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TRUSTEESHIP COUNCIL

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Fifth Session

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

Lake Success, New York  
Thursday, 23 June 1949, at 2.30 p.m.

President:

Mr. Roger GARREAU

France

Note: The Official Record of this meeting, i.e. the summary record, will appear in provisional mimeographed form under the symbol T/SR.170 and will be subject to representatives' corrections. It will appear in final form in a printed volume.

The PRESIDENT (Interpretation from French): I declare open the sixth meeting of the fifth session of the Trusteeship Council.

EXAMINATION OF THE PETITIONS LISTED IN THE ANNEX TO THE AGENDA FOR THE FIFTH SESSION (T/340, T/341, T/346) (Discussion continued)

The PRESIDENT (Interpretation from French): Today we shall resume, and I hope we shall be able to finish rapidly, the point of the agenda concerning petitions.

PETITION FROM THE SHARIFF IS-HAK COMMUNITY (T/PET.2/58, T/342)

The PRESIDENT (Interpretation from French): I would ask you to be good enough to refer to document T/340 according to which you will find the enumeration of the various petitions with which we have to deal, with a brief note indicating the substance of each one of these petitions.

We have examined a certain number of these already and I would refer you to petition number 1: the Shariff Is-Hak Community petition. I would ask the representative of the United Kingdom if he would be good enough to examine this petition with us and, if he is in a position, to give us the necessary data and information.

Sir Alan BURNS (United Kingdom): The particulars furnished by my Government and set out in document T/342 of 20 June cover very fully the question raised in the petition. I would call the attention of the members of the Council to the last sentence on page 3 of T/342. It points out that: "In these circumstances the question whether an Ishaakia is or is not a Somali will become a matter of academic interest only." It is a matter, I suggest, which the Trusteeship Council may very well put aside as the sense of grievance of these people will be removed by the bill which is being put before the legislature of Tanganyika.

The PRESIDENT (Interpretation from French): Are there any other remarks concerning this petition as a result of what has been said to us by the representative of the United Kingdom?

Mr. INGLES (Philippines): I have been trying to figure out the reason why the petitioners desire to be classified as non-natives and why they have any objection to being classified as natives in the

Trust Territory of Tanganyika.

I find that the fundamental reason for this state of affairs is that natives pay one kind of poll tax and non-natives pay another kind of poll tax and that natives, as provided in the Native Tax Ordinance, are required to perform compulsory labour in default of the payment of this native poll tax. Therefore the petitioners here do not wish to be classified as natives for the purpose of paying the native poll tax, default in the payment of which will subject them to compulsory labour.

Of course, in so far as the case for the petitioners is concerned the steps to be taken by the Administering Authority in acceding to their request would seem to solve the problem but the incidental question as to the propriety of imposing one tax for natives and a separate tax for non-natives, and imposing compulsory labour only for the non-payment of taxes by natives, I believe requires further consideration by this Council.

/The PRESIDENT:

The PRESIDENT (Interpretation from French): We will take into account the remarks which have just been made by the representative of the Philippines when we examine the general conditions obtaining in the Territory of Tanganyika. As regards this petition, it seems to me that according to the information which has just been given to us by the representative of the United Kingdom, it no longer has any purpose.

Mr. SOLDATOV (Union of Soviet Socialist Republics) (Interpretation from Russian): The petition from the Shariff Is-Hak Community which is now before us raises extremely important questions regarding the widely practised racial discrimination which exists in the Territory in violation of the Charter of the United Nations.

It can be seen from the petition that the petitioners are stubbornly requesting recognition as Asians. How can this insistent request be justified? This request can be explained in the following way, that the indigenous population of the Trust Territory lives under very difficult circumstances and finds itself in very difficult conditions. Even certain elements of the Indian population who are also widely discriminated against, still find themselves in a better position regarding discrimination than the indigenous population.

The question naturally arises, therefore, as to what is the legal status of the indigenous inhabitants in their political and economic life -- in the fields of health, domicile and so on. Furthermore, the question arises as to the legal status of Indians who live in Tanganyika in reference to political and economic life, conditions of health, domicile and so on.

Finally, there is the question of privileges enjoyed by the European inhabitants as compared with those enjoyed by inhabitants of Indian descent and the indigenous population. That is one phase of the question which has to be considered when we take up this petition -- the comparative legal status of the indigenous inhabitants, those of Asian descent and the European population. That is one aspect.

The other aspect is the actual political and economic circumstances of the indigenous population, Indians and Europeans -- the relative position of these three groups and their mutual inter-relationship. And I would like to have an explanation from the Administering Authority on all of these points before I speak in substance on the petition itself.

/The PRESIDENT:

The PRESIDENT (Interpretation from French): Is the representative of the United Kingdom prepared to reply to the question which has just been submitted?

Sir Alan BURNS (United Kingdom): I wish to deny emphatically the suggestion of the representative of the Soviet Union that there is any unfair discrimination contrary to the Charter.

I fail to see what relevance a discussion of the position of the Indian inhabitants of Tanganyika can have to the petition before us. I do not propose to deal with this because I think I should be out of order -- as I suggest the representative of the Soviet Union is out of order -- in dragging into this matter the position of the Indians. It has nothing whatever to do with the petition before us and I do not propose to follow him in going out of order in this discussion.

With regard to the remarks of the representative of the Philippines, I am not aware that there is <sup>necessarily</sup> any penalty of forced labour involved for those who pay poll-tax. If any member of the community, whatever his race, fails to pay the taxes which are due by him, he is liable to be brought before the court and sentenced by that court to some penalty; it may be imprisonment or a fine. I presume that the representative of the Philippines is referring to the fact that he might have a sentence of imprisonment with hard labour, but I suggest that this is not necessarily an alternative to the paying of the poll-tax. It is a penalty which might be imposed on anyone, native or non-native alike, for failing to comply with the law.

