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TRUSTEESHIP COUNCIL

Fourth Session

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

Lake Success, New York
Thursday, 24 March 1949, at 3 p.m.

President:

Mr. LIU CHEN

China

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

EDUCATIONAL ADVANCEMENT IN TRUST TERRITORIES

DRAFT RESOLUTION OF UNITED STATES OF AMERICA (T/274) (continued)

The PRESIDENT: We will continue with the work left over from this morning's meeting. I think we still have to take a final decision on the draft resolution presented by the representative of the United States on educational advancement in Trust Territories. I believe this subject has been discussed at some length and I would suggest that the Council proceed to take a vote on this draft resolution forthwith.

Mr. INGLES (Philippines): Inasmuch as this draft resolution was taken from a similar resolution of the General Assembly and inasmuch as the wording used, for example, "to compile such relevant and comparable official statistical information" is also copied from the General Assembly resolution, I should like to ask for information from the Secretariat on how the General Assembly resolution has worked out in practice and what, in the opinion of the Secretariat, the term "comparable" means? I ask this since in the view of my delegation we should not be adopting a resolution here just because a similar resolution has been passed by the General Assembly, with respect to non-self-governing territories, and without finding out how that resolution has worked out in practice, whether it has proved to be effective or of any real benefit so that before we copy that resolution we ought to be informed about that fact.

The PRESIDENT: On this matter I may say that this resolution was only adopted by the General Assembly during the Paris session and it has not been implemented. I doubt if the Secretariat could give any useful information on it. In any case I think the interpretation of what is comparable still remains to be worked out in the light of experience.

Mr. INGLES (Philippines): Aside from the General Assembly resolution of 1948 there was also a similar resolution of the Assembly in 1947. If, as was stated by the President, the Secretariat is not in a position to tell us now how it was worked out I do not see how the Council can merely copy the resolution of the Assembly without this knowledge.

/Mr. RYCKMANS

Mr. RYCKMANS (Belgium) (Interpretation from French): The resolution which was voted by the General Assembly in respect of the information concerning non-self-governing territories and the resolution which is proposed today by the delegation of the United States have nothing in common whatsoever.

The information given under Article 73 e is given for information purposes and not with a view to clarify any discussion in this respect. We receive information here from the Administering Authorities -- information which is not sent to the Council for information. We receive reports that are sent to the Council for examination, for consideration by the Council. The comparative information which the Secretariat compiles for the commission which receives information concerning non-self-governing territories, once again, is simply a series of figures given for information. What we are requesting here is to have studies which would enable us to know the exact significance of the figures and that is something quite different. We are asking for comparative studies which would enable us to realize the actual value of certain figures. That has nothing in common with the information of an arithmetical character which is requested of the Secretary-General in order to complete the information given under Article 73 e.

Therefore it is quite wrong to mix the two; this is quite a different question.

Sir Alan BURNS (United Kingdom): I am a little bewildered at the opposition that is being experienced in the Council to this very simple resolution. Is it due to the fact that some members of the Council are afraid that the results might prove that they are not in a position to criticize the Administering Authorities as freely as they have done in the past? I cannot see any other objection to getting simple information of this sort.

Mr. INGLES (Philippines): That is precisely why I have been asking for information as to what the word "comparable" means. As the President said, up until now the Secretariat has been at a loss to carry out the General Assembly resolution because the sense of that term has not been definitely decided. As we pointed out, if this term "comparable" should mean comparison of a Trust Territory with the metropolitan country we have no objection to this resolution.

/Mr. BAKR (Iraq):

Mr. BAKR (Iraq): I believe that this resolution gives a one-sided picture because if we are going to judge the progress of a country it is not only the educational aspect which should be considered. We have to consider other aspects also: social, economic and political, as well. If we want to have a clear picture of comparison we will have to include all these aspects in this resolution. However I do consider that to have certain official documents and figures for reference in this Council is much better than to refer to mere unauthentic sources as has happened in the past.

Mr. SAYRE (United States of America): There was a little discussion at the end of the morning's meeting and the representative of Mexico made certain objections to this United States resolution. During the time which has elapsed since the morning the representative of Mexico has reached agreement, I think, on a formula which might receive the approbation of the entire Council. Might I suggest that we postpone the vote until Mr. Padilla-Nervo makes this proposal and see if it does win the approval of the Council?

Mr. PADILLA-NERVO (Mexico): In considering the United States resolution with reference to statistical data that is collected by the Secretariat in compliance with a resolution of the General Assembly of last year, I said this morning that I was in agreement with the idea that the members of this Council/should receive from the Secretary-General the data that is collected together with the comparison and analyses that are made. I suggested that that comparison should be extended to the different fields to which the resolution of the General Assembly referred and not exclusively to education.

For that reason I will present an amendment to the proposal of the United States, a resolution drawn up on these terms:

"THE TRUSTEESHIP COUNCIL,

"INVITES the Secretary-General to transmit to the Trusteeship Council for its sixth session such data as has been compiled under resolution for the use of the General Assembly."

That has the advantage, in my opinion, of making available to this Council for use in this Council of all that data to which the resolution of the General Assembly refers and that it extends it to the fields to which the resolution of the General Assembly refers /and not only

and not only to the field of education.

I submit this wording to the Council and I would like to know especially what is the reaction of the representative of the United States on these words.

Mr. SAYRE (United States of America): I do not have a copy before me and I would like to ask the Secretariat to put it before us. Without a copy I am a little hazy on it.

Mr. RYCKMANS (Belgium) (Interpretation from French): As I have stated, the work which is required of the Secretary-General by the Assembly on the proposal of the Fourth Committee in respect of information of a statistical nature and a technical nature concerning the elements which are a part of the information given by the Administering Authorities, colonial Powers and of non-self-governing territories has nothing in common at all with the resolution which was proposed by the representative of the United States.

/They are two

They are two completely different fields; they are information given by other services -- information which has quite a different scope and which is not compiled in the same spirit.

In one case it is a question of statistical comparisons, of figures. That is the information requested under Article 73(e) and which is given for information and not for consideration by the General Assembly or one of its bodies.

In the case we are dealing with here we have to judge as to certain situations and see whether they are such as they should be or such as we would hope they would be and to see whether any change is possible in such situations, and what we are asking the Secretary-General to do is to give us the result of studies which would enable us to appreciate the significance of certain figures.

As I said this morning, to speak of a mortality rate of fifteen or of twenty per cent does not mean anything if we do not know what the births and deaths are elsewhere. If you speak of a percentage in the budget spent for public education and so forth, it does not mean anything if we do not know the percentage of the actual budget which is given for education in other countries.

What we are asking the Secretary-General to do here is to draw up a series of studies which would enable us to judge as to the value and the significance of the information -- in figures -- which is given to us by the responsible Administrations. That has nothing in common, therefore, with the Resolution of the General Assembly of last year which was limited to requesting simply mechanical figures. We are asking for studies.

Mr. PADILLA NERVO (Mexico): I believe that the representative of Belgium has probably made a mistake in respect to the interpretation of the draft resolution presented by the United States. That resolution does not ask for any studies on the matter. That resolution requests "official statistical information as may be available." That is all that the

/resolution

resolution requests.

Furthermore, as we have heard from the statement made by the representative of the United States, the grounds and the base for presenting this draft resolution is the resolution of the General Assembly to which it refers, and that resolution says in Part 3', which was read this morning by the United States representative, exactly the following words:

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

Therefore I do not see at all why the suggestion that I make in the proposed amendment is entirely different from the proposal of the United States. In my opinion it is exactly the same. That comparison of figures, of statistics received from any territory which the General Assembly Resolution invites the Secretary-General to compile is the same that, according to this proposal, is requested from the Secretary-General to be put at the disposal of the Council so that the Council may make the use that it considers opportune of those comparative statistics.

The representative of Belgium said today that it would be useful to have a comparison of those data, and according to this resolution we would have this.

I believe that, with the exception of extending those statistical data not only to the field of education but to other fields, this proposal is, in substance, the same as the proposal of the United States.

The PRESIDENT: May I ask whether the Council does not feel that the kind of information -- statistical or otherwise -- that the General Assembly Resolution envisaged, /would not

would not have been made accessible to this Council in any case, with or without a resolution?

Mr. SAYRE (United States of America): May I ask the President whether, as a General Assembly document, it would be available freely to the Trusteeship Council? I presume that it would, but I would like to know.

The PRESIDENT: I believe it would be freely accessible.

Mr. SAYRE (United States of America): And could we discuss and use it in our work?

The PRESIDENT: I think so. I do not think there is any rule of procedure to say that a representative requiring certain information could not bring it in as a matter of reference. That is the utmost that any resolution would do in any case.

Mr. SAYRE (United States of America): I take it, then, that that is a ruling of the President of the Council?

The PRESIDENT: A ruling would not be effective unless it is agreed to by the Council, unless it is accessible to the members.

Mr. PADILLA NERVO (Mexico): For my part, I entirely agree with what the President has expressed. I believe that any document of the General Assembly

which any member of this Council considers relevant to the business of this Council can be used by the Council.

In that respect, I think that there is only one difference between the proposal that has been suggested and a ruling that would be made by the Chair-in that the members of the Council could use that information prepared by order of the General Assembly -- and in my opinion it is this: that if we accept this proposal the Secretary-General will send

/officially

officially that data to the President of the Trusteeship Council, and the President of the Trusteeship Council would inform the Council of having received such information and could even put it on the Council's agenda.

/Otherwise it will

Otherwise, it will be left to the initiative of every member of this Council to make the use they consider proper of such data that, as the President said, are at the disposal of every member of the United Nations and therefore of this Council.

The PRESIDENT: I believe it is quite appropriate that any information accessible to members of the Council -- whether as members of the United Nations or as members of the Council -- can be used for the purposes within the competence of the Council. That is how I feel about it.

Mr. SAYRE (United States of America): I feel that this resolution, which I introduced this morning, has generated unnecessary heat. I do not want to continue to press it if it is going to continue to generate heat.

If I understand -- as I do understand -- that the President is making a definite ruling to the effect that members of the Trusteeship Council are free to utilize the information which is gathered by the Secretary-General under this General Assembly resolution which we referred to and presumably which is put out in a General Assembly document a ruling, I say, to the effect that the members of the Trusteeship Council are free to utilize this, to discuss it, to bring it into the discussions of the Trusteeship Council when it is pertinent, then I am quite content to withdraw my resolution in the interest of general harmony.

The PRESIDENT: I believe that this is the correct view: that the Council, whenever information is accessible to it, may use it whenever such information is pertinent when the Council discusses matters within the competence of this Council.

For instance, if the information was collected to be used in connexion with the other non-self-governing Territories, then naturally this Council cannot discuss it in regard to those Territories. It is only when it is useful and relevant to matters within the competence of the Council.

Mr. SAYRE (United States of America): But I think that ruling establishes the principle that the comparable statistics are
/available

available and may be used, and, I take it, are relevant if we are seeking to evaluate and adjudge the significance of educational, social or economic conditions in the Trust Territories. I take it that is part of the ruling.

