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TRUSTEESHIP COUNCIL

Fourth Session

VERBATIM RECORD OF THE FORTY-FIRST MEETING
(Transcription from sound recording)

Lake Success, New York
Friday, 18 March 1949, at 2.30 p.m.

President:

Mr. LIU CHIEH

China

The PRESIDENT: I declare open the forty-first meeting of the fourth session of the Trusteeship Council.

REPORT OF THE UNITED NATIONS VISITING MISSION TO EAST AFRICA:
TANGANYIKA (T/218,T/218/Corr.1)

The PRESIDENT: Before we proceed with the discussion, I would like to invite the attention of the Council to the fact that, because of inclement weather, the Department of Conference and General Services has asked ^{that} as many members of the Secretariat as can be spared should leave by 4 o'clock. Of course, I heard the announcement that, unless the meeting of the Council is prolonged, staff members are asked to leave at that hour. In other words, their personal convenience and safety lies in the hands of the Council, so I would like to ask the Council to show some consideration to members of the Secretariat who have worked for us so untiringly, and perhaps we can accomplish that purpose by voluntary curtailment of our own observations.

The agenda of this afternoon is the continuation of the discussion of the Visiting Mission's Report on Tanganyika. At the close of the last meeting, I heard two suggestions, but the representatives who spoke only suggested that such courses should be adopted by the Council, and I do not know whether they formally moved their suggestions.

Mr. GARREAU (Franco) (Interpretation from French): I am prepared to make a formal motion to that effect.

Mr. SOLDATOV (Union of Soviet Socialist Republics) (Interpretation from Russian): I should like to have this made clear. When will it be possible for us to finish the questioning procedure, and when are we going to discuss the Report? Is it being proposed that we postpone all the questions to the next session? In other words, are we going to continue all the questioning at the next session?

After all, not all the questions have been asked. Most of the representatives have not asked any questions whatsoever. Therefore, are we going to revoke our previous decision, which was formulated by the representative of the United States regarding the consideration of the Report of the Visiting Mission to Tanganyika at the present session? Are we giving that up? I should like to have this made clear.

/The PRESIDENT

The PRESIDENT: The Council has spent two days on questioning, with the questions^{asked} of Sir George Sandford. Of course, the Council is aware that Sir George Sandford has now left for England and I do not know whether the representative of the Administering Authority is prepared to answer further questions. It seems to me that, as far as the questioning part is concerned, the Council has spent a considerable time over it and I can recall that, when the Council decided to take up this Report in the present session, it was with the understanding that the Council need not arrive at any final conclusions.

I understand now that the representative of France has moved that the conclusions of the Council be deferred until the next session -- that is a motion for deferment and of course, under our rules of procedure, every representative will have an opportunity to speak on that motion. If the representative of France confirms my understanding that he is moving this formally, I will put it to the vote unless representatives wish to discuss the motion.

Mr. GARREAU (France) (Interpretation from French): I should like to make clear my position. I suggested postponement until the next session of the final examination of the Report of the Visiting Mission to Tanganyika, and I made this proposal because an analogous decision was adopted with respect to the Report of the Visiting Mission to Ruanda-Urundi; the reasons are the same.

The two representatives of the two respective Administering Authorities have requested the Council to give them more time to submit their comments on the observations of the Visiting Mission.

The proposal of the representative of Belgium with respect to Ruanda-Urundi was adopted by the Council, and the Council accordingly postponed further consideration of the Report on Ruanda-Urundi until the next session.

I am simply requesting that exactly the same favour be vouchsafed to the representative of the United Kingdom.

/I should like to make

I should like to make one other point clear as well. I should like the Council not to labour under any confusion as regards the examination of the Report of the Visiting Mission on the one hand and the examination of the petitions on the other.

I am saying this because the Philippine delegation took the opportunity of submitting a general resolution when the petitions on Ruanda-Urundi were considered, and at that time I submitted the same kind of objection. I said that the general resolution should be considered, and possibly adopted, when the Council takes under advisement the whole Report on Ruanda-Urundi and not considered in connexion with the petitions.

I do not think that any resolution ought to be adopted at present which might be considered as a sequel to our consideration of the Visiting Mission's Report.

We are now going to consider petitions on Tanganyika, and the representative of the United Kingdom told us that, as far as petitions were concerned, he was prepared to discuss them fully because he had available all necessary material and that he could communicate to the Council the views of his Government on the petitions.

Therefore, it is possible to adopt ^{resolutions} with respect to each and any-one of those petitions if necessary. But I think we ought not to confuse in any way resolutions with respect to petitions and resolutions adopted by the Council subsequently with respect to the Report of the Visiting Mission. Those are two completely different items and they come under completely different headings. The Council ought not to labour under any confusion in that respect.

That is why I suggest the postponement, under the Philippine resolution, of the discussion on the Report on Tanganyika. But, on the other hand, if the Council feels that resolutions should be adopted with respect to any particular petition, then we can adopt such resolutions and no other. These are two completely different items.

Let me recall that last year when we received the petitions of the Ewe tribe, we discussed the matter carefully and at length. We summoned the representative of the Ewes because the Ewes wanted to be heard by the Council, and we adopted a very important resolution with regard to the Ewes.

/There is no

There is no reason why any other petition should not be dealt with in the same manner. But this is completely apart from the Report of the Visiting Mission. This is the sense of my proposal.

