can decide on this question without having an oral presentation on the part of the petitioner.

I am not in this case in favour of inviting the petitioner to come to make his own presentation, and I again emphasize the fact that my delegation has always taken the most liberal view in that respect.

The Mexican delegation has always taken into consideration what is the main task of this Council, and that is how it can serve better the interests of the inhabitants of the Trust Territories.

I do not see any of these conditions being satisfied by the presence here of this petitioner.

With respect to the substance, into which I do not want to go in detail, I consider that there is only one question outside of the groundnut scheme with which this petition is concerned, that is the fact as to whether or not the natives are being forced to join the army, and in that respect I could see by the very wording of the petition,

namely, that the natives had not volunteered, that the essence of this information did relate at all to the situation of the natives in Tanganyika. And as far as I am concerned I am completely satisfied with the statement made by the representative of the United Kingdom and the quotation that he made.

/ If the Council

But if the Council will like to request from the Administering Authority a further investigation of the matter, that is the business of the Council. As far as I am concerned I am satisfied with what has been said.

Exclusively for the reasons which I mentioned before as to the usefulness of a further statement orally by the petitioner, I believe that it will not help this Council at all in forming an opinion on the substance of the matter.

For that reason I am of the opinion that we do not need to answer the petitioner asking him to make an oral presentation of the protest that he has sent in his petition.

The PRESIDENT: Is it necessary, then, to take a vote? I have presented the procedure and there does not seem to be any opposition to it. That is to say, that we will examine this in collaboration with the Chairman of the Visiting Mission. Let the Visiting Mission tell us what the situation actually is in reference to those points. If there is no objection to this procedure I would invite the Chairman of the Visiting Mission to give his opinion and the member of the Visiting Mission, Mr. Lin, can also supplement whatever information he has.

Mr. SOLDATOV (Union of Soviet Socialist Republics) (Interpretation from Russian): When are we going to decide the question as to whether or not we will invite Mr. Siggins to come to this Council table?

The PRESIDENT: If the Council feels that it cannot make up its mind after hearing the Visiting Mission's observations, then it could decide that question.

At the invitation of the President, Mr. Laurentie, Chairman of the Visiting Mission to Tanganyika under British Administration, took his seat at the Council table.

Mr. LAURENTIE (Chairman of the Visiting Mission) (Interpretation from French): The question with which the Council is concerned is, I take it, to know whether there is military recruitment on a large scale in Tanganyika.

/The Visiting Mission



The Visiting Mission, of course, did not specifically have the intention of studying this question. It did not fall amongst its immediate concerns, preoccupations or even terms of reference from the Trusteeship Council when it left for Tanganyika.

Nevertheless I think it is possible to say that in the course of the trip that we made through Tanganyika Territory we at no time noticed or did it appear to us that such a recruitment was under way. I think I can also say that if such a recruitment had been under way in the circumstances alleged in the petition it is more than probable that we would have heard about it. As the report says and as I have told the Council on several occasions, we had numerous conversations with elements of the indigenous population. These conversations bore on practically all subjects that would be of interest to the indigenous population.

It is clear that if military recruitment on a large scale had been under way during the year of 1948 inevitably the matter would have been referred to in the course of the interviews and conversations -- intimate conversations often -- that we had with members of the native population or groups of it.

The PRESIDENT: It seems to me that the questions raised in this petition are matters of great importance and also of a general character. It will have to be discussed when we discuss the report of the Visiting Mission to Tanganyika. In other words, we cannot reply to the petitioner that we have accepted his view or that we have taken any action in accordance with his petition because all the petition did was to bring <sup>those matters</sup> to the attention of the Council.

It seems to me that as far as the petition is concerned the Council may reply to him that these matters have attracted the attention of the Council and that the Council last year did send a Visiting Mission to Tanganyika and has now received the report of the Visiting Mission; also that the questions raised in the petition will be discussed in the examination of the Visiting Mission's report. I do not see how we can come to any conclusion in regard to this point.