The PRESIDENT: I would believe so. Of course, it is difficult to anticipate how the debate would develop. For instance, if one kind of information is used, then other sources and other forms of information may also be used. For instance, in a very advanced country where the best universities are endowed by private institutions, the amount allocated by the national budget would not reveal the extent of education in that territory. In territories where education is entirely dependent on the appropriation from the government, that would indicate something quite different.

Therefore, when you compare, for instance, the percentage of the budget in a certain territory that is available for education with the budget of another country, it would be a useful comparison if you knew all the factors, including the factor that I mentioned. If in one country where the educational institutions are mostly self-supporting or privately endowed, then even though the budget may show a small percentage, the facilities for education would still be considerable.

When I say that it is relevant, of course all information can be used when it is relevant, but cannot be used effectively unless, as the representative of Mexico pointed out, other relevant information would also be given.

But as far as the use of material is concerned, it is my view that as long as it is relevant and as long as the matter under discussion is within the competence of the Council, then there is nothing to prevent any representative from making use of any information he has available.

Sir Alan BURNS (United Kingdom): I hope that the President's ruling does not imply that the Trusteeship Council would be competent to discuss figures and other information relating to non-self-governing territories.

It would be possible, of course, for the Trusteeship Council to use those figures and that information for comparison, but I could not

/agree

agree that it would leave it with a free hand to comment on information supplied by the non-self-governing territories.

The PRESIDENT: If that is the case, then I see still less purpose in a resolution asking for such information. I believe that for purposes of mental comparison there are many statistical books available for that purpose.

To a certain extent I am in agreement with the representative of the United Kingdom, because I have been very careful in stating that certain arguments are not relevant, or certain territories should not be brought in, which are not within the competence of the Council.

The resolution now before us seems to indicate that the Council wants to make use of such information. My point was that since there is such information available compiled by the Secretariat, then the Council may have access to it even without any specific resolution by this Council. That is the point I raised.

Mr. INGLES (Philippines): I was merely going to point out that the General Assembly resolution we have been referring to covers only the social, economic and educational fields and omits the political field. That omission was made in the General Assembly, because of opposition to the furnishing of political information by the Administering Authorities.

That objection, I presume, should not apply with respect to Trust Territories, because with respect to Trust Territories, the Administering Authorities are precisely required to furnish political information.

Therefore, if the information compiled by the Secretariat in accordance with the General Assembly resolution is made available to the Trusteeship Council, it would still be not complete, because it would be lacking the comparison of information on political advancement.

I should just like to apprise the members of the Council of that omission.

Mr. HOOD (Australia): I think that the President's view is probably right and that the Council could dispose of this material without any express direction or resolution, but I wonder all the same whether it is quite proper for us to attempt to decide such an arrangement /at the present

at the present moment, either by way of a ruling from the Chair or by a resolution by the Council.

What he has said and what the representative of Mexico has said suggests -- anyway to me -- that probably the best place for the introduction of a resolution to this end is the Fourth Committee itself, in which all the relevant relations and implications can be assembled together and discussed together as a whole.

I think that a properly and sufficiently widely framed resolution could well be introduced into the Fourth Committee and adopted with advantage.

It seems to me that we might be attempting to deal piecemeal now with a subject which deserves considerably more thought and more discursiveness in its content.

In that spirit, it may be that the United States delegation would feel able to withhold its resolution for the time being.

Mr. GARREAU (France) (Interpretation from French): I have been struck by certain remarks made by the President in respect to the comparison of statistics.

It is quite certain that we cannot simply compare gross figures. We must take into account a certain number of considerations on the setting up of these statistics.

The President pointed out, among other things, that in respect of education there is not only the percentage of the budget, which enables one to establish the degree of effort made in the development of education, but there may also be, for instance, private schools or a whole system of private education which does not come within the State budget.

That is the case, for instance, for the Territory of Ruanda-Urundi, where a great part of education has been taken over by Missions. There is, therefore, an element which has not been taken sufficiently into account in the appreciation of the budgetary effort of Ruanda-Urundi.

You have here a specific application of the very just remark which the President made in this respect. It is not sufficient to say that the budget includes 10% or 9% for education. There may be other elements which are extremely important, and may even be more important than the share of the budget devoted to education.

This remark might apply to any comparison made between various statistics.

In the same way the representative of the Philippines tells us that the Resolution of the General Assembly only bears on the three fields dealt with in Article 73, paragraph (e), of the Charter.

/Therefore

Therefore this Resolution only deals with comparisons between figures or statistics referring to economic or social development, and the development of education, but not to political development.

Here the President's general remark would apply even more justly, if we wished to apply it to comparisons made in the political field. What kind of statistics could be compared on this point? Would it be the number of electors, for instance, or the extension of the electoral vote to such and such a class of voters?

Here I think that we would enter into a field of phantasy if we tried to make comparisons of statistics in the political field, whereas we can, of course, make certain comparisons in the field of the extension of a certain disease, the number of sick people, or the mortality rates, and so forth. Of course the number of deaths and births in respect of the total figure of the population will enable us to make a certain useful comparison. But we should not make too much use of these statistics, because we must also take into account a great number of elements which are unfortunately not indicated in the statistics which we have.

The PRESIDENT: I would like to take a vote on this, unless I understand that it is not going to be pressed.

Mr. SAYRE (United States of America): As I said before, I am surprised that this resolution has drawn so many heated comments. We have now been discussing it for at least an hour and a half. I doubt whether there is virtue in continuing the discussion.

In the interests of the harmony of this Council, and remembering that we have only a few days left, and that we have some very important work still before us, I would withdraw the resolution.

Of course, if, at some time in the future, there should be any misunderstanding, it might be reintroduced, but for the present I desire to withdraw it, on the basis of the ruling which the President gave a few moments ago.

The PRESIDENT: I am sure that the Council appreciates the reasons which caused the draft resolution to be submitted in the first place, and now to be withdrawn.

/I, too, feel

I, too, feel surprised that this resolution should have been met with such heat.

EXAMINATION OF PETITIONS LISTED IN THE ANNEX TO THE AGENDA

Amendment of China to the Draft Resolution of the USSR (document T/291)

The PRESIDENT: I think there was another draft resolution which was not quite completed yesterday. That was the draft resolution submitted by the representative of the USSR on the subject of alienation of land.

When this draft resolution came up for discussion the representative of China said that he would like to submit an amendment, and the Council asked that that amendment be circulated in writing. I believe that has now been circulated under document T/292.

If there are no observations I will put the amendment to vote first, and then put the original draft resolution by the representative of the USSR to a vote.

Mr. SOLDATOV (Union of Soviet Socialist Republics) (Interpretation from Russian): I wanted to ask whether we were going to discuss the amendment suggested by the representative of China.

Are we going to have a discussion on that amendment, or does the President intend to put it to the vote immediately?

If the President does contemplate putting it to the vote, I would like to make a few comments.

The PRESIDENT: If representatives on the Council wish to discuss it, naturally, the amendment, like the draft resolution itself, is open to discussion.

Mr. SOLDATOV (Union of Soviet Socialist Republics) (Interpretation from Russian): When the petitions were under discussion in the Council -- the petitions received from the Tanganyika African Association, the Chagga Council and the twenty-two Shinyanga Township Africans -- the representative of the USSR drew the Council's attention to the fact that, as a result of the policy of alienation of land belonging to the indigenous inhabitants, these inhabitants were placed in a very difficult situation.

/In this respect

In this respect, as you know, the petition states directly that the indigenous inhabitants will soon be completely deprived of land, and will have none left at all.

The representative of the USSR drew attention to the data contained in the Visiting Mission's Report on Tanganyika, on pages 82 and 102.

From the tables contained in the Report, it follows that in 1947 the amount of land under cultivation in Tanganyika was 6,334,000 acres. Of these 1,846,278 acres belonged to non-indigenous inhabitants.

In this way there are 4,497,722 acres of cultivated land for 5,500,000 indigenous inhabitants, while for the European population, numbering 7,500 individuals, there are 1,846,278 acres of cultivated land available.

Therefore, as the USSR delegation pointed out at that time, each indigenous inhabitant has less than one acre of arable land, while each individual European has more than 246 acres of arable land.

/References were made

References were made to the fact that the Asian population also had certain parcels of land and these figures are not contained in the tables. But the delegation of the USSR, in speaking of this, said that in view of the fact that on the basis of available information, Asians do not, as rule, enjoy large land-holdings. The general picture of the distribution of cultivable land in Tanganyika is not changed thereby.

Furthermore, the delegation of the USSR pointed out that further alienation of lands is being carried out and is promoted and encouraged by the Administering Authority. Specifically this refers to the alienation of 2,255,000 acres of land for the Groundnut Scheme for the development of groundnuts by the Overseas Food Corporation.

The delegation of the USSR pointed out that the question of the development of groundnuts in general in Tanganyika, had been discussed in the Council on the basis of Mr. Siggins' petition which contained information to the effect that the indigenous inhabitants were expressing direct concern over the alienation of these lands for the production of groundnuts. The Report of the Visiting Mission also contains information to the effect that the indigenous inhabitants are deprived of their true lands and these lands are being given over to the Overseas Food Corporation.

For instance, the members of the Visiting Mission advised that 500 families were transferred to another area and that the transfer of 500 other families was contemplated in view of the fact that it was necessary to free an area of 30,000 acres for the needs of the Overseas Food Corporation.

In view of the fact that the Trusteeship Council had at its disposal complaints to the effect that the indigenous inhabitants were being driven from the land and the land was being handed over for the use of the Overseas Food Corporation, the delegation of the USSR considered that the Trusteeship Council should draw particular attention to this matter and should request full information from the Administering Authority on this problem.

The delegation of the USSR considers that such a situation cannot be allowed to continue. It is a situation in which it is obvious that the development of the groundnut in Tanganyika would lead to depriving

the indigenous inhabitants of Tanganyika of their lands and dooms the indigenous inhabitants of Tanganyika to a future deprivation of the use of such lands. Particular attention should be drawn, in this connexion, to the fact that the alienation of 2,255,000 acres of land for the use of the Overseas Food Corporation is closely linked with the question of property rights of an indigenous inhabitant.

/The delegation of the

The delegation of the USSR considers that such a situation cannot be allowed to continue; that is, the questions of land tenure being resolved without any participation and consideration of the indigenous inhabitants. The land belongs to the inhabitants of the Territory and land questions should be resolved with the full participation of the indigenous inhabitants of the Trust Territory.

In this connexion, as is known, the delegation of the USSR expressed itself in favour of the Trusteeship Council's recommending to the Administering Authority the return to the indigenous inhabitants of lands alienated from them and to cease alienation of indigenous lands in the future.

Certain members of the Trusteeship Council, in considering this matter, stated that in addition to the 6,336,000 acres of land which are under cultivation in the Territory, there is a large amount of land which can be utilized by the indigenous inhabitants of the Trust Territory. But the delegation of the USSR has shown already the flimsiness of such arguments. The delegation of the USSR has pointed out that no one, at any time, has had the right to alienate lands which belong to the inhabitants of the Trust Territory. In logic, there are no arguments which could justify such a fact, no arguments which could justify a situation whereby the indigenous inhabitants are deprived of their own lands which lands are then handed over to Europeans; specifically, as in the case of Tanganyika, to European colonials.