The PRESIDENT: The subject under discussion is that of the motion, which under our rules of procedure, has priority.

Mr. SOLDATOV (Union of Soviet Socialist Republics)(Interpretation from Russian): I should like to speak on a question of procedure. As the Council will recall, the decision with respect to Ruanda-Urundi was adopted as follows.

First, the Trusteeship Council discussed the Report of the Visiting Mission to Ruanda-Urundi. As a result of the consideration of that Report, some of the representatives on the Council got the impression that it would be appropriate to postpone until the next session the final consideration of that Report.

This, however, was an opinion which arose as a result of the consideration of the Report. Subsequently, that opinion was crystallized in the form of a motion which was voted upon.

But now we have just started the discussion of the Report on Tanganyika. All the questions have not even been asked; only a few of the members of the Council availed themselves of the opportunity of making very brief comments on various small aspects of the questions. But we cannot in any way say that we have discussed the Report on Tanganyika.

It might happen that, as a result of the consideration of that Report, it will be the unanimous view of the members of the Council that it would be appropriate to adopt a decision, perhaps even a final decision.

On the other hand, it might happen otherwise. It might happen that again some members of the Council would feel that it would still be appropriate to postpone the further consideration of the Report for one reason or another, and to postpone the adoption of any final decision until the next session.

According to the regular procedure of our work, we are to continue the consideration of the Report on Tanganyika. We should hear all the questions^{and comments}/of all the representatives and, as a result of that, conclude whether it is or is not appropriate to postpone consideration of the Report.

/We have already

We have already adopted a decision, but we have not complied with our own decision, and again in respect to Tanganyika, we are trying to reverse our whole procedure. I cannot accede to this kind of procedure. If we are going to reverse our procedure every moment, I think this is a very ineffective procedure, to say the least.

The PRESIDENT: As far as the Chair is concerned, once a procedure is adopted, the Chair does not like to depart from it, but, in my opinion, we have not departed from that procedure. We have asked questions and during the questions the members made observations.

If the Council feels that it would like to discuss further various portions of the Report or enter into a general discussion, that would be permissible under the procedure which has been decided upon.

On the other hand, the representative of France is quite entitled to move this motion because he has come to the conclusion that further discussion is practicable and he wishes to postpone the general discussion, as well as final conclusions, until the next session. That is also permissible under our rules of procedure.

Under rule 56 of our rules of procedure such a proposal would have priority, and representatives on the Council can discuss whether such an adjournment is desirable or not. I would say that the Council has not departed from its procedure.

Perhaps the representative of France is thinking a little ahead of the members who want to go on discussing this Report. But the matter is entirely in the hands of the Council.

Mr. RYCKMANS (Belgium) (Interpretation from French): When I had the honour of participating in one of the Missions that was sent by this Council to Samoa, my lively desire when I returned was that the Council should not approve the conclusions of the Mission, but should merely take note of these conclusions and transmit them to the Government of New Zealand.

Obviously, I could not vote against an approval by the Council of the conclusions reached by the Visiting Mission, but it is my belief that it is not up to the Council, nor proper for the Council, to take such a specific attitude and to take as its own the conclusions of the Visiting Mission.

/To me, the

To me, the purpose of a Visiting Mission is a single one. It is to transmit the conclusions and recommendations of the Visiting Mission to the Administering Authority along with an invitation to the Administering Authority to take into account these recommendations so far as it is possible.

I remember that, on many points, I had the impression that the Visiting Mission was correct. I am even disposed to say that the Visiting Mission was correct, but if I had not been on the spot, I would not be willing to take the responsibility of saying that I make these conclusions of the Visiting Mission my own in their entirety.

/All I can do

All I can do in connexion with such a report of the Visiting Mission is -- here is a report, drafted by competent, intelligent and conscientious people. This Mission has spent a number of weeks in the Territory on the spot; they have assembled copious documentation; they have considered the data and reached conclusions. These conclusions therefore warrant the most serious attention from the local authorities.

If a member has not been a member of the Visiting Mission, as I say, he cannot judge for himself where he might come to accept all the conclusions of the Visiting Mission.

The Visiting Mission should therefore transmit its conclusions to the Administering Authority, and this is what I would recommend as the procedure to be followed in dealing with the recommendations of the Visiting Mission. There is nothing in the Charter or in the rules of procedure that would encourage us to make our own, as a Council, the recommendations of the Visiting Mission.

Therefore I think we can deal with this matter immediately. We can send the Report of the Visiting Mission to the Administering Authority, which we already know to be studying the report, and we already know to have taken decisions on some points suggested in these reports, and ask the Administering Authority to take into account these conclusions.

If the Council proceeds in such a way as to make its own every single one of the recommendations of the Visiting Mission, this procedure would seem to me to lead to inconclusiveness rather than anything else.

It would also be correct to ask whether the Administering Authority has any objections to make as against the conclusions of the Visiting Mission, and it would also be in order to receive these objections or observations on these conclusions.

I think that there we cannot reach conclusions, and if we cannot reach conclusions in this particular connexion it would seem useless to continue with the discussion of this matter, so that we would in any case have to postpone it until our next session.

In these circumstances, unless the Council agrees to deal with the matter by merely transmitting the report for the consideration of the Administering Authority, I strongly support the proposal of the representative of France.