Sir Alan BURNS (United Kingdom): Surely we have heard from the Chairman of the Visiting Mission that he was in Tanganyika and heard nothing of this whatever. Are we going to pay a lot of  
/attention

attention to a fabulous petition of this sort and send such a reply as though we believed the half of it. I would like you to permit me to ask the Chairman of the Visiting Mission and my Chinese colleague whether they saw any signs in Tanganyika of forcible recruitment of troops. If they will be so good as to answer that I shall be much obliged.

The PRESIDENT: I may say that the way I have suggested does not show that I want to give any credence but I am talking generally -- that in a petition of this kind it occurs to me that these are matters on which the Council cannot take any decision. It seems to me that as far as the matters are concerned it is for the Council to discuss.

We have not begun the discussion of the report of the Visiting Mission to Tanganyika yet but I want to find a way of disposing of this matter. If I understand the representative of the United Kingdom correctly my reply to him is that the Visiting Mission has not given any confirmation of the information but there are other points raised.

If the Council feels that it would like to have a more detailed reply given to the petitioner then I will adjourn the matter until another meeting. But it seems to me that it is not for us to give any definite itemized reply and it is for that reason that I have suggested this procedure. I have suggested this procedure because, although there are opinions which urge that <sup>the</sup> Council should take a vote on whether to send for Mr. Siggins or not, I have already considered all the views and thought I had already found the solution. If the Council thinks otherwise I shall adjourn the meeting and leave it open for further discussion at the next meeting.

/Mr. SAYRE

Mr. SAYRE (United States of America): I do not want to delay things unduly, but it seems to me that <sup>on</sup> this petition we have reached a point where we can make a definite decision on this petition.

So far as I understand this petition, it raises four questions.

The first is a question of fortification. That has very definitely already been answered by Mr. Bunche in his letter of 25 August, when he informed the petitioner that under Article 5, sub-paragraph (c) of the Trusteeship Agreement for the Territory of Tanganyika, the Administering Authority has a perfect right to fortify, if not, indeed, a positive duty under certain circumstances.

The second point in the petition is as to compulsory enlistment. That is raised by the petitioner on the basis of the Daily Mail clipping <sup>printed</sup> on page 5 of document T/PET.2/55.

As has already been pointed out, it is pretty clear that that charge is based on conditions in Kenya -- the newspaper clipping concludes with the words "and here, in Kenya, there is real Gurkha material" and so forth.

Whether that be sound and true or not -- that is, I mean, whether the petition is based on conditions in Kenya or not -- we have a very definite and positive denial by the Government of the United Kingdom that it is untrue.

Now, I do not see how this Trusteeship Council can ignore the positive and definite assertion of the United Kingdom, nor do I see how we can doubt it. It seems to me that the Administering Authority in a positive statement must be credited by the Trusteeship Council, or else we had better close up shop.

I cannot see, therefore, how we can say that we will further examine or look into or investigate the question of compulsory enlistment in the presence of the positive denial by the United Kingdom, in the presence of the denial, so far as they could see, of the Visiting Mission and in the absence of any shred of evidence in the Visiting Mission's report or in the /petition,

petition, that there is actual compulsory recruiting going on.

The third item in the petition is as to the ground nuts scheme. The ground nuts scheme charges are made by a man who has not been in the country for twenty years. In the face of his charges we have the very definite conclusions of the Visiting Mission made after painstaking investigation; on page 117 of the Visiting Mission's report, document T/218, we have the statement that the Mission is of the opinion that the ground nuts scheme is a bold economic undertaking which may contribute to the alleviation of the present world shortage of fats and oils and which may in the long run be of great benefit to the inhabitants of Tanganyika -- not a positive assertion that it will be, because no one can definitely foretell what the future outcome will be, but in the paragraphs which follow the Mission gives, as I read them, a very definite statement that the ground nuts scheme is, so far as one can see, of positive advantage to the inhabitants and it certainly refutes the statements in the petition.