It must be absolutely obvious that the attempt to justify the alienation of such lands from the indigenous inhabitants is a flimsy one. No reference can substantially be made to the fact that there are other lands in the area which can be used by the indigenous inhabitants because it is quite obvious that all the lands of Tanganyika -- be they the best or be they the worst -- belong to the inhabitants of Tanganyika.

As far as concerns references to the fact that the European inhabitants should have only the best lands while the poorer lands which are infested with the tsetse fly are left for the indigenous inhabitants, all of this means that, to certain people, the real interests of the indigenous inhabitants are not particularly significant and are not important. It is quite obvious that these individuals who make such statements, who wish such lands on the indigenous inhabitants, are not interested in the true progress of the indigenous population.

I think that it is unnecessary for us to speak of the reasons and motives behind such statements. This should be left entirely up to the consciences of those individuals who advance such arguments.

/Unfortunately

Unfortunately, the delegation of the USSR cannot agree to the substitution of the Chinese amendment for the original proposal of the delegation of the USSR on this question. In this connexion, I should like to note the following circumstance.

The Chinese amendment to the draft resolution of the delegation of the USSR, envisages only the return of lands which previously belonged to German colonizers and it completely omits any reference to lands which have been alienated in favour of English and other colonials and companies.

As you know, only recently -- in accordance with official data -- 2,500,000 acres of land were alienated from the indigenous inhabitants and, as I have already pointed out, these were given over to the Overseas Food Corporation. This was done, as you know, without any consultation with the indigenous inhabitants of the Trust Territory and the interests and the desires of the indigenous inhabitants were not taken into consideration.

/In this connexion

In this connexion, without the immediate return to the indigenous inhabitants of the alienated lands, the second part of the Chinese amendment would not fit in with the true needs and interests of the indigenous inhabitants, because this amendment in essence is not really an amendment but an independent resolution.

It is on this basis that the Soviet delegation asks that its own original resolution be put to the vote without linking it up with the draft resolution which has been proposed by the representative of China.

Sir Alan BURNS (United Kingdom): We have listened once again to the typical propaganda speech from the representative of the USSR.

As my Belgian colleague mentioned a few days ago, the figures are so twisted as to support the arguments which are being advanced -- again very good propaganda. In fact, we have heard exactly the same thing in almost the same words as we heard a few days ago. I am not going to waste the time of the Council by replying at length to what has been said, because I have already done so.

I would just like to point out one absurdity in the speech we have just listened to. We heard that the best land was always taken by the European settlers and the wretched indigenous inhabitants are given all the tsetse fly land. We also heard that it was wrong to give large areas of land for the Groundnut Scheme which is being developed by the Overseas Food Corporation. It has been pointed out -- and it is realized, I think by the members of this Council -- that the land ^{that} has been handed over to the Overseas Food Corporation is the very worst tsetse land in the whole of Tanganyika.

Mr. RYCKMANS (Belgium) (Interpretation from French): I replied the other day -- in part, at any rate -- to what has been said by the representative of the USSR.

From what he has stated here a moment ago, the result is the following: the ^{area} cultivated by the indigenous inhabitants is at present approximately 4,500,000 acres, that is less than one acre per inhabitant. There are 6,000,000 indigenous inhabitants. There are 192,000,000 acres in the Territory and, in order to enable these 6,000,000 indigenous inhabitants who at present cultivate 4,500,000 acres to live and to develop themselves normally, we should have to /expropriate

expropriate the lands of non-indigenous persons, which belong to them under normal laws. That is, in short, what is suggested to you. There are 4,000,000 acres. There are 185,000,000 acres which are not cultivated but in order to enable the indigenous inhabitants to develop, we have to add to their 4,000,000 acres not a few hundred thousand or a few million acres taken from among the 185,000,000 which nobody is doing anything with, but precisely the ^{1,800,000} acres which have been alienated regularly which have normally been cultivated by European persons. That is what is suggested to us and we are told to do this in the interests of the indigenous population, otherwise the indigenous population cannot develop.

That is, in plain words, an absurdity. If, after having really sought among the 180,000,000 acres of Tanganyika land enough to complete the 4,000,000 acres which the indigenous inhabitants are now cultivating, we found that there were not enough, then I would be quite prepared to agree that we should say that the coloured people should come before the white people and that, if we did not find enough land without expropriating the whites, we would have to expropriate the Europeans in order to give the indigenous inhabitants the possibility of developing their land in their own way. I would agree that now, today, where there have been European plantations, if the indigenous inhabitants had not enough land to develop themselves and if we found no other solution to give them the land they want, we would expropriate the whites and give this land to the indigenous inhabitants if that could be the solution to the problem.

As a general rule it will not give the solution to the problem because, if you have a tribe which is busy expanding and if you have a certain number of European-cultivated acres in this area, the fact that you have expropriated these European farms to give them back to the tribe would simply be a palliative for a year or so and after that you would have the same problem. The indigenous inhabitants would have planted a few acres of manioc: after that we would have to find another solution elsewhere. We would have to find the solution of giving these indigenous inhabitants land elsewhere on the land of another tribe.

We are told that the land of the Tanganyika Territory is the property of the inhabitants of this Territory. But is all this land the property of the inhabitants, and what inhabitants? Migration has continued in Africa ceaselessly until the time of European occupation

/which stopped

which stopped it suddenly, but until the time of European interference the whole of Africa was in perpetual movement. Tribes were at war with one another; there were conquests; tribes disappeared because they had an insufficient birthrate and other tribes with great vitality interfered with the property of their neighbours. The whole of Africa was in movement when the Europeans came in and imposed peace.

Who are the owners of this land? It is very difficult to determine this. The general rule which was set up by the European powers in Central Africa is that all the land occupied by the indigenous inhabitants is recognized as their own property and nobody can interfere with such land for any reason whatsoever. When land is not occupied by the indigenous inhabitants, this land belongs to the whole of the Territory and this Territory as a whole is symbolized by the Government, which in Tanganyika is His Majesty the King of the United Kingdom and Northern Ireland who is the symbol of the Administering Authority. This land is governed by the Crown and by the Crown Government in trust for the whole of the population of the Territory in order to distribute it as well as possible.

I now come to the Chinese resolution, and I regret to have to state that this amendment -- or this resolution, since the representative of the Soviet Union does not accept it and asks that it be considered as a ^{special} resolution -- is also unacceptable, and I hope to be able to prove why I consider it so.

It is because in fact it constitutes a very distasteful discrimination in respect of the non-indigenous population. The non-indigenous population may acquire rights in Tanganyika. The indigenous population, we agree, should have priority, but meanwhile the non-indigenous population -- or the population of European or Asian origin which lives in the Territory of Tanganyika -- also constitutes inhabitants of Tanganyika and the Charter of the United Nations does not say anywhere that certain inhabitants of the Territory are outlawed and that the Europeans and Asians should be outlawed. Europeans and Asians are inhabitants of the Territory. They have acquired legitimate rights in this Territory and they cannot be expropriated without any special necessity of public utility and, naturally, proper damages for such expropriation.

/In the Chinese proposal

But in the Chinese proposal it is said at first that, as a general policy, all ex-enemy estates should come under African ownership. Why this discrimination? Why should not ex-enemy estates come under the ownership of a European or an Asian? Why are the Europeans and Asians disqualified from owning any land in the Territory of Tanganyika?

If it were said here that in the case where the indigenous inhabitants of a certain tribe have not sufficient extent in the land of their tribe to develop normally, and the way to solve their problem would be to expropriate the lands of Europeans and Asians, I would agree because here again it would be a motive of public utility for harmonious development of indigenous populations and, under the circumstances the European or the Asian whose property was expropriated would have to bow to this decision and agree that there was a reasonable motive and he would get sufficient damages for this.

But this reason does not exist because it is said that this shall be a general policy. This would be systematic; the Europeans shall be excluded not because indigenous inhabitants need the land. Even when they do not need it, the European or the Asian is excluded from the possibility of acquiring any ex-enemy estates simply because he is a European or an Asian. That is a discrimination I cannot admit.

In the second place, we are told that European colonization should be curtailed. Curtailed is an unfortunate word. I would agree to say that European colonization should be controlled closely in order to avoid its ever presenting a danger for the future of the indigenous population. But to limit it systematically when that is not necessary for the indigenous population is not admissible, nor to exercise the strictest control to keep it at a minimum.

I would understand if we said to keep it at a minimum consistent with the development of the Trust Territory and at a maximum consistent with the present long-range needs and interests of the indigenous inhabitants. I would understand if we said of European colonization that we should have the minimum necessary for the development of the Territory. We are not going to expel Europeans who are essential on plantations where their activities are essential to the economic development of the Territory. That is the minimum. On the other hand, I would understand if we said that we should maintain between this minimum and the maximum by saying that you can go into the Territory but you can never go beyond the maximum past which the presence of new

/European colonizers

European colonizers would become a danger to the future development of the indigenous population.

Here again we might agree, but we are not told that European colonization should be limited and cannot go beyond the maximum. We are simply told that it should be maintained at a minimum. Why are we told this? Why this hateful discrimination in respect of European and Asian populations who have rights as the others have? Their rights are not in conflict with those of the indigenous population. I could agree that we could never authorize European colonization to go beyond a certain maximum, and when this colonization becomes dangerous for the present or future development of the indigenous population, we should stop it.

But underneath this maximum, why should we stop this colonization? This is done by arbitrary discrimination against the race of Europeans and Asians. Therefore, I cannot vote for the USSR or the Chinese proposals, but I quite agree to recognize that European colonization should never be allowed to an extent beyond which the present or future development of the indigenous population might be compromised.

Mr. LIN (China): I shall not speak at length as the reasons for advancing these two suggestions in the form of an amendment are very fully given in the Visiting Mission's Report.

I regret to see that the representative of Belgium has used the expression "hateful discrimination against Europeans" as though this amendment were motivated by hateful discrimination. I might add that the Visiting Mission was composed of three persons of European origin, one person of Chinese origin and six members of the Secretariat who were all of European origin.

I shall not go into details because the reasons are, I think, quite fully given in the Visiting Mission's Report. I should like however to suggest a minor change in the wording of the second operative clause. The two words "European colonization" may seem to discriminate against Europeans in favour of Americans or Asians or people from other continents. I would suggest changing these two words "European colonization" to something like this: "acquisition of land by persons other than indigenous inhabitants."

The amendment, as it is, is taken verbatim from page 103 of the Visiting Mission's Report. All members of the Council have read the Report, so I shall ^{not} go into the reasons by which the Visiting Mission came to these conclusions.

/Mr. RYCKMANS

Mr. RYCKMANS (Belgium) (Interpretation from French): I should not like the slightest misunderstanding to occur between my colleague from China and myself. If I said that this resolution would appear as a hateful discrimination against foreigners, I did not mean that, in any case, in the intention of the author of the proposal, there was any idea or feeling of any kind of hatred toward the European population. That was not at all what I meant.

I said that if we examined the substance of the matter, we would have to arrive at the conclusion that there is here a discrimination against the European or the Asian because he is a European or an Asian and not because it is dangerous to the development of the indigenous population.