Mr. SOLDATOV (Union of Soviet Socialist Republics) (Interpretation from Russian): I should like to get some clarification.

/ When we were dealing

When we were dealing with this matter at our last meeting I reminded you that my name was on the list of speakers, and I wanted to address myself on the substance of the question.

I requested the President to call upon me at the subsequent meeting, which is to-day, on this subject.

Now to-day, we are confronted with a formal proposal that we drop consideration of the matter all together. I should like to know what is the parliamentary situation as regards the list of speakers who have signified their desire to address the Council. Will these speakers have an opportunity to speak before we vote, or are we compelled to vote before listening to the comments of these representatives? I should like to have that made clear to me by the Chair.

The PRESIDENT: I had anticipated that those representatives who have general statements to make would have an opportunity to make them. But I said ^{that} /without realizing that there was a formal motion for adjournment.

Now there is a formal motion for adjournment of the question to the next session, and under rule 56, those proposals, in other words any motions for adjournment or postponement have priority for voting.

And of course, if the Council by its vote decides to adjourn a question to the next session it means automatic closure of debate on that question.

Mr. SOLDATOV (Union of Soviet Socialist Republics) (Interpretation from Russian): I merely wish to draw attention to the fact that at the last meeting I could have pressed the point and I could have made my statement.

At the last meeting there was no motion for postponement of the question until the next session. Only as a result of the late hour I chose not to press the point and I agreed to speak at this meeting. I request the President to take this into account in deciding this parliamentary situation. Because I think that the final procedure would have to take into account this situation.

The PRESIDENT: I do take that into account and I would like to ask the Council if it is agreeable to allowing the representative of the Soviet Union to make his general statement before I put the motion for adjournment to the vote.

/ Mr. SOLDATOV

Mr. SOLDATOV (Union of Soviet Socialist Republics) (Interpretation from Russian): I do not request that the matter be put to a vote. I simply asked the President to clarify the point. I am not putting any motion. I simply asked the President to clarify the parliamentary situation.

Of course as all of us are well aware, it is very easy to vote on any motion whatsoever. It is the easiest thing in the world. I should really like to have a clarification of the suggestion.

The PRESIDENT: I did not ask that the request be put to the vote. I was asking the Council to agree that the representative of the Soviet Union - because of my reply to him when he asked for an opportunity to speak on the subject at the closure of the last meeting - should now make his statement before the adjournment proposal is put to the vote.

I am not asking the Council to vote on the question. I am asking the Council to agree with me that the representative of the Soviet Union should have the floor to make his general statement before I put the motion for adjournment to a vote.

Would that be agreeable?

Mr. SOLDATOV (Union of Soviet Socialist Republics) (Interpretation from Russian): Is that not six of one and half a dozen of the other? It is just another form of voting.

The PRESIDENT: It was just the Chairman's ^{courteous} way of seeing to it that there are no objections to that procedure.

Mr. GARREAU (France) (Interpretation from French): I would like to make it clear that it was not just now that I moved my formal resolution. Yesterday evening I did not merely make a suggestion, I moved a resolution. And after that formal proposal the representative of the Soviet Union expressed his desire to make a statement, but it was only then. His expression of desire to make a formal statement came after my motion of a formal resolution.

Mr. SOLDATOV (Union of Soviet Socialist Republics) (Interpretation from Russian): On a point of procedure I wish to give you some / information.

information.

The representative of France did not submit a formal resolution. That is quite clear from our verbatim records. It says there: "May I ask the representatives of France and Mexico to make any formal resolutions which they wish to make according to the procedure adopted in regard to the report on Ruanda-Urundi."

This was already after the representative of the Soviet Union not only ^{had} got his name down on the speaker's list, but had reserved the right specifically to speak. Furthermore, the fact that the representative of France has now said that he is formally submitting a motion or resolution, again contends that that resolution or motion was not formal at the last meeting. I think these facts ought to be taken into account.

Mr. GARREAU (France) (Interpretation from French): Could I request the Secretariat to clear up this point? ~~Yesterday~~

I think we can easily determine, according to the records, whether or not I yesterday made a formal proposal before the representative of the Soviet Union expressed his request. Let us just clear up this point.

I am quite sure myself that yesterday I moved a formal proposal that was a resolution and not a suggestion.

The PRESIDENT: I can recall that the suggestion for postponement was made before the representative of the Soviet Union reserved his right to speak.

/ I did ask whether

I did ask whether it was a formal motion or not but the Chair did not hear that it was a formal motion. It was then that I said that the representative of the Soviet Union could speak on substance. It is only today that I understand it to be a formal motion; therefore the parliamentary situation is somewhat ambiguous. If there are no objections I would like to call on the representative of the Soviet Union to make his observations.

Sir Alan BURNS (United Kingdom): I am not going to make any objections to the representative of the Soviet Union making his observations but I hope that the Chair will extend to me a similar courtesy if it is necessary for me to speak after the Soviet Union representative has finished. I hope it will not be necessary.

Mr. SOLDATOV (Union of Soviet Socialist Republics) (Interpretation from Russian): I was just trying to get some clarification on our procedure in this matter. If there is a unanimous decision of the majority of the Council to postpone the matter until the next session then, of course, you will understand that I will not wish to violate any decision of the Council although I shall object to the adoption of that decision previous to its adoption. I am saying this in connexion with the fact that we have a formal motion from the representative of France and that we are probably going to discuss it.