Mr. SOLDATOV (Union of Soviet Socialist Republics) (Interpretation from Russian): I am not quite clear as to why the representative of the United Kingdom said I spoke of Indians, of Hindus. I spoke of people of Asian extraction, people from Asia. It may be that the interpretation was not quite exact. I spoke of Asians.

Sir Alan BURNS (United Kingdom): In the English interpretation there were several references to Indians.

The PRESIDENT (Interpretation from French): This petition has a very specific character. If the Council wishes to start discussion of a more general nature concerning the various categories of the population, I think this subject would have to be discussed when we resume the examination of general conditions in Tanganyika

/otherwise

otherwise we shall start a very lengthy discussion which will have nothing to do with the petition concerned.

I agree with the representative of the United Kingdom in considering that we should remain within the framework of the petition. Otherwise the question which has just been raised by the representative of the Soviet Union may of course be lengthily discussed when we examine general conditions in Tanganyika in dealing with the report on this Territory which is coming to us.

Mr. SOLDATOV (Union of Soviet Socialist Republics) (Interpretation from Russian): In view of the fact that the representative of the United Kingdom said that the representative of the Soviet Union was out of order and since that statement was based on an incorrect interpretation of my original statement, I hope that he will withdraw his comments which were obviously based on an error in interpretation.

At no time did I refer in my statement to Indians, to Hindus. I spoke of people of Asian descent.

/The PRESIDENT

The PRESIDENT (Interpretation from French): Under the circumstances, I would propose that for the time being we remain within the framework of this petition, and that we prepare a reply consistent with the indications that have been given before. If there is no objection, we will proceed thus.

Sir Alan BURNS (United Kingdom): If the USSR representative's words were mistranslated, I of course withdraw my statement, but I repeat that three times at least in the translation the word "Indian" was used.

Mr. SOLDATOV (Union of Soviet Socialist Republics) (Interpretation from Russian): I would ask in the future that the following be noted: the Russian language is a very difficult one, and sometimes it is a little difficult to translate directly from Russian into English, and back into Russian again. But I would ask that no such errors be made in the future -- errors which would allow a representative on the Council to reach incorrect conclusions regarding an original statement made by the representative of the USSR.

As regards the basic question itself, I very clearly asked and raised the following question, and that is that the petition raises the problem of racial discrimination which exists in the Trust Territory of Tanganyika. I would ask the representative of the United Kingdom to explain the legal status of individuals of Asian extraction, the legal status of indigenous inhabitants, and the legal status of Europeans.

The representative of the United Kingdom for the tenth or twentieth time tells us the same thing, and that is that no racial discrimination exists in the Trust Territory, but he cannot and has not given us a single fact which would show that racial discrimination does not exist in the Trust Territory. On the contrary, a preliminary analysis of the Visiting Mission's report on Tanganyika shows us that in Tanganyika there does exist racial discrimination and that the Administering Authority is not taking any steps to do away with this racial discrimination.

If I understood correctly, the President is proposing that the question of racial discrimination as raised in this petition be taken up together with the discussion of the Visiting Mission's report on Tanganyika. Since, during the forthcoming meetings of this session, we are going to discuss this Visiting Mission's report, it would be quite correct to discuss this very important question at great length

/and in great

and in great detail -- this question of racial discrimination in the Trust Territory.

Nevertheless, I wanted to state the point of view of the USSR delegation on this petition and that is that the delegation of the USSR felt that it would be wise and expedient for the Trusteeship Council to propose to the Administering Authority that it take urgent measures to put an end to racial discrimination existing in the Trust Territory of Tanganyika. At the same time, I have no objection --

Sir Alan BURNS (United Kingdom): On a point of order. I have listened with surprise to the remarks of the representative of the USSR because I can find nowhere in this petition any suggestion of racial discrimination. He is raising a point which is not pertinent to the petition before us, and I maintain that he is out of order in so doing.

The petition, in paragraph 7, refers particularly to the fact that "according to Muslim Religion it is unlawful and irreligious for any Muslim to change his race and nationality," and the only point raised in the petition is a protest against these people being called natives of the country. There is no mention whatsoever in the petition of racial discrimination, and I protest against any reference to that in this discussion.

Mr. SOLDATOV (Union of Soviet Socialist Republics) (Interpretation from Russian): I hope that the representative of the United Kingdom will in the future behave a bit more calmly when any member of the Trusteeship Council is speaking, particularly because the attempts of the United Kingdom representative to interrupt the representative of the USSR, or someone else, when he is speaking on a question before the house, I think cannot be successful, because this attempt to impose his view on the Council and not to allow the members of the Council to speak, to try to gag them, I think cannot be considered to be a successful procedure if we are speaking of the work of this Council.

Therefore, for the sake of the most effective work of this Council, both in the consideration of the petitions and in the consideration of the various reports which are going to be taken up by us here, I think it would be much better if we acted in a much more business-like way and not interrupt members of the Council when they are speaking.

Every member of the Council has his own views and his own interpretation of a question, and therefore no one here can impose his

/particular views



particular views on another member of the Council if the other member of the Council does not agree with the opinions.

I asked a very clear question of the representative of the United Kingdom on this petition. The representative of the United Kingdom did not desire to answer this question; he did not answer this question. I agreed with the President's views to the effect that the questions raised in the petition could be considered in greater detail at the time the Visiting Mission's report on Tanganyika is taken up by us, but what I was <sup>speaking</sup> about now was the point of view of the USSR delegation to the effect that this petition is evidence of the existence of racial discrimination in the Trust Territory, and in the opinion of the USSR delegation the Administering Authority should take immediate steps to put an end to racial discrimination in the Trust Territory.