There is another example. In the change which the representative of China himself proposes in the text of his resolution "other than indigenous", a European born in Dar-es-Salaam -- is he an indigenous inhabitant of the Territory? Can he buy land? Yes, according to the text; no, according to the intention because, although he was born in the Territory, and although he may have the intention of living his whole life in the Territory, he is still considered a European and therefore as a man without rights, although he is an indigenous inhabitant of the Territory, native to the Territory, born in the Territory.

Will a man born in Dar-es-Salaam be allowed to buy land? No. In this idea, certainly not, because he is white, and although he was born in the Territory as anyone else, he will not be able to buy land because he is white. That is discrimination.

Mr. LIN (China): The other day I suggested that the Council, perhaps in co-operation with all the Administering Authorities, should look into this problem of terminology -- indigenous inhabitants, natives, citizens, protected persons, or inhabitants of a Trust Territory.

What, precisely, do these terms mean? I think we must ask the Secretariat to make a tentative preliminary study of this question in co-operation with all the Administering Authorities so that later on we will know exactly what we mean by these terms as they appear in the trusteeship agreements and in our discussions in the Council.

/Mr. GARREAU

Mr. GARREAU (France)(Interpretation from French): The amendment proposed by the representative of China seems to me to have considerable implications, even if we accept the modification which has just been made in his text.

If we adopted this term of non-indigenous colonization, the result would be that all immigrants, whoever they be, would be hampered by a regulation which would restrict their right to live in the Territory. This, I must point out, would strike much more at Asian and, especially, Indian immigrants than at Europeans.

/At the present

At the present time there are about 50,000 immigrant Indians in the Territory. I do not know whether the figure is quite right but I think that there are approximately 50,000. There are only 7,000 Europeans, and the Europeans who go to Tanganyika go there with capital.

They come as technicians. They do not come in order to live a rather mediocre life, with just their clothes on their backs, as is sometimes the case for thousands of immigrants coming from over-populated India.

These Europeans might not come to Tanganyika if they wished not to, and if for some reason they found themselves faced with such difficulties that they could not settle and have the hope of developing any organization in Tanganyika, then they would not go there.

But the problem is much more important, as you know, in respect of Indian immigration to Africa, which is considerable, and here you have to deal with a series of delicate problems, one of which is now being discussed in the United Nations. I think it is one of the questions which is on the agenda of the discussions of the next General Assembly.

Will the Trusteeship Council be prepared to adopt restrictive regulations which would necessarily apply to many other territories in the Trust Territory of Tanganyika? That is a serious matter, which I would raise before the Council.

Yesterday precisely, I put a similar question to the representative of the Soviet Union, to which he did not reply in a specific manner, I believe. I said, according to the terms of his resolution, it would appear that any land acquired in any manner whatsoever, by Indians, for instance, would be taken away from the Indians and restored to the indigenous inhabitants; because the terms of the resolution are formal, are absolute.

Perhaps the representative of the Soviet Union, in wishing to present as with such a radical text, forgot what the result would be for many others than European colonizers. But the fact remains that if his resolution were adopted, it would strike very severely at 50,000 Indians, not to mention a good many other non-indigenous residents of the Territory, and therefore this resolution does not only aim at 7,000 Europeans settled in the Territory, but probably at about 100,000 foreign immigrants who, according to their qualifications, or the capital they may have brought into the country, have contributed

/ in a considerable

in a considerable manner, to the development of Tanganyika Territory so far, and have certainly contributed to the development of the welfare of the population.

I think that this resolution, in the ^{form of} the amendment proposed by the representative of China, is very dangerous.

As to the resolution presented by the representative of the Soviet Union, I consider it simply as unacceptable.

With regard to the amendment presented by the representative for China, I would ask the author himself to think very seriously as to the implications of the resolution or ^{of the} amendment he has suggested to it.

Mr. HOOD (Australia): In relation to the amendment presented by the representative of China, it is true that he has related it, in his remarks just now, to the observations of the Visiting Mission itself in connexion with the particular Territory of Tanganyika. But, as the representative of France has just pointed out, the adoption of a resolution in these general terms, even in relation to a particular territory at the moment, would imply that the Council has in mind some general principle of control and regulation which could be applicable to more than one Trust Territory.

For that reason it needs to be most carefully scrutinized, before there is any thought given to adopting it.

The question of control and the proper regulation of the acquisition of land, the alienation of land, the transfer of land titles, is a problem common to all Trust Territories, and it is one, I imagine, which is foremost, a large part of the time, in the minds of all Administering Authorities on the spot. Obviously it is. It is one of the paramount aspects of administration and proper conduct of policy in every Trust Territory.

Let us see exactly what is proposed under the amended Chinese suggestion

It is proposed that the acquisition of land, by other than indigenous inhabitants, should be curtailed. What does "curtailed" mean? Normally "curtailed" would mean diminished with a view to bringing it to an end after a certain period. It may be that the representative of China would say that that is not his meaning, and that he means merely that it should be controlled on a diminished scale.

But if that is the whole intention of the amendment, does the amendment bring anything new whatsoever to the proper survey of
/ this question.

this question. If the Council merely says that the acquisition and alienation of land in the Trust Territory should be controlled, is that not exactly what the Administering Authority has already done?

If the Council has in mind a particular form in which control can be exercised, particular ways in which control can be applied, that is another matter.

But to my mind to adopt a general suggestion of this kind, particularly with the use of a question-begging term such as "curtailed", would carry with it most serious implications and I entirely agree with the representative of France that the suggestion should be most carefully scrutinized.

Mr. SOLDATOV (Union of Soviet Socialist Republics) (Interpretation from Russian): I do not want to hold the Council up any longer in its work. I am going to limit myself to a very brief remark on the discussion which has taken place on the Soviet draft resolution.

I must say that the representatives of the United Kingdom and of Belgium, in their statements, could not refute a single fact which the representative of the Soviet Union has made to-day, because, as all of you know, there do not exist arguments which could justify the alienation of land from the indigenous inhabitants of the Trust Territory.

Therefore there is no reason to speak on the substance of these two statements which were made, with the exception of the following comment:

For some time now certain representatives on the Council have got into the habit of speaking of propaganda every time a resolution or recommendation directed in the interests of the indigenous inhabitants is brought up in the Council; any recommendation which has as its aim the implementation of the Trusteeship objective as set forth in Article 76(b) of the Charter.

In this connexion I must say that using words like "propaganda" would never give anyone the opportunity to hide the true lack of their feelings regarding the real interests of the indigenous inhabitants.

If there are any individuals who do not want to adopt recommendations directed towards an improvement of the situation of the indigenous inhabitants, then they should directly state their views without hiding behind such words as "propaganda".

/ Mr. NORIEGA (Mexico)

Mr. NORLEGA (Mexico) (Interpretation from Spanish): The Mexican delegation has measured with the greatest interest this problem of land tenure in Tanganyika.

My delegation believes that the proposal of China, which is a close parallel to that of the Mexican delegation ^{in the same field} which I have postponed until the next session, has a logical basis and an inherent basis as regards its application.

This is not what you could call a radical proposal. It recommends to the Administering Authority as a general policy that the lands -- and here you must note that I do not say in possession of but that I say were in the power of, in the hands of the ex-enemy -- should come into the possession of the Africans. Therefore the idea is such that it not only does not say all lands but only some and it involves a transfer which in effect is a restitution, which is being carried out on behalf of the natives -- it is an act of justice so that there can be no objections to this act.

When we speak of controlling our European colonization, of limiting it to the necessary minimum for the development of the Trust Territory we are making an administrative provision that is also logical because it is an essential obligation of the Administering Authority to safeguard the present and future interests of the indigenous population. We well know that if adequate control is not exercised in regard to colonization then necessarily you get the setting-up of extensive plantations but we know that there is in many areas a shortage of land, that the natives do not have enough land to cultivate.

Now I could tell you a story about a Latin American country where the thirst for land became so insatiable that even the cemeteries of a given town were cultivated so that the inhabitants of the town had no place to bury their dead.

We are, therefore, ^{to} some degree acquainted with the phenomena of colonization, with the phenomena of the establishment of great plantations. We noted when we studied the first Report on Tanganyika and when we studied the Report of the Visiting Mission that the cultivation of sisal is a monopoly of the cultivators and these cultivators are not the indigenous population of the Territory. Here I want no mistake as to whom I believe to be the indigenous population and whom I do not consider indigenous population. I think my meaning and my reference is clear.

/For this reason

For this reason my delegation is going to vote in favour of the amendment of China because we consider that it in no sense compromises or even criticizes the Administering Authority. By approving this Chinese recommendation we feel that the Council would be carrying out its duty which it has to fulfil according to the Charter.

Mr. SOLDATOV (Union of Soviet Socialist Republics) (Interpretation from Russian): I would like to ask you, Mr. President, if you find it possible, to follow this procedure: first, to vote on the Soviet Union resolution in toto and after that to submit the draft resolution proposed by the representative of China. I hope you will find that possible.

The PRESIDENT: I would like to find things possible but the way it has developed is that the representative of China has proposed an amendment to the draft resolution of the Soviet Union. According to the rules of procedure the amendment should be taken first.

Mr. RYCKMANS (Belgium) (Interpretation from French): I am compelled to say that I believe that the representative of the Soviet Union is quite right. The Chinese proposal is called an amendment but in point of fact it is another text and another resolution therefor. I understand perfectly well that the representative of the Soviet Union should say, "I wish to vote on my resolution first as it is the furthest away and if this fails then I will still have the possibility of voting for the Chinese resolution." Whereas if this amendment is proposed nothing would remain of the resolution; therefore it is not an amendment, it is a new resolution. I think that in point of procedure there is no hesitation possible; I think that the representative of the Soviet Union is quite right.

Mr. SOLDATOV (Union of Soviet Socialist Republics) (Interpretation from Russian): I have asked this because, on the basis of the statement which the representative of China made, I felt that he did not object to this voting procedure. I would like to know what his views are before I continue on my point.

/Mr. GARREAU (France)

Mr. GARREAU (France) (Interpretation from French): I also consider that the text proposed by the representative of China is not an amendment but a separate resolution because an amendment would simply ^{have to be a} change in detail or deletion of a paragraph in a text but here there is nothing remaining except the first paragraph. In fact the substance of the proposal submitted by the representative of China is a new resolution and is different. For my part I would consider that the request of the Soviet Union representative is quite justified.

On the other hand I would like to put a question. Referring to what has just been told us by the representative of Mexico, we are faced with a Mexican proposal dealing with land tenure. This has not yet been put to the vote. Is it going to be voted upon in this meeting? I do not know whether the representative of Mexico intended to adjourn this proposal until the time when we finish with the Report of the Visiting Mission, at the next session perhaps, since he had accepted to adjourn his proposal on ~~political~~ development. I think that perhaps for the same reason his intention would be to accept that his proposal dealing with the land system could also be adjourned to the next session.

If this were the case, I would like to ask the representative of China to contemplate the possibility of deferring his resolution also until we have finished discussing the Report of the Visiting Mission. That might enable him to revise the text which he has presented to us perhaps; this text which he has already amended in so far as one word is concerned. I think that in the light of everything that has been said here it would be advisable for this text to be changed after a certain amount of thought.

In any case the two proposals concerning land -- the Chinese and Mexican proposals -- have certain common points and perhaps they might be merged into one single proposal or else be changed in such a way that the two resolutions would be consistent or would complete one another.