Then the fourth item is as to railways. As has already been brought out, there is nothing in the petition in the way of a request concerning railways. The petitioner merely alleges various facts. He says that the present scheme is unwise, but there is no definite petition.

In view of all these facts, it seems to me that we are in the same position with regard to this petition that we have been in with regard to many other petitions.

We have examined it, we have discussed it, we have heard from the Administering Authority, we have heard from the Visiting Mission, and it seems to me that the majority will wish to reject this petition as not constituting facts and not constituting proven allegations which we, as the Trusteeship Council, feel require further discussion and that our reply should be one of rejection.

The PRESIDENT: If the Council feels that this petition calls for a detailed reply, itemized and elaborated, then it is my view that no drafting committee could have formulated a better draft than what has been outlined by the representative of /the United

the United States, and if there is no objection, I would suggest that a reply be given in that light instead of along the lines I suggested.

Sir Alan BURNS (United Kingdom): I should like to suggest that no action should be taken in the matter.

Mr. RYCKMANS (Belgium): That is just what I was going to say. I believe that it is far better to reply that the Council has considered this petition and finds that no action is required from the Council in the matter, and that is all. Otherwise, we shall have another exchange of correspondence.

The PRESIDENT: That seems to be more my idea, to say that we have already sent a Visiting Mission and that therefore --

Mr. RYCKMANS (Belgium): -- that we find that it requires no further action by this Council --

The PRESIDENT: But in this case, the non-action is because we have already sent a Visiting Mission which has studied this question.

Sir Alan BURNS (United Kingdom): I object to that on principle. It is not because of that. It is because there is nothing in the petition, not because the Visiting Mission has said that there is nothing in it.

I now formally move that the reply to the petitioner should be that the Council has considered the petition and has decided to take no action in the matter.

Mr. SOLDATOV (Union of Soviet Socialist Republics) (Interpretation from Russian): From the very start of this discussion we have decided not to take up the matter of substance but simply to decide the question as to whether the petitioner should be granted the privilege of making an oral statement before the Trusteeship Council.

As a result of the discussion of this question, a number of representatives began to insist in their statements on a

/discussion



discussion of the substance of the petition and it came about that in the course of discussing whether or not the petitioner should be granted the privilege to appear here to make an oral statement, we had come over to a substantive discussion of the petition and I am afraid that we have forgotten just what it is we are trying to decide.

It seems to me that we should decide this question in an orderly manner: First, to come to a decision on the first part, and then decide on what we are going to do with the petition.

Further, I must say that the entire course of the discussion is rather strange. We are debating whether or not the petitioner should be allowed to speak before the Council and at the same time we begin to hear the statements from the Chairman of the Visiting Mission and we are trying to draw in a lot of other aspects of the question.

The essential question is a very simple one. Do we or do we not allow the petitioner to appear here? The representative of the United Kingdom is opposed. It seems to me that if we feel the facts do not deserve our attention and they have nothing in common with the facts, then it would be so much easier for the representative of the United Kingdom, because from them you could see quite obviously when the petitioner is here that there is absolutely no foundation for the statements of the petitioner.

What reason

What reason would there be for us not to hear the petitioner here in the Council? I think it would be even advantageous to the Administering Authority because it would be good evidence of the fact that it is a flimsy petition.

It seems that instead of discussing this question of whether or not the petitioner should appear, we have gone over into a substantive discussion and I must say that there has been a number of inaccuracies that have crept in during the course of this type of discussion. The question has been shifted back and forth. For instance, the representative of Belgium said, I read this document from Nairobi as a document which has nothing to do with the business on hand. The representative of the United States, without referring directly to the USSR representative, said something similar.

The statement that comes from Nairobi speaks of 17,000,000, but if I am not mistaken, the population of Kenya is only 4,000,000; the population of Uganda is only 4,000,000 and I think that the population of Tanganyika is somewhere around 6,000,000. Therefore, I do not quite understand since the population of Kenya is only 4,000,000 how this clipping could refer only to Kenya when it speaks of 17,000,000 Africans.