The representative of the United Kingdom has not proved and cannot prove that the representative of the USSR has to any extent mistakenly raised the question of racial discrimination on the basis of the petition from the Sheriff Is-Hak Community, since the entire petition bears evidence to the fact that the entire question had been raised by the Community only because the Asian population is placed in a discriminatory position as compared to the European population, and the indigenous population is even more discriminated against than the Asian population, without even mentioning their position in reference to the European population.

The PRESIDENT (Interpretation from French): I proposed a while ago that if any questions of substance were raised in connexion with this petition, they might be discussed when we return to the report of the Visiting Mission on Tanganyika during this present session.

The representative of the USSR accepted this point of view, and therefore he will have every possibility, when we examine this report, to present the remarks which he considers appropriate in respect to this petition.

Mr. INGLES (Philippines): For purposes of record just to clarify certain remarks made by the representative of the United Kingdom, on the question of compulsory labour for non-payment of taxes, page 65 of the annual report for Tanganyika for the year 1947, which we discussed last year, says that "compulsory labour in default of payment of taxes is applied under the Native Tax Ordinance."

/The report

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The report does not show that compulsory labour is also exacted of non-natives in default of the payment of taxes.

Sir Alen BURNS (United Kingdom): That is quite correct, but my point was that compulsory labour could be inflicted as a part of the prison sentence on any man who does not pay his taxes.

/With reference to the

With reference to the remark made by the representative of the USSR, I should like to refer to our rules of procedure -- rule 54:

"During the discussion of any matter, a representative may rise to a point of order....."

I did no more than rise to a point of order in this matter and I was not interrupting the representative of the USSR in the way he suggested.

The PRESIDENT (Interpretation from French): The representative of the United Kingdom asked to speak on a point of order and I immediately called upon him. I therefore consider the incident closed. He has had time to present his remarks.

Are there any other remarks on this petition? Since we shall have time to return to this petition in substance during the examination of the report of the Visiting Mission to Tanganyika, we shall adjourn the reply which we shall send to the petitioner.

Petition from Mr. Hans Schneider (T/PET.2/66)

The PRESIDENT (Interpretation from French): The following petition, No. 2, has already been examined. We therefore come to petition No. 3, from Mr. Hans Schneider, document T/PET.2/66.

Has the representative of the United Kingdom any remarks, and is he prepared to discuss this?

Sir Alan BURNS (United Kingdom): I received a telegram informing me that the position with regard to Mr. Schneider is somewhat complicated by his own financial difficulties, and consideration is nevertheless being given to re-vesting him in accordance with the request of his petition.

We shall have more information on the subject by the time that Mr. Lamb arrives here and if it is the wish of the Council I should be very glad if the matter could be deferred until Mr. Lamb were here, with fuller information on this difficult question.

The PRESIDENT (Interpretation from French): If there are no remarks on the part of members of the Council we will proceed thus. The petition will be deferred until Mr. Lamb can give us useful and appropriate explanations.

/The following

The following petitions, numbers 4, 5, 6, 7, 8 and 9, have already been examined. Petitions 10, 11 and 12 have been deferred.

Petition from Mr. W.K. Amegbe (T/PET.6/13)

The PRESIDENT (Interpretation from French): We now come to petition 13, from Mr. Amegbe, which comes from a Territory under British administration.

Does the representative of the United Kingdom wish to give us the appropriate explanations?

Sir Alan BURNS (United Kingdom): The comments of the United Kingdom can be very briefly given. The legal position in this case is that the Mission which now holds the land has been held by court to have a title based on an absolute grant of the land, freely made as far back as 1899. If the petitioner wishes to dispute this title there is no obstacle in the way of his taking the matter to the Supreme Court, which has jurisdiction to hear such a case.

The petitioner has not had recourse to the courts but is laying before the Council a dispute with which the court has full competence to deal, and in my view the petition is therefore inadmissible under rule 81 of our rules of procedure. The petitioner should be advised by the Council to bring an action locally to test the validity of his claim.

The PRESIDENT (Interpretation from French): Are there any remarks on this subject?

Mr. INGLES (Philippines): The petitioner speaks of his poverty. I should like to ask the representative of the Administering Authority if, the petitioner being poor, his poverty would be an obstacle to the filing of a proper case in the courts of justice of the Trust Territory.

Sir Alan BURNS (United Kingdom): I do not think so. If this man has a case that is a reasonable case, I am quite sure that he would be given every facility, however poor he may be, to put his case before the courts.

If it would be of any value, I will give an assurance to the representative of the Philippines that I will make special enquiries on that point.

/The PRESIDENT

The PRESIDENT (Interpretation from French): Should we await the information which the representative of the Philippines requires from the Administering Authority, or can we reply now to the petitioner that he should apply to the Supreme Court and that all facilities are ensured for him to have his claim heard?

The representative of the United Kingdom has just told us that he would seek information as to the facilities which might be ensured, if necessary, for the petitioner.

Sir Alan BURNS (United Kingdom): I suggest that the correct reply of this Council is that he has his remedy in the court. I think that reply should be sent to him now, but I will make a personal enquiry to see whether any help can be given to him if he is financially unable to approach the court. There is no question as to the legal position here today.

Mr. SELDATOV (Union of Soviet Socialist Republics) (Interpretation from Russian): I have the following question concerning this petition: in view of the fact that there are a number of points here which are not very clear, a matter which the representative of the Philippines also raised, I wonder whether we could ask the Visiting Mission to look into this matter and supply us with additional information regarding this petition, since it is going to visit the Territory in question.

I should like to hear an exchange of views here in the Council regarding the wisdom of that sort of approach to the question. As a rule the Visiting Mission has to investigate the petitions which the Council has received. We are instructing the Mission to receive petitions on the spot and investigate them, and we have included this power in the terms of reference. I wonder whether it would not be wise to draw the attention of the Visiting Mission to the possibility of getting additional information on this particular petition. I should like to hear the views of the other members of the Council on this question.