/I would therefore like

I would therefore like to propose to the representative of China to contemplate the possibility of deferring his resolution until we have finished the examination of the Visiting Mission's Report. At that time all the conclusions and observations of the Visiting Mission would be the object of resolutions on the part of the Council; and it seems to me that it is at that time that we could settle these various very important problems.

The PRESIDENT: I would like to clarify from the Chair what I conceive to be the proper procedure, because I am most surprised to hear the suggestion offered that this is not an amendment. In fact, as I see it, I have come across many proposed changes which are much less near to the original than this Chinese text, in every way.

The original asks that an Administering Authority return to the indigenous population of Trust Territories all lands alienated from them, whatever the manner of alienation; and the Chinese proposal says that they should as a general policy come under African ownership.

The second part is that the USSR resolution asks that the Administering Authority will not permit in the future any alienation of land; and the Chinese proposal asks that there should be control of such alienation.

An amendment is that which is intended to change some idea, to alter the extent of any proposal; if this is not an amendment, I do not know what is an amendment.

If the Council wants to take the other resolution in its entirety first, personally I have no objection. I will ask the representative of China.

Mr. LIN (China): The text I submitted was in the form of an amendment, but if the representative of the Soviet Union is thinking that his resolution should be voted on first and it is not adopted; he is ready to accept my amendment, I shall change my amendment into an independent resolution. I will speak very frankly and will ask him...

/The PRESIDENT:

The PRESIDENT: I do not think that kind of bargaining is allowed!

Also, procedurally, when an amendment is defeated, you have to presume that the Council does not like that amendment and we cannot anticipate what the Council wants to do in regard to the original; therefore the whole of the original would be submitted to the vote.

I am quite surprised when I am told that if we vote for the amendment first there will be nothing left in the original to be voted on. If the representative of China agrees to the Soviet Union resolution being voted on first, I would say that there is no amendment on the table and there is no separate resolution; the Chinese proposal is simply dropped.

Mr. SOLDATOV (Union of Soviet Socialist Republics):
(Interpretation from Russian): I would like to remind the President of the practice of this Council itself.

When, at the beginning of February, at the request of the USSR delegation, we were considering the rules of procedure, we voted first on a draft resolution suggested by the USSR and then a draft resolution which was actually submitted as an amendment by the representative of the Philippines; then we voted on a Mexican draft and there were no objections advanced at that time. So that even the practice of this Council is evidence of the fact that this is quite a possible procedure and, it seems to me, quite an acceptable and wise procedure.

As I told you in my statement, I could not accept or understand this as an amendment. I could understand it as a separate resolution. It seems to me that as the author of a draft resolution before the Council I have the right to say here whether I consider a thing to be an amendment or not. And as the author of the Soviet draft I cannot accept the Chinese proposal as an amendment to the USSR draft.

The representative of China is willing to consider his submission as a separate and independent resolution and I do not see what all the argument and delay is about. It

/seems to me

seems to me that we should go on to a vote and then go on to the next item on our agenda.

The PRESIDENT: Proposing an amendment requires the prior consent of the original sponsor? I have never known any committee or any body to hold to that opinion.

Of course, if the original sponsor accepts the amendment, then that amendment does not have to be voted first; it will become part of the original resolution. That is all.

In the light of what the representative of China said, he is agreeable to the USSR proposal being voted on first. I can only consider that he consents to withdraw his amendment.

Sir Alan BURNS (United Kingdom): I would like to make a general statement. I want just to tell the Council that years before the last war, years before the Trusteeship Council came into being or was even thought of, the United Kingdom Government made a declaration of policy with regard to East Africa which made it quite clear that where the interests of the European settlers and the indigenous inhabitants came into conflict, the interests of the indigenous inhabitants were paramount. That is the policy my Government has adopted in the past and will adopt in the future.

It is the duty of the Administering Authority to control European settlement in East Africa -- in Tanganyika -- if that settlement is inimical to the interests of the indigenous inhabitants. There is no dispute on that point.

But I do not agree that all European immigration into Tanganyika is inimical to the native inhabitants. The European settlers in East Africa fulfil a very useful function in many ways and it is for this reason that I must oppose the resolutions now before the Council.

Mr. LIN (China): I shall accept the ruling of the President and shall still consider my text as an amendment to the USSR resolution.

/Mr. SOLDATOV:

Mr. SOLDATOV (Union of Soviet Socialist Republics)
(Interpretation from Russian): If you insist upon a procedure other than that requested by the USSR delegation, although my delegation can see no reason for not being able to accommodate us because, as I said, I think that we have already followed this sort of procedure more than once in this Council -- if the President feels that it is not possible to satisfy the request of the USSR delegation in this matter, as the facts seem to show -- the delegation of the Soviet Union will then reserve the right, if it finds it necessary, after the vote on the Chinese amendment, and as a result of the vote on the Chinese amendment, after a moment or two, to submit the USSR proposal as an independent resolution, regardless of what the vote is on the Chinese amendment.

The PRESIDENT: I have promised to put your amendment first, and I will do so.

Those who are in favour of the USSR draft resolution...

Mr. INGLES (Philippines): I am in favour of the second part of the operative part of the USSR resolution, the reasons for which I announced at the last meeting and which I will not repeat now, and therefore I request a division of the vote with respect to the operative clause of the USSR amendment .

The second part will be: "not to permit in the future any alienation of land belonging to the indigenous population."

The PRESIDENT: Do I understand, then, that the Council allows the representative of China to convert his amendment into an independent resolution? Is there any objection?

/I will put..

I will put the proposal of the representative of the USSR to a vote by paragraphs, as requested by the representative of the Philippines and the Council will allow the representative of China to introduce his amendment as a resolution. Is that the position now?

Mr. INGLES (Philippines): I move that the last paragraph of the USSR resolution be voted in two parts.

The PRESIDENT: The last paragraph? The operative part?

Mr. INGLES (Philippines): Yes. The second part.

The PRESIDENT: I will take the resolution down to the last line but one of the resolution -- down to the words "whatever the manner of alienation."

Mr. INGLES (Philippines): Then you will be putting^{it} to vote including the preamble. I am in favour of the preamble and the second part of the operative clause. How can I vote then for what the President has put to the vote?

The PRESIDENT: Then the representative of the Philippines wants the preamble to be first too. I will put the preamble to the USSR resolution to the vote.

A vote was taken by show of hands.

The preamble of the USSR draft resolution was adopted by 6 votes to 0.

The PRESIDENT: The first part of the last paragraph is:

"RECOMMENDS to the Administering Authority to return to the indigenous population of the Trust Territories all lands alienated from them, whatever the manner of alienation."

I will put the USSR resolution^{up} to the point I have just read to the vote.

A vote was taken by show of hands.

The part in question of the USSR draft resolution was rejected by 6 votes to 4.

/The PRESIDENT

The PRESIDENT: Now I must see how to put the rest in there. Then I would have to say:

"RECOMMENDS to the Administering Authority not to permit in the future any alienation of land belonging to the indigenous population."

Mr. GARREAU (France) (Interpretation from French): Will the President allow me to ask the representative of the Philippines, who is an excellent jurist, whether he is really in favour of the admission of the last sentence, which would say, "any alienation of land belonging to ^{the} indigenous population", which would mean that actually that an owner of indigenous land would not have the right of selling his land to anybody who is non-indigenous.

Could the representative of the Philippines admit such a consequence of the vote which he is in favour of for his part?

Let us suppose that this sentence is adopted by the Council. He does not realize that we should really arrive at a juridical monstrosity.

Mr. SOLDATOV (Union of Soviet Socialist Republics) (Interpretation from Russian): We are voting on a motion. This is the middle of a vote, and I insist on the vote without any violation of our rules of procedure. The discussion has been ended. We cannot discuss in the middle of a vote.

The PRESIDENT: The Council is now asked to vote. I will read it again:

"RECOMMENDS to the Administering Authority not to permit in the future any alienation of land belonging to the indigenous population."

A vote was taken by show of hands.

The part in question of the USSR draft resolution was rejected by six votes to 5.

The PRESIDENT: Unless the Council feels that it can let the preamble stand, there is no motion.

/Mr. GARREAU

Mr. GARREAU (France) (Interpretation from French): To my profound stupefaction, I see that five members of this Council have voted in favour of a proposal which is simply ridiculous, because let us suppose that this proposal were voted. The Trusteeship Council recommended to the Administering Authority not to allow in the future any alienation of land....

The PRESIDENT: The result of a vote should not be open to question or discussion.

Mr. SOLDATOV (Union of Soviet Socialist Republics) (Interpretation from Russian): I ask that you put the entire resolution to a vote as a whole, and then go on to a vote on the Chinese resolution.

The PRESIDENT: As I said, I do not see how there is a motion, because the part is not adopted. The first paragraph remains, but that does not complete the motion. There is no complete motion before the Council any more.

Mr. SOLDATOV (Union of Soviet Socialist Republics) (Interpretation from Russian): In accordance with the rules of procedure, I think we are obligated to vote on the resolution as a whole, and I am asking the President to put the resolution to a vote as a whole.

The PRESIDENT: I have to do some quick thinking, and I do not see how you can have any motion for the Council to vote upon, because when I put it to the vote in parts, they were all defeated.

Mr. SOLDATOV (Union of Soviet Socialist Republics) (Interpretation from Russian): The first part of the resolution was adopted by a majority vote. That gives us the right to put the resolution to the vote as a whole. The first part of the resolution was adopted.

The PRESIDENT: That is not even a complete sentence -- not as a resolution.

Mr. SOLDATOV (Union of Soviet Socialist Republics) (Interpretation from Russian): I again repeat my request: please put the
/USSR resolution

USSR resolution to a vote as a whole, because under our rules of procedure we have a right to do that.

Why does the President feel that it should not be done? I do not quite understand his position here.

The PRESIDENT: The rule, as I see it, is that when a motion is voted in parts and some are defeated and some are carried, the whole, as amended, would be put to vote.-- but not the defeated parts, because the defeated parts cannot be resurrected. If the argument by the representative of the USSR is correct, it would mean that after the different parts are voted down, they would be resurrected for voting again. It does not seem to be quite what the rules of procedure intended.

Mr. SOLDATOV (Union of Soviet Socialist Republics) (Interpretation from Russian): I have already repeated my request several times. The President can of course interpret the rules of procedure as he wishes; every delegation can interpret them as they wish.

Whatever decision the President takes, I would ask him to bear in mind its future consequences.

The PRESIDENT: Let me put it this way: now to put this to a vote as a whole does not mean the original whole. It means what remains as a whole. I will read the part that remains. The part that remains is:

"The TRUSTEESHIP COUNCIL

"HAVING CONSIDERED the petitions received from the Tanganyika African Association, from the Chagga Council and from twenty-two Shinyanga Township Africans,"

Finished! Does the representative of the USSR suggest that I put that to the Council to vote? If the representative of the USSR insists, he has the right to put that part, because that is what remains of the whole, and that is the whole that is now before the Council.

Does the representative of the USSR want me to put that to a vote in the Council? He is entitled to do that.

/Mr. SOLDATOV

Mr. SOLDATOV (Union of Soviet Socialist Republics) (Interpretation from Russian): I have said that we have the rules of procedure before us. There is a specific procedure set forth in those rules.