Why did I raise that question? Because in discussing the substance of this petition we will be starting a discussion on a whole series of matters which are not directly concerned with the specific petition. It seems to me it would be much wiser if we first specifically decide as to whether we shall or shall not hear the petitioner in person before the Council and then we can go ahead to discuss the petition regardless of whether the petitioner will be here in person or not. Then, as I say, we can go on to a factual and substantive discussion on the petition.

If it would seem then that most of the members of the Council have already stated their views on the substance of the petition, all the better; it will be a much more rapid procedure and we could deal with the petition very rapidly at that time.

The PRESIDENT: I have quite a long list of speakers, and I feel that apparently this matter cannot be disposed of, as I had hoped, within the five minutes when I spoke. Therefore, I will not call on any of the representatives now on my list.

Let me sum up at this moment that it is not whether the petitioner should be called or not that is the crux of the question now.

/It seems to me

It seems to me that the Council feels that it is able to come to a decision by examining the substance, <sup>and</sup> by hearing the Chairman of the Visiting Mission. The representative of the United States has summed up the situation, as I said, in a language which no drafting committee could have bettered. The only difference is that I say a reply <sup>may</sup> be given to the petitioner based on the fact that we have already had a Visiting Mission there -- in other words, we choose to believe our Visiting Mission and not the petitioner. Now the suggestion is that we should not even give that reason for our not believing the petitioner.

It seems to me that the Council feels that no action is called for, and in fact no action is possible on a matter of this kind. The Council feels that no action is called for because it has already a report of the Visiting Mission. It seems to me that if we have that basis, then the petitioner is entitled to be informed that he is not believed because the Council chooses to believe its own Visiting Mission. If even that cannot be said, I must say that the Council is going to make it a rule that all the replies to petitions would be couched in that very peremptory manner. I feel that perhaps in this particular case the Council may give an answer which is perfectly conclusive as well as perfectly justifiable.

As I said, the matter cannot be settled within these few minutes, and I will call the meeting to an end.

Sir Alan BURNS (United Kingdom): I do not want to go against the President's ruling when he said that he wished to adjourn without any further speeches, but I would like to make one or two remarks.

First of all, I have not got the figures on the population in East Africa in my head. I accept the representative of the USSR's total of 13,000,000, in which case I find it extremely difficult to see how we can get an army of 17,000,000, even if every man, woman and child joined the army. However, I will let it pass on that.

What I wanted to say was that with regard to what the representative of the USSR has said that we should consider first the question of whether or not the petitioner should be allowed to come here, we have on our agenda, "Examination of Petitions". There is no question there as to whether the petitioner should come or not, and I have heard no motion that he should be allowed to appear before us.

I, on the contrary, have a substantive motion before the Council,  
/which, I submit

which, I submit, should be put before the Council.

The PRESIDENT: I will put it to the Council right away, but there are four speakers on the list.

Mr. SAYRE (United States of America): Let my name not prevent it. I was going to urge that it should be put to a vote here and now.

Mr. GARREAU (France) (Interpretation from French): I thought that we could dispose of this petition today so as not <sup>have to</sup> to/take up the discussion again tomorrow. I think perhaps we can first vote on the question of whether we want to give a hearing to the petitioner; we could put that to a vote. Then as to the merits of the question, I willingly associate myself with the proposal of the United States, in spite of the reservations made by two of the representatives. I think we do have enough elements to reply to the petition without further discussion.

As the representative of the USSR has made a statement, I will not return to his arguments. They are of a general nature. But we can vote on that whether we want to hear Mr. Siggins or not. I think we can reach an agreement this evening without taking up again the discussion tomorrow, which is becoming a little ridiculous.

Mr. MUMAYIZ (Iraq): I agree with the representative of the USSR that we must first decide whether the petitioner is to be granted the permission to appear here. In support of the statement which I have made embodying the views of my delegation with regard to the appearance of petitioners before the Council, I would like, with the President's permission, to ask that the request of Mr. Siggins to appear before the Council be put to the vote. For this purpose I have a proposal to that effect, if the President would allow me to put it before the Council.