Mr. KHALIDI (Iraq): Whether the Council sees fit to entrust the Mission to undertake that task or not, is of course left entirely to the Council, and I will not speak of it. But it seems to me the right way would be for the petitioner <sup>first</sup> to exhaust all the juridical channels open to him.

/If he does not

If he does not find satisfaction in those channels, then and there he may petition the Council. It seems to me that the Council may do well -- this is my private opinion of course -- to advise the petitioner that, while the juridical channel is still partly open to him, it would be wrong to meddle in the procedure. He must exhaust that channel first and then, if he has no satisfaction, he may petition the Council, but not before then. This is my opinion.

/The PRESIDENT

The PRESIDENT (Interpretation from French): I think that the opinion which has just been formulated by the representative of Iraq is a wise one. In any case, the petitioner will have to exhaust all legal means at his disposal, and he should take his case to the Supreme Court.

The representative of the United Kingdom told us, on the other hand, that if the petitioner were in a position of such poverty that he might have difficulty in taking his case to the Supreme Court, facilities might be granted to him. The representative of the United Kingdom has promised that he will seek information on the matter and inform the Council.

In the circumstances, I would propose to reply to the petitioner that he must exhaust all legal means at his disposal. We should recall the terms of rule 81 of our rules of procedure, and point out that, at a later stage, the petitioner might, of course, apply to the Council again if the matter for some reason cannot be settled in the courts -- there might be some other difficulties in his specific case.

If the Council agrees with this suggestion, it will be adopted.

Mr. CANAS (Costa Rica) (Interpretation from Spanish): In cases where those making petitions to the Trusteeship Council are ignorant people who do not know the resources which they have at their disposal, I would ask that the question be settled in the manner indicated by the representative of the United Kingdom, that is that the Administering Authority give the necessary facilities in order that the case be presented to the courts. It very often happens that a person is told that he must go to the courts of justice, but that he does not know that he may have certain facilities in the courts of justice. In this case we can show such petitioners that the Council is interested in their case.

The representative of the United Kingdom might agree that it be pointed out in the reply to the petitioner that he has shown that all facilities might be granted to the petitioner if necessary, and that if it were necessary he would be aided in such a way that he might take his case to the courts.

Sir Alan BURNS (United Kingdom): I cannot give any assurance to that effect today. All I can say is that I will ask the Administering Authority if it will give such facilities as are possible; it may not be possible to do so. I wish to disabuse the Council of any idea that this gentleman and people in a similar position are not fully aware of the possibilities they have in going to the courts. They are

/very well aware

very well aware of them. Any suggestion that the Visiting Mission should constitute itself into a court of appeal, to my mind, shows a lack of appreciation of the real difficulties this Mission is going to have. It would take the Supreme Court probably several days to hear the arguments pro and con in a case referring to the ownership of land which dates back to 1899, and I cannot see the Visiting Mission spending that time on a single land case which, in my view, should be tried by the courts which are there specially to try such cases.

The PRESIDENT (Interpretation from French): In view of the additional explanations which have just been given to us by the representative of the United Kingdom, I suggest once again that we reply to the petitioner that he must exhaust the judicial means at his disposal and take his case before the competent courts in order that it may be clarified once and for all.

Mr. CANAS (Costa Rica) (Interpretation from Spanish): I simply wish to clarify this matter because, according to what has just been said by the representative of the United Kingdom, it might appear that this Mr. Amegbe may be told that he will receive special facilities. I hope that the representative of the United Kingdom understands that special facilities need not be offered. I was speaking of the facilities which any ordinary man would have in such circumstances, that is any individual who is in a state of poverty or any person who wishes to avail himself of the existing facilities before the courts. From the answer I received to what I said, I had the impression that Sir Alan had understood me to imply that the petitioner should receive special facilities. I simply wished to indicate that the petitioner should be informed of the facilities available to him as a resident of this Territory, and not of facilities of any special nature which he might receive. I simply meant the normal facilities available to all inhabitants.

The PRESIDENT (Interpretation from French): The representative of the United Kingdom told us that he would seek information on the subject, and therefore I think it would be advisable to await such information.

Mr. SOLDATOV (Union of Soviet Socialist Republics) (Interpretation from Russian): When I raised the question of the Visiting



Mission, it was not with the idea that the Visiting Mission should go into the details of this land dispute, but simply to suggest that the Visiting Mission might check and see whether this person has a normal legal procedure whereby he can complain to a court regarding this land problem. The Mission could ascertain whether he is able to have recourse to a court to handle his case, since he says he is a poor man and might not have the possibility of utilizing these court procedures.

The representative of the United Kingdom said something about the Supreme Court and possible recourse to the Supreme Court. But that is not the question; the question is whether the individual is in a position -- whether he has the material resources to bring this matter up before a court, and whether he is in a position to defend and support his claims to this land.

What I had in mind was a rather minor task for the Visiting Mission: that is, that it simply report to us as to the position of the petitioner regarding his possibilities of having recourse to and suing in local courts, because throughout the petition it appears that his poverty deprives him of the ability of acting through the courts.

If it is suggested that we deal with this petition at a later time, after having received fuller information from the Administering Authority, I think we could stop at this point and defer further discussion until later.

The PRESIDENT (Interpretation from French): We may, of course, defer the reply to this petition, but it would have been desirable for us to formulate a reply here and now. It does not seem to me to be very difficult, because there are no supreme obstacles and great no/differences of view between the members of the Council.

The result of this discussion seems to be that, first of all, the petitioner should apply to the competent legal authorities; he can have recourse to the Supreme Court. The second point is that, under rule 81, as the petitioner has not exhausted all legal means to obtain the satisfaction he claims, the Council is not competent to deal with the substance of the matter. The third point is that several members of the Council have wondered whether the petitioner, since he is in a state of poverty, is in a position to bear the necessary expense for his defence in the courts. On this point the representative of the United Kingdom has said that he will seek information.