The request of the USSR delegation does not contradict the rules of procedure, and that is why I ask the President to put this to the vote. If he feels that the USSR request contradicts the rules of procedure, then, as I have said before, that is his interpretation as President, which unfortunately is not shared by the representative of the USSR.

If the President rejects the request made by the USSR delegation, I would ask him to bear in mind the consequences of such a ruling.

The PRESIDENT: I have accommodated the USSR delegation to the extent of ignoring my previous assertion that there was an amendment, and putting its resolution to a vote first.

Since the question of a far-reaching rule is raised, may I ask, for the sake of clarification for future proceedings in this Council, if, supposing we had a resolution which was voted paragraph by paragraph, and all the paragraphs were voted down, there would still be a vote on the resolution as a whole?

Mr. SOLDATOV (Union of Soviet Socialist Republics) (Interpretation from Russian): On a point of order, I think what I have to say might put an end to our discussion, that is why I ask if I may be allowed to speak first, if the representative of Belgium does not object.

I stated the view of the USSR delegation, and in the interest of causing no further delay in the Council, I do not insist on my request. I withdraw it.

Mr. RYCKMANS (Belgium) (Interpretation from French): In the interest of our debate, I think that there has been a very small error in procedure, which I wish to point out.

First of all the President put to the vote, at the request of the representative of the Philippines, the preamble. What he should have done, under rule 60, which says that at the request of a representative and with the approval of the Trusteeship Council, the Council may vote /separately on any

separately on any part of a resolution or other motion or amendment, was to have voted on the first paragraph separately as the representative of the Philippines requested.

This first paragraph was eliminated. Then the second paragraph of rule 60 came into play: "The proposal shall then be voted on as a whole." That is, the initial paragraph and the second paragraph of the operative part. This failed, and then everything was over.

If the President had put the first paragraph to vote at the same time as what remained of the proposal, we would have voted consistently with rule 60. The text, as it would have stood after the elimination of the paragraph upon which a separate vote had been taken, would have been rejected, and the procedure would have been finished.

The PRESIDENT: I thought that was exactly what we had done.

Mr. RYCKMANS (Belgium): We voted first on the preamble; something was missing. What we ought to have done was to vote on the first paragraph of the operative part, and when that was rejected, vote on the rest of the proposal, which was the initial paragraph and the last paragraph. That would have been voted down, also, and it would have been finished. There would have been no whole to vote upon.

The PRESIDENT: The preamble is not the important part. I suggested that our first vote was down to the words "manner of alienation", and it was at the request of the representative of the Philippines that I put that to the vote, so as to save any argument whether a preamble is capable of being voted on first.

I still believe that when the operative part is completely lost, there is no necessity and no justification for the preamble, which is not even a complete sentence, to be put to the vote.

Mr. SAYRE (United States of America): Under the circumstances I feel that the President's ruling was correct.

He made the ruling, and if anyone objects to that ruling we can take a vote. Otherwise this is finished business, and we should turn to the next item, because we have a crowded schedule.

/Mr. INGLES

Mr. INGLES (Philippines): I should not have taken the floor, but reference was made to my delegation by the delegation of France, and under the privilege granted to me by the rules of procedure to explain my vote, I should like to explain the attitude of the Philippine delegation with respect to the second paragraph of the USSR amendment.

We have before us the petitions mentioned in the resolution, where a fear was expressed by the natives that soon there would be no more land available to them, because of the increase of the native population and the large-scale alienation of land in favour of Europeans.

What remedy should we give to the natives, if not first to prohibit the alienation of land in favour of Europeans? This would be included under the second paragraph of the USSR resolution, and this is in line also with the spirit of the policy followed in my own country, where we prohibit the alienation of public land in favour of foreigners. We consider this a vital policy; so much so that we introduced it as part of our constitution.

With respect to private land, we believe that because of the lower stage of development of the natives, they should be protected by prohibiting the alienation of land privately owned by them, in favour of Europeans. Therefore we consider our stand perfectly logical and legal, when we supported the second paragraph of the USSR resolution.

Mr. GARREAU (France) (Interpretation from French): I asked for this explanation from the representative of the Philippines because I guessed that that was what he was going to say, and that was the idea.

It is the text that is not well conceived. I understand the representative of the Philippines' idea of what he wishes to attain, and I quite agree, but the text would have to be drafted correctly.

We are some times led to vote upon texts which are so badly drafted that the result is a juridical monstrosity. It is to that that I wish to draw the attention of members of the Council.

I understood quite well the purpose of the vote, but the text was badly drafted and any legal men would have objected to it. We would have to have time conscientiously to draft something which would be satisfactory.

The PRESIDENT: It would be entirely futile under our rules of procedure to discuss a matter that has been voted on, except for an
/explanation of

explanation of the voting.

Mr. NORIEGA (Mexico) (Interpretation from Spanish): On a point of order, I wish to utilize my right to explain my vote, inasmuch as the representative of France has qualified the way we voted as a "legal monstrosity".

I do not think that is correct. It is not right to be so generous with such adjectives. The legal criterion of every delegation corresponds to the constitution of law in its own nation.

If you have a specific point of view on a legal matter, just because it differs from that of another delegation, you cannot construe it as a monstrous irregularity. I could give examples of a practical nature, published in the New York Times today, which reflect more or less exactly this problem of transference of land to somebody who is a negro.

I do not wish to make particular references, but we would in that case be finding a "legal monstrosity" in a super-civilized country.

The PRESIDENT: I have already asked that no further discussion take place.

Mr. SOLDATOV

Mr. SOLDATOV (Union of Soviet Socialist Republics) (Interpretation from Russian): I should like to draw the attention of the Council to the fact that not a single member of the Council has the right to call any resolution or amendment the names that the representative of France has just used here in the Council and I protest against such behaviour.

The PRESIDENT: At the instance of the representative of the USSR, the representative of China has considered his amendment as an independent resolution and the Council has expressed its willingness to accept that.

I should like to ask ^{whether} the representative of China now wants to put it as an independent resolution. If so, he must explain the constitution of his resolution.

I should also like to remind him that the representative of France suggested that, inasmuch as the Chinese text is similar to the Mexican text, it might possibly be deferred until the next session.

Mr. LIN (China): Inasmuch as many of the observations of the Visiting Mission are deferred until the next session, I shall be glad to have my original amendment deferred until the next session.

The PRESIDENT: I suggest that the Council recess for fifteen minutes.

The meeting recessed at 5:13 p.m. and reconvened at 5:34 p.m.

/Relations with.....

RELATIONS WITH THE SECURITY COUNCIL

The PRESIDENT: Before we proceed with the continuation of the question of the Western Samoa Report, I think there is a matter of the relations with the Security Council which can be disposed of in a minute.

The draft resolution ^{was}/originally contained ⁱⁿ document T/285 dated 21 March 1949. I propose that, in the second paragraph of the preamble, there be substituted a new form which is being distributed now, "noting that this resolution was recommended to the Security Council by its Committee of Experts and that the interpretation given to it by the Trusteeship Council, ^{as} set forth in document S/916, has met with the approval of the Security Council!"

In the original it says: "noting that the interpretation given to this resolution by the Trusteeship Council". The other day I pointed out a flaw: I said that the Trusteeship Council never had given any interpretation of the resolution as passed by the Security Council, so that it would be more correct to make it quite clear that the Trusteeship Council gave a certain interpretation to the resolution as recommended by the Committee of Experts of the Security Council. I think that would make the matter a little clearer.

If there is no objection to the substitution of that paragraph, I will put the entire resolution to the vote.

Is there any objection to this resolution? If not, I will consider it unanimously adopted.

Mr. SOLDATOV (Union of Soviet Socialist Republics) (Interpretation from Russian): I think the resolution should be put to the vote.

The PRESIDENT: I will now put the resolution to the vote.
A vote was taken by show of hands.

The resolution was adopted by 8 votes to none.

EXAMINATION OF ANNUAL REPORTS: WESTERN SAMOA, YEAR ENDED 31 MARCH 1948.
REPORT OF THE DRAFTING COMMITTEE (T/275) (Continued).

The PRESIDENT: The Council will recall that, at the close of the meeting the day before yesterday, Part II of the draft report was voted on, and the result was a tie vote of six votes to six.

/There was not

There was not, therefore, the majority necessary to constitute a decision. Before I ask the Council to vote again, I would like to put forward a suggestion and I believe that this suggestion, if it is approved by the Council, may resolve the situation which is facing the Council. The situation is that, if there were not a sufficient majority, that Part of the Report would not be adopted. I am aware that objection has been raised to Part II concerning the observations of individual representatives. The objection was that such comments contained in Part II may give the misleading impression that they are observations which have the endorsement of the Council.

The Council realizes that those are the observations which in many cases are not put to the Council for a vote. They are not necessarily endorsed by the Council: while some of the observations may have been unanimously approved, others may not have been endorsed by the majority or even by more than the member expressing such views.

/Those are the views

Those are the views of individual representatives without the endorsement of the Council. That does not mean that the Council or the majority of the Council ^{or does} does/not share the view, but many of these observations were not put to the Council at all.

Since there is such objection, it seems to me that we may transpose the order of the two parts of the report, making Part II Part III, and making the conclusions and recommendations approved by the Council Part II of the report instead of Part III.

Some members have also stated that the first part, containing a review of the conditions in the Territory, may also give the impression that these are the views given by the Council as a whole. I think to remedy that defect we can make ^{it} clear by changing the heading from "General Conditions" to "Outline of General Conditions as Stated in the Report of the Administering Authority or by the Special Representative."

If that is to be the order in which the three parts will appear, it will mean that in the first part we have "Outline of General Conditions as Stated in the Report of the Administering Authority and by the Special Representative"; in the second part, "Conclusions and Recommendations Approved by the Council"; and in the third part, "Observations of Individual Representatives".

In the light of the experience we had the other day with the Report on Western Samoa, I would like to explain that the new Part III containing individual observations would include such observations as were not submitted for Council approval or which were not approved by the Council, if individual delegations wish to retain them. In other words, it does not mean that every utterance would find its way into Part III.

If such observations have been submitted to the Council and were not approved by the Council, the individual representatives can request that their observations be included in Part III even though the Council may not have approved them.

As in the case of the draft report on Western Samoa, I feel that sometimes there is occasion for a counter-observation. Therefore, Part III may include such counter-observations or corrections as members of the Council may deem necessary for accuracy, even if the data was not immediately available at the time of discussion, provided the Council decides to accept that inclusion.

/For instance,

For instance, the other day the representative of New Zealand proposed the insertion of certain remarks or facts from the report. It was contended that those statements were not given at the time of the general debate, but nevertheless the Council felt that they could be accepted in order to give an accurate picture of the situation.

It seems to me that, with this explanation, we will have Part III containing individual observations and, at the same time, the objections to the retention of such a part of the report would be removed. If the Council is agreeable to this suggestion, it will avoid one of those cases where a divided vote may involve unforeseen and unfortunate consequences.

Mr. SAYRE (United States of America): I rejoice that the President has put before us such a proposal as this, which seems to me to be a constructive effort to lift ourselves out of a very difficult situation.