The PRESIDENT: I might say that the Council has ^{not} declared its intention by vote but when I wanted to put it to a vote the representative of the Soviet Union insisted on his right to speak. Therefore I felt it to be fitting that he should speak before I put it to a vote. Now if the representative of the Soviet Union asks me the question as to whether the Council has decided or not to postpone the matter my answer is that I cannot anticipate the wishes of the Council.

Mr. SOLDATOV (Union of Soviet Socialist Republics) (Interpretation from Russian): I did not insist on my right to speak. I was simply trying to get some clarification on our procedure. We now have elicited some clarification on this point and I thank the Chair for that. However, prior to the vote I do not intend to address myself to the substance of the report.

/The PRESIDENT:

The PRESIDENT: In that case the matter has cleared sufficiently to enable me to put that motion to a vote. It has been moved by the representative of France that discussion of the Report of the Visiting Mission to Tanganyika be postponed until the next session.

Mr. NORIEGA (Mexico) (Interpretation from Spanish): In connexion with the French proposal I wish to make it clear that this in no way establishes a precedent in connexion with the examination of the Reports of the Visiting Missions.

The PRESIDENT: I might say that it constitutes a precedent but not a binding precedent. It is not so binding as to become a rule.

Mr. SOLDATOV (Union of Soviet Socialist Republics) (Interpretation from Russian): I should like to speak briefly as to the substance of the French motion for the postponement of the examination of this Report until the next session.

The objections of the Soviet delegation to this proposal of the French delegation are based on the same considerations as the Soviet delegation based itself upon when it objected to the postponement of the consideration of the Report of the Visiting Mission to Ruanda-Urundi. The cases are identical. I think that the members of the Council will well remember the arguments I advanced at that time and there is no need for me to repeat them in detail.

Let me just give the main arguments in brief. In the first place, we have heard statements from some members of the Council at the last meeting which made it clear that some of the representatives of the Administering Authorities have the tendency to consider this as a precedent which can be referred to as an authoritative matter and which can be used in the future for the postponement of consideration of Reports of Visiting Missions until the Administering Authorities have given the Council their comments. After a study of the Charter of the United Nations and of the rules of procedure we fail to find anything which would preclude or hinder the Trusteeship Council from considering Reports of Visiting Missions even in the absence of the comments of the Administering Authorities concerned. It does not state anywhere in any document /that we cannot consider

that we cannot consider
/the Report of a Visiting Mission unless or until we have received the comments of the Administering Authority. This point therefore ought to be clear.

The Council has the right and the Council has every reason to take under advisement and to adopt decisions upon -- even final decisions upon -- the Report of the Visiting Mission, even in the absence of any observation from the Administering Authority concerned. This point, I say, ought to be made clear.

As regards the Report of the Visiting Mission on Tanganyika I might say that as a result of the questions asked of the Special Representative, of the representative of the United Kingdom in the Council and of the Chairman of the Visiting Mission -- as a result of that we did not find anything which might be construed as preventing the Council from adopting a decision on the Report. There were some requests for additional information on separate items of detail but these requests for additional information do not prevent us from adopting a decision on the Report of the Visiting Mission to Tanganyika.

Therefore, as a result of the course of discussion so far of the questions and answers received it cannot be said that the Council is unable to continue the consideration of the Report and to adopt a decision thereupon.

Furthermore, the Trusteeship Council has not seen any obstacles to the adoption of a decision on the Report of the Visiting Mission to Tanganyika. No such obstacles have arisen at all. On the other hand, none of the members of the Council has had an opportunity yet of addressing himself to the Report and therefore we do not know whether any obstacles might arise if the members of the Council had an opportunity of addressing themselves to that Report. If there are any obstacles we have not had an opportunity to find out what they are. We have not really considered the Report and without considering the Report it was yet suggested that we adopt such a decision. We would adopt such a decision, therefore, without any Report whatsoever.

On the basis of these considerations the Soviet delegation wishes to state that it is opposed to the postponement of the consideration of the Report of the Visiting Mission to Tanganyika until the next session of the Council. The Soviet delegation insists that this Report be considered at the present session, that we continue therefore the consideration of the Report at this session because we have already decided to consider it--that has been a formal decision of

/the Council

the Council. We should therefore just continue. On the other hand, I want to make it clear to the members of the Council that in respect of this question the Soviet delegation, without repeating all the arguments which it made in connexion with the Ruanda-Urundi decision, wishes to state that the whole argument that was made in connexion with the Ruanda-Urundi decision fully applies to this question as well and therefore I am not repeating it. I am not repeating it in order to save the time of the Council but all those those arguments apply again.

The PRESIDENT: In moving for an adjournment the representative of France gave as one of the reasons the lack of observation from the Administering Authority.

/I do not believe

y.

I do not believe the Council has adopted the view that this establishes a rule that the Council cannot consider any Visiting Mission's Report unless and until it has received the observations of the Administering Authority.

Those who are in favour of the motion of the representative of France that discussion of the Visiting Mission's Report on Tanganyika be postponed until the next session, please raise their hands.

~~THE PRESIDENT: A vote was taken by show of hands.~~

The motion was adopted by 7 votes to 1.