We might, therefore, reply on the first two points which I indicated, adding that during the discussion in the Trusteeship Council the attention of the representative of the United Kingdom was drawn

/to the fact

to the fact that the petitioner was, perhaps, in a case of extreme poverty which would prevent him from carrying his case before the courts owing to the expenditure involved, and that in that case the Administering Authority would try to assist him before the courts.

I think that is a fair summary of the discussion we have held, and it seems to me that it would be possible to make a reply in this sense. If there is no objection on the part of members of the Council, we should proceed thus. This is simply a suggestion I am throwing out in order to help the Council to arrive at a positive solution on the point under discussion.

In the absence of any objections, we shall proceed as I have indicated.

/Petitions 14, 15 and 16

Petitions 14, 15 and 16 arrived too late for the Trusteeship Council to discuss them during this session, unless the Administering Authority concerned declares that it is prepared to examine these three petitions. They concern the question of Togoland under British Administration.

Is the representative of the United Kingdom prepared to examine these three petitions although they arrived after the time limit fixed by the Council's rules of procedure? I would first of all take point 14, "Petition from the State Council of the Krachi Native Authority."

Sir Alan BURNS (United Kingdom): I regret that I am not in a position to discuss any of these petitions or the later petition from the Cameroons. I have no information at the moment about it but it is possible, before the end of the session, that I may have that information, in which case I should be very happy to discuss it.

The PRESIDENT (Interpretation from French): In that case, the matter of these three petitions is deferred. We now come to petition 17.

Mr. SOLDATOV (Union of Soviet Socialist Republics)(Interpretation from Russian): I should like to know when these petitions were received and why we now find ourselves in the position where we cannot take up these petitions.

The PRESIDENT (Interpretation from French): I shall ask the Secretary to reply to this question.

Mr. ALEKSANDER (Secretary of the Trusteeship Council): The petition contained in document T/PET.6/14 which the Council is now discussing was transmitted to the United Kingdom Government on 20 May and we have not as yet received confirmation on the transmission of this petition. The other petitions were also transmitted only a month ago.

Mr. SOLDATOV (Union of Soviet Socialist Republics)(Interpretation from Russian): The petition contained in document T/PET.6/14 from the State Council of the Krachi Native Authority was received on 17 March 1949. I would like to know, therefore, why the Council cannot discuss this petition during this session.

/Secondly,

Secondly, the petition contained in document T/PET.6/15 from the Conference of Farmers of Togoland under United Kingdom Trusteeship was received by the United Nations on 20 April 1949. I should also like to ask in this connexion why it is not possible for the Council to consider this petition during the present session.

The PRESIDENT (Interpretation from French): The Secretary has just explained that these petitions were transmitted to the competent Administering Authority and that the replies from this Administering Authority have not arrived as yet, but they may arrive during this session. In that case we might defer the examination of these three petitions in the hope that it may be possible to consider them during this session when the observations by the Administering Authority have arrived.

Mr. SOLDATOV (Union of Soviet Socialist Republics)(Interpretation from Russian): Did I correctly understand the President to say that during this session of the Trusteeship Council these petitions will be discussed regardless of what happens in the meantime?

PETITION FROM AUGUSTINO DE SOUZA (T/PET.7/14)

The PRESIDENT (Interpretation from French): The Council now comes to the petition of Augustino de Souza. This petition refers essentially to a question which has already been examined at length by the Trusteeship Council and which is indicated in the terms of reference given to the Visiting Mission that is to go to Togoland at the end of the year. I think, therefore, that it would be appropriate to entrust the Visiting Mission with the task of examining the points raised in this petition. I do not think it would be advisable to discuss it here.

The Visiting Mission must make a detailed inquiry on the spot as to the petition which has been sent in previously by the Ewe tribesmen and the petition of Augustino de Souza is very closely linked with the same question. Therefore I think the Visiting Mission would be best qualified to examine the question on the spot.

If there are no objections, this procedure will be adopted.

PETITION FROM MRS. JANE T. WALLACE (T/PET.8/1)

The PRESIDENT (Interpretation from French): We now have a petition from New Guinea from Mrs. Jane T. Wallace. This petition also arrived after the time limit determined by our rules of procedure. However, if the representative of Australia is prepared to discuss /this petition

this petition, the Council would be very happy to hear him.

Mr. HOOD (Australia): Although this petition arrived after the due date, the Australian delegation is ready to have it discussed during the present session of the Trusteeship Council but not immediately, in view of the fact that certain information relating to the petition is on its way from Australia. When it arrives, we shall be in a position to have the petition discussed by the Council.

The PRESIDENT (Interpretation from French): In this case, I would propose deferring the examination of this petition until the Council has received the remarks of the Australian Government since they are due to arrive shortly.

PETITION FROM THE NAURUAN COUNCIL OF CHIEFS (T/PET.9/1, T/PET.9/1/Corr.1, T/PET.9/1/Corr.2, T/PET.9/1/Add.1, T/330)

The PRESIDENT (Interpretation from French): We now come to the petition from the Nauruan Council of Chiefs. I would suggest that this petition be examined at the same time as the report on the administration of the Island of Nauru.

The petitioners have decided to withdraw their petition. The Council will see the following at the bottom of page 6 of document T/340:

"The general observations of the Australian Government on this petition are to be found in document T/330. Subsequently, the Nauruan Council of Chiefs have sent a further communication (T/PET.9/1/Add.1), in which they state that they have decided to withdraw their petition as a result of assurances given by the Australian Acting Minister of External Territories during a visit to Nauru. (Note: The first paragraph of this summary was originally produced as part of document T/234/Add.1 for the use of the Trusteeship Council at its fourth session, during which a preliminary examination of this petition was undertaken.)"