I have a sense of keen personal regret at the way the discussions have been carried on in this Council during the past days. I feel that there has been a deepening gulf growing between Administering Authorities and non-Administering Authorities, and that we have been doubting each other's good faith and losing the confidence in each other which means impossibility of going forward, impossibility of doing the job which we are set up to do.

This is one of the principal organs of the United Nations. If we fail in our work, we have ourselves to blame. I think the increasing number of deadlocks in the past days have been rather ominous, and I rejoice in the President's constructive suggestion to get together and seek by some such compromise to complete the work of this session. If we cannot agree on some such proposal as this, I think we had better adjourn the session this afternoon because many more days like this would not be too happy.

In other words, we are faced with a very serious situation and we must find a way of getting together. The suggestion which the President has put forward is not altogether acceptable to me. I think the report would be in better form if the ^{then} observations of individual members were omitted or put into an appendix. I think the report would be a far more accurate reflection of the true situation.

/I spoke in

I spoke in that vein when we considered this before. I have not changed that opinion. Nevertheless, I do feel it is so important to get together that I, for one, am agreeable to such a compromise as the President has suggested. I take it that if we do get together on this compromise all of us understand that we are not adopting some form of report which can never be changed. I think we are experimenting with our report, reaching out to find the most practicable way of producing an accurate and good report.

As I have understood the suggestion of the President, the report would be in three parts, Part I on "General Conditions as Stated in the Report of the Administering Authority or by the Special Representative"; Part II would follow with "Conclusions and Recommendations Approved by the Council"; and finally Part III, "Observations of Individual Members."

If I understood correctly, the President suggested that with respect to those observations of individual members as contained in Part III, it would include such individual observations as were not submitted for Council approval or which were not approved by the Council, if individual delegations wish to have them inserted. Also, that these observations might include such counter-observations or corrections as members of the Council may deem necessary for accuracy, even if the data was not immediately available at the time of discussion, provided the Council decides to accept their inclusion.

/As I say, I am

As I say, I am not too happy about that suggestion but I am perfectly willing to try it out as an experiment, provided that we all agree. If we all agree I do not see why we cannot go happily forward and clear up the work of the session in short order. In that spirit I am happy to support the President's suggestion.

Mr. PADILLA NERVO (Mexico): The Mexican delegation too congratulates the Chair for having put forward this suggestion, and I am especially happy to have heard the statement just made by the representative of the United States.

I believe also that this could be an arrangement that could avoid very many difficulties, not only in the Council but also in the Four Committee and the General Assembly when our report goes there.

For that reason the Mexican delegation agrees to this suggestion and I trust that other members of the Council will believe that this is a happy solution that will get us out of the impasse that was evident the other day in respect of the most important part of our work, that is the report that we have to render to the General Assembly.

Mr. GARETAN (France) (Interpretation from French): I would be very happy also to agree with the President's proposal in order to enable us to solve the difficulty which arose the other day.

The basis of the President's suggestion seems to me, as a whole, to be quite reasonable and I am prepared to support it.

Sir Carl BERENDSEN (New Zealand): The only observation I want to make is an expression of appreciation for the interest that the President has taken in this matter.

It is a matter of prime importance, and like everybody round the table I am not entirely satisfied with this formula, but it seems to me to be a great improvement on the previous procedure which, it seems to me, was demonstrably monstrous, and this new form of procedure might well be made a workable course for the future.

I am very willing to accept it.

Mr. RYCKMANS (Belgium) (Interpretation from French): If I understood correctly, we are now to insert in the second part the recommendations and conclusions which the Council has adopted, and in the third part the observations of individual members followed, as the case may be, by any changes, when these changes are required, or

condition that the elements which have not been indicated, or the things that have not been said in the discussion, be inserted only with the agreement and the assent of the Council.

I am prepared to make this trial. Let us do it and let us see if we can arrive at an appropriate and a good report, and I am prepared to vote in favour of any of the parts of the report which are good.

I would, however, like to draw the attention of the Council to one point. In the last few days it has been stated here that a vote by administering powers against non-administering powers, which leads to an impasse, is considered as a real catastrophe, as though the Trusteeship Council could not work any more if it happened that from time to time the administering powers would all vote in one direction and the non-administering powers in the other direction.

This is a possibility which has been contemplated in the Charter. The Charter admitted that this situation might arise, and the Charter deliberately organized equality in the Trusteeship Council, fully realizing that this parity might result in an impasse where all the administering powers would vote in one direction and the non-administering powers might vote in the other. The Charter has provided for that.

The result of this express will of the Charter is that ^{if} all the administering powers recognized by everybody else ^{as} having considerable experience of administration over populations of under-developed areas -- a much greater experience than the other powers -- if all the administering authorities, I say, are in agreement to suggest a measure and to propose something which they consider to be in the interests of the populations of the territories, and if all the representatives of the non-administering powers are of a different opinion, the administering powers must give up their idea of having their suggestion approved.

The Charter did provide for this and the Charter said that in order to avoid measures being taken which would not be wise, if all the non-administering powers are against, no measure can be taken.

And inversely, if all the administering powers are against, no measure can be taken.

Things will continue to go as they did in the past. ^{have} We ^{had} an example of this. Let us suppose that this afternoon we had arrived at a vote on the United States proposal. The United States proposed the setting up of certain documents by the Secretariat. Let us suppose that all the administering powers in this case agreed to consider that / it was essential

it was essential, for the good functioning of our work, that we have these documents, the non-administering powers would have been of another opinion. The non-administering powers said "No" and the proposal of the administering powers therefore failed. There is no catastrophe here.

The Charter has provided for such a situation, and it is precisely because the Charter wished that in the case of disagreement with the whole of one group, that a measure should not be taken, that the Charter wished that the Trusteeship Council be composed in equal parts of administering and non-administering members, without giving the deciding vote to its president.

That is what the Charter wanted and we need not worry and show concern when we find the situation where, unfortunately, one of the groups does not agree with the other. Those are things which will happen very often and it should not prevent us from continuing our work the next day with the same serenity.

In the Security Council the veto of one single member is sufficient to stop a proposal.

Mr. SOUDATOV (Union of Soviet Socialist Republics) (Interpretation from Russian): I would like to ask what is the reason for a discussion now regarding a change in ^{the} procedure which was adopted by the Trusteeship Council as regards the preparation of its report to the General Assembly, from the procedure which was utilized by the Council in preparing its reports in the third session. The newly proposed form of report from the Council to the General Assembly seems to turn matters upside down. We have put the cart before the horse.

The PRESIDENT: If the representative of the Soviet Union asks me what is the reason for the proposal which I have just put forward, I will say that in the first place that proposal does not involve a change of procedure.

We are considering the adoption of the draft reports on the Trust Territories and we have just had the first of such draft reports before us.

Part II of this report contained only observations by the individual members without endorsement of the Council, and it has been mentioned that Part II gave the impression that they did have the endorsement of the Council.

/Therefore

Therefore, as a consequence when the vote on that part was taken there was a divided vote of 6 to 6. While I am in agreement with the representative of Belgium that it should not be regarded as a catastrophe when there is a divided vote, in this particular case it will mean the omission of a part of a report which half the Council considers it desirable to have in, to say nothing of what other unforeseen consequences may arise.

Because of this impasse I felt that it might be advisable, before we proceed with another vote which would give finality to the situation, perhaps to have some compromise formula, which does not affect the contents so much as the form of the report, which would be acceptable to every member.

Mr. SOLDATOV (Union of Soviet Socialist Republics) (Interpretation from Russian): I thank the President for his explanation and from this explanation I must reach the following conclusion: that in view of the fact that the Administering Authority^{ies} did not wish to retain the form of the report, which had been adopted during the previous session of the Council, at the present time the structural form of the report is being changed and that this proposal regarding the change of the form of the report is not being put to the vote.

The PRESIDENT: If there is any objection I am quite willing to put my proposal for the change to a vote. I took some pains to explain what would be in Part III; that part would include not only the observations during a debate but what the Council considers acceptable as a counter-observation, as what took place the other day. It seems to me I have heard only an objection to this change of form on the part of the representative of the Soviet Union; if he feels that we should proceed to vote on it we can do so at once.

Mr. SOLDATOV (Union of Soviet Socialist Republics) (Interpretation from Russian): All I want to say is the following. I want to see what the change in structure of the report is going to lead to, that is a change in the structure which had been adopted and approved by the Council and a structural form on which the reports which are now before the Council are based.

The proposal which you are putting forward would mean that we would have a Part I first; that would say that this part of the report is based on information contained in the Annual Report of
/the Administering

the Administering Authority^{and} on the basis of information given by the special representative. After Part I, without reflecting the debates in the Council on the Annual Report or on the replies of the special representative, without these reflections you would be immediately giving conclusions and recommendations. On what basis? Would these conclusions and recommendations be on the basis of Part I of the report?

The form which we had up to now -- and which it seems to me was quite acceptable -- was the following. First we would have the general part of the report, Part I, based on the report and on the special representative's statement. Part II of the report would tell us what the debates were on the Annual Report and on the statement of the special representative, what the members of the Council said about this report. Then Part III^{would} contain the conclusions and recommendations. In other words, we had the observations of the various members of the Council in Part II and then we had the conclusions and the recommendations in Part III. We had a normal, logical flow of thought in the report and it followed the normal path of discussion in the Council. I do not understand at all why we are changing the form now. Why, I ask you again, is it necessary for us to put the cart before the horse and the horse after the cart?

I do not understand it at all and I do not think this proposal is even very clear to the representatives who support the idea of changing it, particularly since you are going to say further that these are observations of individual representatives. If that is so leave it as it was before; leave Part I as it was, Part II as it was and Part III as it was. In Part II we will say very clearly that these views are not the views of the Council but these are the statements and views of individual representatives in the Council. I think that if you tack on that little ~~addition~~ addition to Part II there would be no reason to change the form of the report.

We will add to Part I a description of what that part is; we will say in Part II what it contains; and in Part III we will have the conclusions and recommendations of the Council. That seems to me quite clear. That is the first thing I wanted to say.

Now I would like to go on to the second proposal which was brought up here because there were certain things about it which were not quite clear, but I would like to know what is going to be done about the form of the report because I see absolutely no

/objection to

objection to retaining the present form of the report, including the condition which certain representatives have felt should be necessarily included. Again I say, why put the cart before the horse?

The PRESIDENT: I thought that I had given the reasons for my proposal.

The representative of the Soviet Union has said that I tried to put the cart before the horse. Now what happens is this. If we do not adopt this proposal we may not have any horse and some people have told me that if we do not do that we may not even have the cart. We are in danger of losing both the horse and the cart.

As to the relative importance of the two parts, I think the representative of the Soviet Union has some validity in arriving at the logical order of things but then some other readers may think the contrary. They feel that what they are chiefly concerned with are the recommendations and conclusions of the Council as a whole, so after reading the review of the conditions of the territory then they would come to the most important part -- after all, that is the part on which the Assembly is going to base its future resolutions and the Administering Authority is going to base its future actions.

Now an earnest student of trusteeship problems, like the representative of the Soviet Union, may want to read on and see what the individual members have to say. Still more earnest students after reading Part III will say that that is not sufficient, that they would like to go to the verbatim records and see what was further said.

It seems to me that the present proposal does not affect the informative value of the report. That is my feeling and if there is no further observation I would like to put it to a vote.