The PRESIDENT: There is a definite proposal that the Council decided that no action is called for on this petition. If that is passed, there is no point of putting the other question as to whether to invite him to appear or not.

/Mr. MUMAYIZ (Iraq)

Mr. MUMAYIZ (Iraq): It seems to me that the point of dealing with the petition is different from the point of looking into the request of this gentleman to appear here. These are two totally separate points.

The PRESIDENT: They are separate, but one would eliminate the other. If you desire to call him, you are taking further action on it; if you decide not to take any action, there is no occasion to call him.

Mr. MUMAYIZ (Iraq): I believe there is a feeling in the Council that they would like to see what the opinion of the Council is regarding this point.

/The PRESIDENT:



The PRESIDENT: I will put this proposal of the representative of the United Kingdom first, that the Council considered the petition and decided that no action is called for thereon.

Mr. SOLDATOV (Union of Soviet Socialist Republics) (Interpretation from Russian): What sort of procedure is this? I cannot understand it at all.

The first question was raised. That question was: do we or do we not allow the petitioner to present himself personally to make a statement to the Council? Instead of deciding as to whether we allow him to do so or not, we immediately pass on to another question -- a question which is in essence a discussion of the substance of a petition which we have not actually discussed.

It seems to me that no procedure could stand so much forcing. The question is, are we or are we not allowing the petitioner to make an oral statement to the Council?

At the very beginning the USSR delegation moved that this individual be invited to appear here. Why is that not put to the vote?

The PRESIDENT: I proposed that the Council should examine the petition and call the Chairman of the Visiting Mission to give his views. The representative of the United States has given at some length the reasons why the Council should reject the petition, or rather, should take no action on it, because the Council is already satisfied on the four points raised in the petition.

I suggested that procedure when I said that the Council may well hear the views of the Visiting Mission, and then if it feels that it cannot decide, it will consider the question of whether or not to grant the request of the petitioner to appear.

It seems to me, therefore, that if the Council adopts the proposal not to take any action, then that is a decision. It is not then necessary to call the petitioner. If the Council does not adopt that proposal, then of course it may then decide whether to invite the petitioner or not. Do you think that is logical?

Mr. SOLDATOV (Union of Soviet Socialist Republics) (Interpretation from Russian): The USSR delegation made a proposal and it insists on a vote on that proposal.

/When we discussed

When we discussed this question, as to whether we should or should not allow the petitioner to appear before the Council.....

The PRESIDENT: I am advised by my advisor that I should put that to the vote.

I will then put the proposal of the representative of the USSR to the vote, in the first place.

Mr. SAYRE (United States of America): I am not quite clear. As I have been listening I heard a motion by the representative of the United Kingdom. This was the first definite motion which I have heard during the debate.

Under our rules of procedure, I believe that must be put before other motions, and it would seem to me that the President's ruling is indisputable: if the resolution of the United Kingdom representative passes, to the effect that this Council shall take no further action, then that clearly results in not calling this particular petitioner for an oral hearing, to discuss something which has already been disposed of.

The PRESIDENT: May I ask whether the representative of the United Kingdom, before he proposed this motion, did not also propose that the petitioner should not be called?

Sir Alan BURNS (United Kingdom): No, I did not propose that. To my knowledge no-one did propose that he should be called. I know that the representative of the USSR indicated that he thought he ought to be called. I did not hear any resolution to the effect, but if he says he did, I am quite prepared to accept his word.

The PRESIDENT: It has been moved by the representative of Iraq that the petitioner be granted permission to appear.

Mr. SOLDATOV (Union of Soviet Socialist Republics) (Interpretation from Russian): I would like to get something clear. The proposal to hear the petitioner was made first by the USSR delegation, then by the representative of the Philippines, and then by the representative of Iraq.

/Then, after one

Then, after one of the earlier statements of the USSR delegation, the representative of the United Kingdom said that the petitioner should not be permitted to appear here. Somewhere towards the end of the discussion, he submitted the proposal to which you mentioned.