Under the circumstances, I do not think it is appropriate to discuss the matter since the petitioners have withdrawn their petition. Of course, the question could be taken up again when the Council examines the report on Nauru.

/Mr. HOOD

Mr. HOOD (Australia): I assume that the object of the Secretariat in including this reference to the petition in document T/340 was in order to have it recorded that the petition was withdrawn. I assume the reference will not appear in any subsequent list prepared by the Secretariat.

Mr. ALEKSANDER (Secretary of the Trusteeship Council): This petition was included because the agenda was adopted together with the list of petitions and we felt it necessary to make reference to the petition. Of course, in the future, no further reference will be made to it in any list of petitions drawn up.

/The PRESIDENT

The PRESIDENT (Interpretation from French): In this case we have no more petitions before us; the question is solved. We have now finished the point on our agenda concerning petitions but will return to this point for deferred petitions at a later stage.

ADMINISTRATIVE UNIONS CONCERNING TRUST TERRITORIES (T/226, T/236, T/263, T/338, T/338/Add.1)

The PRESIDENT (Interpretation from French): We will now pass, as we had agreed, to the question of administrative unions.

We had already started the discussion of this question. You have been able to take cognizance of the report drawn up by the <sup>on Administrative Unions</sup> Committee/and of the additional remarks which have been given to us by the representative of China which were prepared by the Rapporteur of the Committee.

During this former discussion I suggested to you various methods in order to start the discussion on this very complex and delicate problem. It would appear that the Council had not, at that meeting, a very clear idea of the way in which we should start the discussion.

In order therefore that we start in a way which will enable us to complete our work rapidly, I would like to recall to you the terms of the resolution of the General Assembly which indicated to the Trusteeship Council the fact that it should start its study on this matter. I would recall to you that the resolution of the General Assembly included especially two points:

- " (a) Draw up an outline of the various aspects of the problem, including those aspects raised during the discussions of the Trusteeship Council and the Fourth Committee and plenary meetings of the General Assembly, with particular reference to those facts which will enable the Council to determine the compatibility of existing or proposed unions with the terms of the Charter and the Trusteeship Agreements, and their effects on the political, economic, social and educational advancement of the inhabitants, on the status or political integrity of the Trust Territories, and on their separate development as distinct entities;
- " (b) Collect all available information in regard to the problem, and to this end approach the administering authorities concerned for all data which the committee

/ may deem

may deem necessary, and obtain all other information from such other sources as it may deem appropriate."

The third point, which you know, was to transmit to the Council by 1 March the results of the enquiry.

The committee gathered together very considerable data and it fulfilled point (b) of its terms of reference. But apparently the report of the Committee has transmitted to us essentially the documentation on the basis of which we might possibly arrive at certain conclusions.

Point (a) on the other hand was not able to be discussed in the Committee in substance and in detail and it is now up to the Trusteeship Council, on the basis of the information collected by the Committee, to fulfill as far as possible the instructions which have been addressed to it by the General Assembly.

In these circumstances we may either start a general discussion on the substance of the problem -- on the general legal aspects of the problem, if you like -- but here we are faced first of all with an essentially juridical problem which is to find out whether the terms of the Charter and the Trusteeship agreements do or do not allow administrative unions of such and such a character; or else -- and this is a question which I have already put to the Council -- perhaps it might be preferable not to start a discussion of such a general nature but to take each Territory specifically and in respect of each one of these Territories raise the points or questions which are enumerated in paragraphs (a) and (b) of the terms of reference given to the Committee on Administrative/Unions.

I would like the members of the Council to indicate what their opinions are in this respect, in order that we may direct the discussion in the most desirable way.

Mr. SAYRE (United States of America): I too have been giving considerable thought to this question of administrative unions which, as the President has said, is a most/difficult and complex one.

I was particularly interested during our discussion at the last meeting when there seemed to be no crystallization of thought with regard to what steps the Trusteeship Council should now take. In order to avoid unnecessary waste of time I took the liberty

/ of trying to get



of trying to get some definite and concrete suggestions down on paper; and I also took the liberty -- and I am going to speak very informally -- of discussing with one or two of my colleagues how best the Trusteeship Council could meet this problem and how concretely it could best proceed. I think I am not divulging any secrets when I say that my colleague from Mexico and I foregathered this morning and discussed this problem at some length to see if we could formulate a definite resolution or suggestion as to the direction along which we felt the Council might profitably proceed.

I want, if I may, this afternoon to distribute to the members of the Council not a resolution but a suggestion such as the representative of Mexico and I talked over this morning and worked out together.

Our thinking was along these lines, and I hope that the representative of Mexico will correct me if I do not also express his views. We looked first at the General Assembly resolution, which is definite and which asks the Trusteeship Council to do certain things. As we read that General Assembly resolution it did not seem to us that the General Assembly was asking the Council to pass on the question with respect to each specific Territory whether or not some existing arrangement is consistent with the Charter and the Trusteeship agreements or not.

I do not think that the tenor of this General Assembly resolution is to give a stamp of approval or disapproval on the existing arrangements which any particular and specific Trust Territory <sup>or may not</sup> may/have with respect to adjacent territories.

/ Instead that General Assembly

Instead, that General Assembly resolution seems to ask the Trusteeship Council rather clearly to do at least two things: first to "investigate" -- that means to study -- "...questions in all their aspects with special reference to such unions already constituted or proposed and in the light of the terms of the Trusteeship Agreements and of the assurances given by the Administering Authorities in this connexion;" and, second, to "...recommend such safeguards as the Council may deem necessary to preserve the distinct political status of the Trust Territories and to enable the Council effectively to exercise supervisory functions over such Territories." I have been quoting the words of the General Assembly resolution.