/Mr. SOLDATOV.

Mr. SOLDATOV (Union of Soviet Socialist Republics) (Interpretation from Russian): We are being asked to accept a proposal which would mean a withdrawal along the whole line. It seems to me that there is really no reason for asking for a general withdrawal along the whole line. Let us stop somewhere. Let us make some sort of a compromise without asking for a complete withdrawal.

Let us just say in Part II that this Part II contains statements of individual representatives only. I think it would be more sensible not to ask for a complete retreat along the whole front but simply to accept a rather simple compromise, and I think we will have the horse and the cart, and we will also have a semblance of order in ^{the} procedure as we had last year.

The PRESIDENT: I shall put it to the vote. Those who are in favour of the proposal which I have to the Council, please raise their hands. It was taken by show of hands.
President's proposal was adopted by 9 votes to 1.

The PRESIDENT: The proposal is adopted. It means that Part II of the present draft report will become Part III and Part III will be transposed as Part II.

Just one minute will be sufficient for the completion of our draft report on Western Samoa.

Mr. HOOD (Australia): May I make the suggestion that the description which the President gave of the kind of contents of Part III -- he used a certain form of words which I thought were very apt to the intention -- be included in some way in the actual report, or attached to the report, so that there will be no misunderstanding in the General Assembly as to what the intention of Part III is?

The PRESIDENT: It seems to me that the General Assembly will understand them as the individual observations. Part of the explanation I gave would be embodied in the record to allow the Council in the future to permit

/observations

observations and counter-observations which could be inserted even after the general discussion. I do not know whether that insertion would help the General Assembly or not; I doubt if very much, because it seems to me that...

Mr. HOOD (Australia): I was not referring to that; I meant the President's description of Part III as including individual observations which were not submitted for the Council's approval or were not approved by the Council. It merely emphasized the title of Part III.

The PRESIDENT: It says "Observations by Individual Members". I think it is clear enough. I think the explanation would only raise questions of doubt in the minds of representatives to the General Assembly.

Mr. PADILLA NERVO (Mexico): I think that we have already voted on the text that the President suggested; I think that it is enough qualification to say "individual observations." It will mean to any member of the General Assembly that only the delegation which made a certain observation is responsible for it, and that is enough.

I should also like to say that I myself -- and I said this the other day as an explanation of the vote -- would be in favour of having the individual observations as Part II. But I always keep in mind that the main object of these reports is to inform the General Assembly, and we are going to send to the General Assembly, in the same bundle, the landscape, the horse and the cart, and the General Assembly will put them in the order that it would like; and everyone in the General Assembly will put the emphasis on the part in which he is interested.

No matter where we put the horse or where we put the cart, every representative in the General Assembly will look for what they want to find. That is the most important part.

Mr. SOLDATOV (Union of Soviet Socialist Republics) (Interpretation from Russian): I think that perhaps now we can clarify the second section of your proposal and that is,

/what we

what we are going to do with statements which were not made in the Council but which are suggested for inclusion -- in other words, statements which individual representatives would like to have in the report which were not made in the Council debates.

I have received documents proposed by the representative of France which specifically refer to the statements of the USSR representative, and that is why I am asking this question. The representative of France has submitted a number of comments which were not made either by the French representative or the special representative during the discussion of the report on the Cameroons under French Administration in the Council. But these are comments which the French delegation wishes to have included in the present Part III of the report.

I have studied these comments rather carefully and it seems to me that all of them refer to the various statements made by the representative of the USSR.

First of all, I would like to remind the Council that at one of the meetings of the Council the French representative said that he was going to ignore completely the statements made by the Soviet Union representative and would not speak on them at all. Now that the time has come, the French representative suddenly finds it is necessary to present a document which is three and a half pages long and which contains comments which, because of a position which he took at that time -- that is, to ignore the USSR statements -- he did not make at that time.

Now, if the representative of France had made these statements during the work of the Council, during the debate, then the USSR representative could have replied to them and then there would have been no question at all as to the inclusion in the report of the comments made by the Soviet Union and the French representatives at their own discretion; and they would have been included in this new revised, reformed Part III of our report.

Now what is going to happen? Suppose we say: Very well, we give delegations the right to include in Part III any comments which the delegation wishes to make. First of all, you can note that the representative of France has submitted, on the Cameroons alone, comments which take up some three and a half pages of text and they are comments

/which were

which were not made in the Council.

I have carefully looked them over and I find that I have counter-comments to make on those made by the French representative because the French representative, I must say, unfortunately has made rather inexact and inaccurate comments, even on the basis of the very self-same French documents which were before us. And when the time comes I will be able to give you a large number of illustrations.

The representative of France distorts the very facts, the very data which are contained in its own Annual Report and its own documents which it submitted to the Council.

Therefore, what is the position of the USSR representative? Where does he find himself? In other words, what might happen is this: a number of representatives here will vote for the inclusion of the French comments in the report. Now when the Soviet Union representative asks that his replies to such comments be put in the report, he can be told: No, we are voting you down, you cannot include yours.

I am not saying that is going to happen; I am saying what might happen on the basis of the experience we have already had in this Council. And therefore I am asking the President for an explanation of what is going to happen here.

First of all, we have something that does not piece together too well -- it does not stick together. What is going to happen is that delegations are going to make comments, others will answer and we shall have an endless "ring around the rosy" of comments here.

Now what is going to happen is that our newly-revised Part III is going to become an extremely voluminous tome for distribution to the General Assembly. Whether this is going to be the landscape or the horse or the cart I do not know, but it is going to be very difficult for the members of the General Assembly to decide for themselves.

/The PRESIDENT:

The PRESIDENT: The points raised by the representative of the USSR would now affect the decision which the Council has just taken.

But as to the question of whether he could bring counter-observations I would say that he is entitled to do so.

As I said, in this new Part III, the Council may allow such additional insertions if such insertions are necessary to preserve accuracy. Therefore, a representative who feels that he wants to make some observations or counter-observations outside the record of the general debate at the time of the adoption of the final text, may do so, provided that the Council so decides.

Therefore, the representative of the USSR may bring in his counter-observations to the observations which the representative of France may wish to have inserted, and that is for the Council to decide.

Mr. SAYRE (United States of America): I was going to suggest that we adjourn.

The PRESIDENT: I think that is very necessary, and I think my explanation has given the representative of the USSR a satisfactory reply to his point, I believe.

The Secretary asks that if ^{representative of the USSR} ~~the~~/has any observations or counter-observations to be included in Part III, ^{he will} /give the text to the Secretariat for processing, so that the Council will have the text before it.

Mr. SOLDATOV (Union of Soviet Socialist Republics) (Interpretation from Russian): When we began to discuss this question, it was quite clearly said that first we were going to discuss the structure of the report, and secondly, we were going to discuss the question of the inclusion of additional comments of various delegations. That is what is under consideration now. We have not voted on it, particularly since this question is now linked with a change in procedure.

If any delegation wishes to add comments in addition to those which are already in the report, that can be done as a minority view, as provided in rule 54. Rule 54 of the rules of procedure provides for this.

I do not understand this entire procedure. We are facing delegations with the following facts: that they are going to prepare comments which they had not made earlier. That would mean that other

/comments

comments would be written by other representatives, and all of this would be brought up for a vote in the Council.

I do not understand the procedure at all. I do not know why you are going to do this. I do not understand it at all, and I think that every member of the Council also has doubts as to the wisdom of this procedure, although many of the members feel that everything is quite clear to them. But I have the strong impression that quite a number of the members of the Council are not quite clear as to the wisdom of this procedure. I still feel that a number of members here are not clear in their minds as to why this is being done.

The PRESIDENT: I had entertained a hope that we could spend a minute in clearing up the Western Samoa report, but now I believe the time is pressing, and the Council is aware that there is an important event after the meeting. There has been a proposal for adjournment.

Before adjourning, I would like to ask the Council what it wants to do tomorrow. It seems to me that we could finish tomorrow if the procedure and form now adopted would be accepted without question.

Mr. RYCKMANS (Belgium): We vote on the Western Samoa report now. I think there is no opposition at all.

The PRESIDENT: Yes, I wanted to do so, but I thought that there was a proposal for adjournment. I asked for that. There is nothing to prevent members wanting to discuss it before adopting it.

Mr. SAYRE (United States of America): I do not insist on my vote for adjournment. It would seem to me that in view of our adopting this new procedure we could make it almost a vote pro forma to approve the Western Samoa report, and I would be very happy to move its adoption.

The PRESIDENT: I was going to do it twice, but there seemed to be various objections raised.

Mr. SOLDATOV (Union of Soviet Socialist Republics) (Interpretation from Russian): When we took up the report on Western Samoa,
/as the President

as the President recalls, I reserved my right to introduce certain comments of the USSR delegation in Part III of the report which has now become Part II of the report; that is, to propose certain recommendations of the USSR delegation. I understand that I can exercise that right.

As far as the present Part III -- the previous Part II -- is concerned, the representative of New Zealand introduced certain facts from the Annual Report. I reserved the right to add some further clarifications and additions on the part of the USSR. I have carefully studied the additions made by the representative of New Zealand, and I would like to say that the USSR delegation has no additions to make to the New Zealand comments, because the question of the health situation in Western Samoa is quite clear. As far as the present Part III is concerned, I have no additional comments to make, but I^{do} have a certain number of recommendations which, the President recalls, I wanted to propose.

I do not think you can

The PRESIDENT: / Do so today. Therefore, as I said, we will try to finish the present session tomorrow. I would have proposed to have a morning and an afternoon meeting in the hope of finishing it, but that entirely depends on the members of the Council. If they could allow things to go, the proposal just adopted would be put into effect; but if there are other amendments and insertions and other unforeseen additions, it seems to me that it is almost impossible to finish the session tomorrow.

I would like to know whether the Council wants a morning session tomorrow.

Sir Alan BURNS (United Kingdom): I urge that the Council should have a morning session tomorrow. I am going to make a suggestion: now that we have got agreement on this matter of the arrangement of the report; could we not take the new Part II -- that is, old Part III -- the conclusions and recommendations of all the reports, one after another, and then go on to this new Part III -- the old Part II of the individual observations... which can then take months, if necessary. We have been warned that they may well take months, but that does not matter.

Let us get the important part, Part I of the report and the new Part II, which is the conclusions and recommendations of the four
/or five reports

or five reports that are now before us.

The PRESIDENT: It seems to me that there are indications that new proposals to that part would be forthcoming too, and it seems to me that it would be impossible to take the second part of all the reports first and then go back to the other parts of the same report. We have to finish one report after another.

As I said, if we are sure that we can finish tomorrow, then the members of the Council and members of the Secretariat perhaps can put a last spurt of their energy into it. But if as I anticipate the course of this Council will not be as smooth as we hope, then I would like to know whether the Council still wants a morning session, because my experience is that if the Council meets too often in a day, it does not necessarily mean that it gets more decisions made. Sometimes temperamentally we do get things confused a little.

Sir Alan BURNS (United Kingdom): As a matter of fact, we are not as bad as we seem. Let us have a try.

The PRESIDENT: Then the Council will meet tomorrow at eleven o'clock.

The meeting rose at 6.30 p.m.