The PRESIDENT: The discussion of the Visiting Mission's Report on Tanganyika is deferred until the next session.

EXAMINATION OF PETITIONS LISTED IN THE ANNEX TO THE AGENDA

(T/234, T/273)

PETITION FROM TWENTY-TWO SHINYANGA TOWNSHIP AFRICANS

(T/PET.2/51).

The PRESIDENT: We now come to consider petitions many of which were received by the Visiting Mission .

The first petition under consideration is a petition from twenty-two Shinyanga Township Africans, document T/PET.2/51.

In this petition, the petitioners make a series of requests for improved conditions in the Territory as a whole; they state that the people hunger for full modernized education, including the technical, scientific, economic and social fields and suggest that Member States of the United Nations might be allowed to open schools in the Territory.

They ask further that even on the basis of the present standard of education, more power should be given to the native authorities in the conduct of their own affairs; and also that the Africans as a whole, and not merely a few of them, should be consulted on matters affecting the administration of their country.

/In addition,

In addition, they wish that the standard of living of the Africans be raised and safeguarded in order to enable them to stand alone; and they state that they need qualified leaders to assist them in the formation of co-operative business societies. They state that rural trade should be in African hands and that Africans should be allowed business plots in the towns; and they complain that Africans receive practically no share of the mineral wealth.

The petitioners ask for a guarantee of full freedom of speech and the immediate abolition of racial discrimination.

On this petition the Visiting Mission made certain observations contained on pages 7 to 8 of the Visiting Mission's Report, addendum 1, that is, document T/218/Add.1. The observations of the Visiting Mission are briefly, that the petitioners ask for more educational facilities, and the general observations of the Visiting Mission on these problems will be found in the Report in the chapter on Education, and also in the chapter on Economic Advancement under "Trade and Finance."

In regard to the other questions raised in the petition, the Visiting Mission referred to the relevant chapters of the Report, the chapter on Political Advancement and the chapter on Economic Advancement.

In regard to the question of asking or permitting Member States of the United Nations to open more schools in the Territory, the Mission is of the opinion that it is the responsibility of the Administering Authority to examine this question.

In regard to the request for greater freedom of speech, the Mission's observation is that it is aware of the efforts already made by the local administration along these lines and hopes that they will be continued.

In regard to the question of racial discrimination, the Mission had no time to study the matter of racial discrimination and therefore offers no observations.

/May I

May I ask the representative of the United Kingdom to make his observations, as representing the Administering Authority?

Sir Alan BURNS (United Kingdom): The Tanganyika Government is providing for the expansion of African educational services in the Territory to the utmost limit of the financial resources available and will continue to do so, I hope, to an increasing extent.

Missionary activities in the Territory and His Majesty's Government would certainly be willing to consider sympathetically any applications from reputable bodies or organizations composed of nationals of states Members of the United Nations to establish schools in the Territory, provided such bodies or organizations agreed to comply with the Government's laws on the question of the conduct of schools and education.

There are, as a matter of fact, in many British Territories, missions manned entirely by non-British nationals.

On the question of representation in the Central Government, we have already heard of the proposal of the Administering Authority to increase the representation in the Legislative Council to eight and the general policy of the Government is to increase local representation as rapidly as possible.

We have also heard from Sir George Sandford, while he was here, on the general question of the development of trade.

As regards the question of freedom of speech, it was ascertained that what the petitioners really wanted was more newspapers, and everything possible is being done to give them a better newspaper service in the Territory.

On the question of racial discrimination, as regards hotels it is a fact that certain hotels in the Territory cater to Europeans only. The Administering Authority is of course strongly opposed in principle to any such discrimination, but since those hotels are privately owned,

/it is not

it is not in a position to take any direct action in the matter which would be likely to be effective.

The present situation is explained by the fact that until quite recently standards of hygiene and so on varied widely between the local European community and the most advanced of the indigenous Africans. The Government is doing, and continues to do, all in its power to counteract this prejudice, now that a class of African with a standard of living approximating that of the European community is beginning to appear. There is of course no racial discrimination in entertainment by the Government or by Government officers.

As regards accommodation on the railway, any instance of discrimination such as that referred to would be immediately dealt with by the Government if it were brought to the notice of the proper authorities; but the Secretary of State for the Colonies proposes in any case to draw the attention of the East African High Commission to this complaint so that any necessary steps may be taken to write to the East African Railway System to ensure that there shall be no repetition of such incidents as are described in the petition.

The PRESIDENT: You have heard the observations of the Administering Authority. Are there are observations or suggestions?

/Mr. NORIEGA:

Mr. NORIEGA (Mexico) (Interpretation from Spanish): I note that others amongst the petitions that we are going to deal with also refer to different phases of political advancement. I wonder what the position of the Council would be in connexion with its resolution in recommending to the Administering Authority only isolated points about political advancement. I wonder whether it would not be more appropriate to draw up an integral resolution about those phases of political advancement that the Council deems relevant and timely to make to the Administering Authority.

I believe that some of the information given us by the representative of the United Kingdom is most positive and valuable in that it allows the possibility of replying. But the reply has been given that the Administering Authority is taking action as a consequence of the things that have been brought to its notice. This, of course, will be communicated to the petitioners.