In the light of that thinking, as I said when we discussed this question day before yesterday, it seems to me that we must regard this as a continuing problem. It is not a problem on which the Trusteeship Council can or should be expected to make a definite pronouncement with regard to each specific Territory at the present time. I do not think that is what the General Assembly expected or asked us to do. Instead we are to keep this matter under constant consideration whenever we make an examination of a Territory where there is some kind of administrative union which raises the problems under consideration. Then we must give fresh study and fresh consideration to such developments as may be taking place in that Territory or may be in contemplation.

I think it is a very fluid problem, a problem which we are going to have with us for years and years and I think in the light of that we must frame some kind of a resolution based on those general considerations. There has been distributed among you a suggestion -- and I am speaking still very informally -- which the representative of Mexico and I worked out this morning, bearing these general considerations in mind. You see the general nature of this suggestion. After a few preliminaries which specify the General Assembly resolution 224 (III) and after stating that in pursuance thereof the Trusteeship Council has established a committee to study this question as requested and, furthermore, that the committee has made an examination, has framed questions to the Administering Authorities and has received their replies, we -- that is, the Trusteeship Council -- therefore transmit to the General Assembly the report of the committee with all the pertinent documents and also transmits to the Assembly

/the replies of the

the replies of the Administering Authorities and so forth.

We then, under this suggestion, would recall the assurances which have been given by the Administering Powers not only at the time when the Trusteeship agreements were under consideration by the General Assembly but also later assurances given to the Trusteeship Council itself in our consideration of the matter, assurances some of them perhaps to be given in our general discussion today or tomorrow.

We would then, after noting these assurances, add a paragraph to the effect that the Council considers that it is not opposed in principle to administrative unions as such -- of course we cannot be because the General Assembly decided, in approving the Trusteeship agreements, that certain kinds of administrative unions were all right; they were all right if they were of common economic and other advantage to the inhabitants and where there is no substantial opposition by the indigenous inhabitants and where the common administrative arrangements do not impede the development of the Trust Territory toward self-government or independence, that kind of administrative union is all right.

The task of the Trusteeship Council is to determine which administrative unions are permissible and which are not.

You will remember that the General Assembly resolution asked the Trusteeship Council to recommend safeguards looking toward the continuing examination of this problem and for that reason we added the two concluding paragraphs which you see in the suggestion. First, if such a suggestion were adopted, that the Trusteeship Council decides that in order to safeguard the distinct political status of the Trust Territories the Council should continue to study during the regular examination of conditions in Trust Territories the effects of existing or proposed administrative unions on the political, economic, educational and social advancement of the inhabitants, on the status or political integrity of the Trust Territories and on their separate development as distinct entities. I am sure the members of the Council will notice that that wording is taken from previous resolutions already passed by the Trusteeship Council or by the General Assembly.

Then the final concluding paragraph would contain another safeguard:

"REQUESTS the Administering Authorities concerned

/to make the

to make the fullest possible effort to furnish separate records, statistics and other information on each Trust Territory in order to safeguard the effective exercise of the Council's supervisory function."

If I may add just one very personal word: I have not had an opportunity because there has not been sufficient time to consult with many of my colleagues, particularly with my colleagues of the Administering Authorities. I have not had an opportunity to consult with them so I am not speaking in any sense for them. It is merely a personal suggestion which I worked out with the representative of Mexico in the interests of trying to help crystallize thoughts. I have no ax to grind of any kind. I am merely hoping that the Trusteeship Council may expeditiously find itself able to pass a resolution on this very complex and difficult subject which will produce concrete results through the years as we go forward.

The PRESIDENT (Interpretation from French): The Council will certainly be very grateful to the representative of the United States of America for having attempted to crystallize in a working document a suggestion on the form in which we should finally transmit to the General Assembly the report which we are required to give.

As I pointed out to you a short while ago, we have abundant information which has been gathered by the Committee but we have not yet before us any formal proposals concerning the various points which the Assembly has asked us to examine and the suggestion which is made to us by the representative of the United States of America will, I think, facilitate our discussion because it presents a series of proposals concerning which it will be easier for us to discuss.

I would like to ask each one of you to be good enough to formulate your own personal observation as to the question as a whole as well, if you like, as to certain specific points indicated by the representative of the United States.

/I would be very glad

I would be very glad if we do not have to remain -- as we did in the other meeting -- in almost general silence. It is not complete silence, since the representative of the United States has so far been an exception. I admit that this is a very delicate question and I would like to hear the opinions of the members of the Council.

Mr. KHALIDY (Iraq): I would say that the working paper which has just been presented to us is an admirable one and could very conveniently serve as the basis of our discussion, which I hope will not be unduly prolonged, because <sup>everyone</sup> has an attitude in the matter.

May I suggest that the Administering Powers around this table might begin by telling us their views on the paper first, because this is a question which concerns them very intimately. I believe this would expedite our work.

The PRESIDENT (Interpretation from French): The proposal of the representative of Iraq might be adopted by the Council. I would like to point out, however, that the Administering Authorities have already submitted observations in writing and that each one of us has been informed of them. The representative of one of the Administering Powers spoke the other day on the question of the relationship of the two French Trust Territories, Togoland and the Cameroons, with the French Union. He made a fairly lengthy statement which was followed by no remarks, whereas I had asked the members of the Council to be good enough to formulate their remarks on this statement.

I am prepared to ask the other representatives of the powers concerned if they would be prepared to formulate, in their turn, remarks of a general character on the problem with which we are dealing.

Mr. KHALIDY (Iraq): What I meant was, if the Administering Powers -- either now or at some other time -- would begin by giving us their views on this paper which has just been presented by the representative of the United States, I think that would expedite our work; I meant their views on this paper, not on the general discussion.