I do not see what the argument is about. If there is a majority who do not wish the petitioner to appear, it is quite easy. You simply put the matter to a vote.

The PRESIDENT: That is what I was doing.

Mr. MUMAYIZ (Iraq): Would the President allow me to read the text of the proposal which I have in mind?

"That Mr. A. J. Siggins be allowed to appear before this Council before the end of its present session to make oral presentation in support of his petition presented to the Council."

A vote was taken by a show of hands.

The proposal was rejected by 6 votes to 3.

Mr. SOLDATOV (Union of Soviet Socialist Republics) (Interpretation from Russian): I understand that having decided the first question, we now are to enter formally into substantive discussion of the petition.

I have comments which I should like to make in the name of the USSR delegation on the substance of the petition, and I have very definite proposals to make in that regard.

The PRESIDENT: The representative of Belgium has already moved close of debate.

"A motion for closure of debate on a resolution or other motions shall not be considered by the Trusteeship Council until each representative shall have had the opportunity to speak on that resolution or other motions. Debate on a motion for closure of debate shall be limited to one speaker for each side."

It seems to me that I cannot put that to a vote until each representative shall have had the opportunity to speak.

/Sir Alan BURNS

Sir Alan BURNS (United Kingdom): On a point of order, it is not necessary for them to speak. It is only if they wish to speak.

The PRESIDENT: Debate on a motion for closure of debate shall be limited to one speaker for each side. There has been such a motion for closure of debate. I can allow one speaker for and one speaker against.

Mr. SOLDATOV (Union of Soviet Socialist Republics) (Interpretation from Russian): If that is the case, then I shall have to propose adjournment of the meeting.

The PRESIDENT: Adjournment of the meeting comes before; that is (b) of Rule 56.

Those who are in favour of adjournment, please raise their hands.

A vote was taken by a show of hands.

The proposal was rejected by 5 votes against 4.

The PRESIDENT: The motion for adjournment is not carried. There can be one speaker for closure of debate, and one against.

Mr. INGLES (Philippines): I do not understand that we have had a discussion here on the proposal that no action should be taken on the petition. I should like to reserve my right to speak on that proposal, as to what action should be taken on the petition.

The PRESIDENT: I have already read that part. If anyone wishes to speak, I shall not put it to the vote. It was pointed out that it was not compulsory, if no-one wanted to speak.

/Sir Alan BURNS

Sir Alan BURNS (United Kingdom): A point of order. Surely you have received every suggestion. We have had a long and wearisome debate in this matter. I thought that all of those who wanted to speak had spoken.

The PRESIDENT: The rule says that "a motion for closure of debate on a resolution shall not be considered by the Trusteeship Council until each representative has had the opportunity to speak on that resolution or other motion." Therefore the opportunity is there and if the members wish to avail themselves of this opportunity, they are entitled to do so.

Who are the representatives who wish to speak on this motion?

There are three: the representatives of the Philippines, the USSR and France.

Mr. GARREAU (France) (Interpretation from French): I wish to speak in favour of the closure of the debate.

The PRESIDENT: Everyone has the opportunity to speak on this motion. The motion is that the Council considered the petition and decided that no action is called for thereon.

Mr. GARREAU (France) (Interpretation from French): I wish to speak, Mr. President.

Mr. SAYRE (United States of America): The motion was made about thirty minutes ago and quite a few representatives have spoken on that subject. Some have spoke two or three times.

I take it that this rule does not mean that the representatives will have an opportunity to speak after the motion for closure, but only an opportunity to speak after the resolution was first introduced. Is that correct?

Mr. CANAS (Costa Rica) (Interpretation from Spanish): I take it that this provision means that before we vote on the motion, those who have not spoken will get a chance to speak. I have not spoken on the motion and I wish to speak.

The PRESIDENT: I think there is no rule against the President adjourning the meeting. The meeting is adjourned.

The meeting rose at 6:35 p.m.