My concrete suggestion, however, is that we prepare an integral resolution on those phases of political advancement that I have referred to.

The PRESIDENT: May I ask if the representative of Mexico is offering such a resolution?

Mr. NORIEGA (Mexico) (Interpretation from Spanish): My idea is that once we have studied the other petitions and have heard the other comments upon these that the representative of the United Kingdom will have been so good as to give us, then we can consider in the light of the documentation that we possess what recommendations are feasible as coming from the Council to the Administering Authority in this connexion.

I think that as far as we are concerned there are about ten points which we could take up from the Report of the Visiting Mission -- not as Visiting Mission points, but as points that the Council would like to make to the Administering Authority.

The PRESIDENT: Pending such action by the Council, may I say that tentatively it is the wish of the Council that the petition be replied to along the line adopted in regard to similar petitions previously considered; that is to say, that points raised in the petition
/have been

have been discussed by the Council and that the Administering Authority has offered certain observations which can be communicated to the petitioner as part of the record of the Council. Would that be agreeable?

Mr. NORIEGA (Mexico) (Interpretation from Spanish): Of course I agree with the President's statement. But it would seem to me that the resolution of the Council would be more practical and more useful if the Council were to adopt some of the conclusions that can be found in document T/218. I think we can go through that document quickly ^{and} take up those conclusions that are applicable to the development of political advancement.

The PRESIDENT: The Council adopts such a resolution, and that resolution can also be communicated in the reply. But pending the adoption of such a resolution, the reply would be along the line I have tentatively suggested.

Mr. SAYRE (United States of America): I am not quite sure whether I understood the suggestions of the representative of Mexico. So far as I did understand, I think it is in line with the President's suggestion, which seems to me the sound one.

As I read this particular petition, it deals with four fundamental points:

1. on education
2. the request for ^agreater degree of self-government
3. the request to improve their economic standard of living
4. this problem of discrimination.

Those are very fundamental questions -- questions with which the Trusteeship Council will be concerned and with which we will be working for, I suspect, many years to come. They are problems which cannot be cured in a night. It will take brain work and hard work and constant efforts on the part of the Administering Authority to find the cure, because these are so fundamental, because we will be working at them, not simply during our consideration of this petition, not, I suspect, simply when we discuss the Visiting Mission's Report and pass a final and definitive resolution on that.

/But because they are

But because they are so fundamental and will be continuing for so long, I suspect that the wisest way to handle it would be as the President has just suggested; that is, along the line that we followed in considering those public issues dealt with in the Ruanda-Urundi petitions, to inform the petitioner that we have received his petition, that we certainly realize the problems, that we are working hard on them and will continue to do so,

Then, I presume, the petitioner will have available to him such final conclusions as we reach at our June session, when I take it we will pass definitive resolutions with regard to the Visiting Mission's recommendations.

I therefore strongly support the President's suggestions.

Mr. LIN (China): I am most interested in the observations just made by the representative of the United Kingdom.

I am particularly interested in what he said about extending newspaper facilities. I think that would be very interesting and very important to the natives.

I wish to know whether the representative of the United Kingdom could tell the Council more precisely what steps are being contemplated or have already been taken to extend newspaper facilities, and whether any English newspapers are going to be started, or Swahili papers, and so forth. I should like some more precise information as to what is actually contemplated.

Sir Alan BURNS (United Kingdom): I am sorry that I cannot give any very detailed information, except in regard to the paper which already exists, called "Manbo Leo".

One of the complaints of the petitioners was that there was not sufficient information given from the districts in that paper and it is hoped that arrangements can be made to get district news for dissemination through the paper to all the people in the Territory.

Mr. INGLES (Philippines): I should like to make some observations on the comments of the Administering Authority on the subject of discrimination.

It was stated by the Administering Authority that it is not in a position to take effective measures to prohibit discrimination in hotels because
/these hotels

these hotels are private property. In the view of the Philippine delegation, however, although hotels are private property, in view of the nature of the business in which they are engaged their property may be considered property vested with a public interest, and that therefore it is within the competence of the Government to enact necessary legislation to prohibit discrimination in hotels.

This legislation is called for by virtue of the terms of the Charter. On this particular point my delegation is of the opinion that the Council can take definite action, in view of the categorical reply of the Administering Authority, in which it is admitted that discrimination exists in hotels in the Trust Territory.

Sir Alan BURNS (United Kingdom): What I said was that the Government could not take any effective action. It could of course pass a law but whether it could make that law effective is a different matter.

/Mr. SOLDATOV

Mr. SOLDATOV (Union of Soviet Socialist Republics)(Interpretation from Russian): My observations will also relate to some of the other petitions which we are discussing? Is that correct and permissible? Am I permitted to deal with several petitions in the same statement or must I confine myself each time only to the materials of the petition which is actually under discussion. Sometimes it is difficult to delimit the various questions/^{since} several petitions relate to the general situation in the Territory.

The PRESIDENT: It would be conducive to a more orderly examination of the petitions if we deal with the petitions individually because the other petitions have not been taken under consideration.

Mr. SOLDATOV (Union of Soviet Socialist Republics)(Interpretation from Russian): I well understand your concern and therefore I wish to reserve my right to speak two or three petitions later and then to use the materials from all the petitions we have discussed instead of making a statement with respect to each petition. My comments relate to a whole number of petitions and I do not wish to repeat my comments with respect to each. May I do it that way?

The PRESIDENT: We will take a decision on each petition. Therefore if the representative of the USSR will speak only after we have considered all the petitions it will be difficult to go back to all the petitions which have already been considered.

Sir Alan BURNS (United Kingdom): As far as I am concerned, I feel that we should save a great deal of time--as nearly all of these petitions relate the exactly the same subject-- if we go right through these petitions and have a general discussion on them afterwards.

If that is the wish of the Council I shall accept it willingly.

The PRESIDENT: Afterwards, the examination of individual petitions will require some determination. The formulation of the decision would depend on the observations of the representatives.

Mr. SOLDATOV (Union of Soviet Socialist Republics)(Interpretation from Russian): I am not speaking against the rules which we have established. I only wish to say that in connexion with the discussion of this petition I should like to make some comments which also relate to some other petitions. I should like to make these comments once rather than several times. I do not wish to repeat myself. Perhaps we can discuss this today, Monday and Tuesday and when I come to make my comments I may be permitted to refer to all these petitions.

/As regards

As regards the President's ruling that we must adopt a resolution on each petition all petitions separately, that is quite clear and I am not questioning it at all.

Mr. INGLES (Philippines): I should like to further pursue this question of discrimination.

In the opinion of the Administering Authority, it is one thing to enact legislation and another to make it effective. But in the view of my delegation, the effectiveness of the legislation will have to depend first, on the terms of the legislation and second, on the measures taken to implement that legislation.

Therefore, as an initial step in the eradication of discrimination, legislation must first be enacted. For example, the terms of the legislation may or may not provide ^{for} penal sanctions. If it does not provide for penal sanctions it will not be effective. If penal sanctions are provided it may not be effective if the authorities do not take steps to enforce those sanctions.

Therefore, from that point of view I should like to stress that point.

/The PRESIDENT

The PRESIDENT: May I ask whether the representative of the Philippines presses his point to the extent of not agreeing to the tentative decision of replying to the petitioner along the lines I suggested, pending the adoption by the Council of ^{any} resolution it may wish afterwards?

Mr. INGLES (Philippines): On the understanding that the Council is not precluded from taking action later.

The PRESIDENT: The representative of Mexico wishes to take up some of these points after all the petitions have been considered. Of course, that is an action that is open to the Council, and I wanted to suggest, therefore, that, pending the adopting of such action, the petition per se can be disposed of by the reply which I suggested. In other words, the points raised in the petition have been discussed by the Council, the Administering Authority has made its comments, and the records of the Council, including the observations by the Administering Authority, will be communicated to the petitioner.

Of course, if the Council wishes further to adopt any resolution which has a bearing on this petition, that also would be included in the communication sent to the petitioner.

Mr. NORIEGA (Mexico) (Interpretation from Spanish): I believe that, if we limit the text of the reply to the petitioner to information about what has been done in connexion with his petition in the Council without also telling him of the operative intentions of the Council in this connexion and the action that the Council is asking of the Administering Authority with regard to the petition, we would in effect be strangling the petitions because each petition would have been without effect.

The object of the petition is that it come to the notice of the Administering Authority, but for an activating purpose. Therefore, the reply to the petitioner should include an operative part from the Council, or should reproduce an operative recommendation from the Council to the Administering Authority. Otherwise it is hardly worth while discussing it if we just send an acknowledgement of receipt of the petition, saying that the Administering Authority has given its comments and that later on we are going to act. That is not enough.

The PRESIDENT:

The PRESIDENT: Action taken by the Council will be embodied in the records of the Council, and they form part of the reply. It can only be taken to mean that the Council has already acted on the petition in the way shown by the records of the Council. That is how I would look at it.

It may be recalled that in the case of the petitions concerning Ruanda-Urundi there was a general resolution which was taken on the basis of several petitions without reference to any single petition.

If that course is agreeable to the Council, a reply will be sent along the lines suggested, without prejudice to any other course of action the Council may wish to take at the conclusion of the examination of petitions.

Mr. SOLDATOV (Union of Soviet Socialist Republics) (Interpretation from Russian): I shall speak one or two petitions later in order not to delay the Trusteeship Council now.

PETITION FROM TANGANYIKA BAHAYA UNION (T/PET.2/53) and T/PET 3 /11)

The PRESIDENT: We now proceed to the next petition which comes from the Bahaya Union of Tanganyika - documents T/PET.2/53 and T/PET. 3/11.

The petitioners ask for the unification of the Trust Territories of Tanganyika and Ruanda-Urundi. They claim that the division of former German East Africa after World War I caused the people of Bukoba, to which the petitioners belong, and Biharamulo to suffer economically and socially in that trading across the border has been stopped and marriages between the peoples of the two Territories can only be carried out secretly at risk of imprisonment.

The petitioners raise two other matters: they protest against the allegedly contemptuous attitude of the Indians toward the Africans and they ask for the establishment of a unified native administration for the whole Territory.

/The Visiting Mission observed

The Visiting Mission observed that this question really is beyond the competence of the Visiting Mission to consider inasmuch as it is tantamount to suggesting lack of co-operation between two Trust Territories.

Sir Alan BURNS (United Kingdom): The signatories to the petition we have before us are not generally known in the Bukoba District and can have no claim to be representative of local feeling or opinion. One of them was formerly in the government service and later in that of the Bukoba Native Administration, but was dismissed from both posts for offences relating to money.

The Visiting Mission pointed out that the question of the annexation of Ruanda-Urundi to Tanganyika is outside their jurisdiction. It went on to add that it considered the petitioners do not advance any serious grounds to justify consideration being given to such a request.

One other point I should like to mention is the statement that inter-marriage is punishable by heavy imprisonment is of course entirely without foundation so far as Tanganyika is concerned, and equally, it is to be presumed, as far as Ruanda-Urundi is concerned.

As regards the question of native administration, which is referred to in one part of the petition, I suggest that this is a very large matter which should be considered when we are considering the general question of the Visiting Mission's Report, along with the comments of the Administering Authority.

Mr. SAYRE (United States of America): There is one point in this petition which interested me particularly. I wonder if the Administering Authority would care to comment on the statement contained in the second paragraph on page 55 of document T/218/Add.1, where the petitioners speak of the difficulties they have with respect to trading because of the separation, and tell us whether that, like the statement we just adverted to with respect to marrying, is not based on a true statement of fact, or whether there are difficulties which somewhat echo the difficulties we considered in the Togoland situation, where the United Kingdom and France sought to ameliorate difficulties under a special kind of arrangement.

In other words, I should like to ask the Administering Authority whether there is serious trouble with respect to trading between the two, /and if there

and if there are serious difficulties, whether those could perhaps be ameliorated by some kind of agreement between Belgium and the United Kingdom.

Mr. RYCKMANS (Belgium) (Interpretation from French): I did not think that it would be necessary for me to intervene in this discussion. But, in view of the statement of the representative of the United States, it might be well for me to explain the reasons for this complaint.

Thirty-five years ago I arrived in Ruanda-Urundi Territory. The Barundi and the other tribes concerned were very backward, but the Bahayas were much further advanced. The Bahayas had important jobs as interpreters, clerks and so on. There were very few Barundis and Banyarundas who could write and read. The Bukoba people were somewhat more advanced.

/At any rate,

At any rate, it was the Bahayas who were the advanced trike. They were in the company of European officials and they had various clerical jobs. Almost all the paramount Chiefs had a Bahaya as a clerk who wrote papers for him, was his secretary, served as an interpreter when representatives of the Government showed up, etc. These Bahayas of course took advantage of the situation.

It happened very often that they received such things as cows or sheep or goats from people who had something to ask of the chief in whose service these Bahayas were working. To a certain extent they even indulged in some blackmail and extortion, thus abusing their advantageous position in the entourage of the chiefs.

Naturally the Bahayas found this situation most agreeable. They liked it. They were charged with everything, as the Hausas are in other parts of Africa.

The Bahayas indulged in traffic with various Arab traders and that situation of course was very profitable for them. They want the situation to be re-established today. They want to be again the little bosses in Ruanda-Urundi.

But even if the frontier were suppressed between the two Territories the situation is not the same, and the Barundis and the Banyarundas would not let such things happen, as they were prepared to do 35 years ago, because they have advanced too.

As regards the question of marriage, I do not know what this refers to at all. Never was any marriage punished by imprisonment. It might happen that a Bahaya went to Urundi and kidnapped a girl from there, and that he went back to Bahaya territory, in Tanganyika Territory, and then of course the father complained about the kidnapping of his daughter. The Bahaya of course was sent to jail for having perpetrated the crime of kidnapping.

At any rate, never, as far as I know, was there any such jail punishment either in Tanganyika or Ruanda-Urundi. There was never such a ban on inter-marriages, nor was there any such punishment.

As regards the question of commerce, there is nothing to be done at all. The local authorities quite agree that purely indigenous transactions should take place. In other words, an indigenous inhabitant

/who comes

who comes back home after having been allowed to go to another Territory to buy some fabric, will not have to pay customs duty on that fabric which he bought at the other side of the border in good faith, and which he has brought back to his Territory. The same applies to cattle who cross the border.

Incidentally, this does not apply to the Bahayas, because there is very little contact between the Bahayas and the Barundis. But it would happen in Bugufi, where there are people on both sides of the border who have family relationships, and who visit each other and bring such things as calves to each other.

Such transactions are always ignored by the customs authorities if they are good faith personal transactions. But if any of those people want to import goods overland for commercial purposes, because they think that the Territory is less well-guarded than the railroad stations, then the customs authorities have to intervene.

I am afraid that there have been hardly any complaints about that. There have been no complaints about the absence of Bahayas on the other side of the border. These people who write to you are in Nairobi. They have not seen any Bahayas for many years, and they are just complaining for the sake of it.

The PRESIDENT: Does that reply to the point the representative of the United States has raised?

If there are no further observations, then perhaps a reply may also be sent to the petitioner along similar lines to the previous petition.

That is agreed.

/We will take up the

We will take up the rest of the petitions on Monday as I understand that climatic conditions have not improved.

I think that the Drafting Committee has progressed with its work and several draft reports have been circulated.

I think that on Monday we can finish the petitions and go on with the draft report on Western Samoa.

The Drafting Committee will meet again on Monday morning at 10.30 a.m. in Room 5.

The Council is adjourned until Monday afternoon at 2.30 p.m.

The meeting rose at 4.00 p.m.