Mr. HOOD (Australia): I was also going to point out that I thought that was the intention of the representative of Iraq.

/For my

For my part, I would be perfectly willing to follow that suggestion. I think it became clear in the discussion we had the day before yesterday that the next step would have to be the submission to the Council of specific suggestions, motions or resolutions.

I think that the first alternative the President mentioned this afternoon of a renewed general discussion on the matter as a whole would not have taken the Council very much further inasmuch as the General Assembly had asked the Council to do certain things and make certain recommendations.

I think, therefore, any proposition which now comes before the Council having that object in view, is a useful one for purposes of procedure at least and may well provide the answer as to what the Council is finally to do in the execution of the General Assembly's request.

I would not wish at this stage to make any specific comment on the contents of the working paper submitted by the United States representative. I agree with the representative of Iraq that as a procedural step it is admirable and, without committing myself to any particular passage in it, I would imagine that that sort of resolution, if finally adopted by the Council, would fully discharge the Council of its obligation under the General Assembly's resolution.

I would be perfectly willing to carry on the discussion on the basis of this working paper and any similar proposals which may be put before the Council.

Mr. LIU (China): I think the suggestion which has been submitted by the representative of the United States which he has prepared in collaboration with the representative of Mexico is an extremely time and labour-saving one.

If we were going into a general discussion of the different aspects of the question involved or into the specific discussion of each administrative union, the process would be very protracted I am sure. A basis on which we can limit our discussions such as that provided by the suggestion just brought forward by the representative of the United States will save a great deal of time and greatly facilitate our discussion.

For these reasons I would support the suggestion as the basis of our discussion, and would like to express my appreciation of the time and thought which the two representatives put into the suggestion they have made.

/ Sir Alan BURNS:

Sir Alan BURNS (United Kingdom): I share the views already expressed by my colleagues and I feel the Council owes a debt of gratitude to the representatives of the United States and Mexico.

It was quite clear from the somewhat uncertain debate we had two days ago that this was an extremely difficult question we were trying to discuss and unless we had some concrete proposal such as this it was unlikely that we should have got any further.

There is only one point I should like to mention to the Council which is that the report of the Committee on Administrative Unions (document T/338) only reached my Government on 22 June and if this discussion is going to proceed I must reserve the right to speak later on any points which the United Kingdom Administering Authority feels it necessary to make in connexion with this report, as it has not yet had time to study and formulate any observations on the report.

I have only to add, as I have said before, that my Government is satisfied that the inter-territorial organization in East Africa does not conflict in any way with the terms of the Charter or those of the Trusteeship Agreement. The same holds good in respect of the other Territories.

I have only to add that I shall be quite willing to accept a resolution such as this as a working basis for our discussion and I repeat that we are deeply grateful to the United States and Mexican delegations for putting this before us.

Mr. SOLDATOV (Union of Soviet Socialist Republics) (Interpretation from Russian): I would like to have one point clarified. Whose proposals are these? Who is submitting these proposals? The document which has been submitted to us does not give the author of the proposals, so could it be clarified? Could we be told who is submitting these proposals to the Council?

/Mr. SAYRE:

Mr. SAYRE (United States of America): I thought I had made that clear in my initial statement. This text which has just been distributed is the result of a common discussion between the representative of Mexico and myself this morning, between 12 and 1 o'clock. We worked it out together. It is not introduced now as a formal resolution, but rather as a working paper, or, as it is labelled, "a suggestion" in order to constitute a basis of discussion. If this suggestion is acceptable in principle to the Council, I have no doubt that a resolution will be introduced. This is merely a suggestion; it is introduced jointly by myself and the representative of Mexico, very informally. I think I am correct in saying this.

That is the reply to the question of the representative of the USSR.

Mr. SOLDATOV (Union of Soviet Socialist Republics) (Interpretation from Russian): I am not quite clear as to the procedure which is being followed. At times we have working papers which are prepared by the Secretariat, and the documents are so titled; they say "Working Paper Prepared by the Secretariat." At other times there are draft resolutions or other proposals which are submitted to the Council by certain delegations; in that case it says on the document "submitted by \_\_\_\_\_ delegation." At certain times there are joint proposals, amendments or resolutions submitted by several delegations; at those times the documents also state that "\_\_\_\_\_, \_\_\_\_\_, and \_\_\_\_\_ delegations" present such amendments.

Today we have a document before us which does not say anything. It does not specify anything. The representative of the United States says that this is the result of the joint labours of the United States representative and the representative of Mexico, which they are informally submitting to the Council for its consideration.

I do not quite understand what sort of document this paper is. It is a document that does not show who is submitting it, and which is, at the same time, submitted in a rather odd fashion. Who is going to support the document? Who is going to defend the thesis advanced in it?

I do not quite understand, and before this document is discussed in substance, if this document is submitted by the representatives of the United States and Mexico, I would like to see here that this document is submitted either formally or informally to the Council by the representatives of the United States and Mexico. Then everyone will clearly know that we are discussing a joint United States-Mexican document,

/because otherwise



because otherwise the situation is not clear to me, and I would ask for some clarification on this matter.

The PRESIDENT (Interpretation from French): I am sorry not to be of the opinion of the representative of the USSR. It is not an exceptional method of presenting working documents. That has often occurred during the work of the Trusteeship Council during the last two years. Very often, and especially when we were faced with a rather complex problem, one <sup>or</sup> another of the delegations would present a working paper which would crystallize the ideas and thoughts expressed in the Council in order to clarify the discussion. That is exactly what the representative of the United States has suggested. He has very clearly explained -- at any rate, for me it was quite clear -- that in order to facilitate the discussion concerning administrative unions he had prepared, in agreement with the representative of Mexico and in a personal and unofficial capacity, a document which might be used as a working paper. That is not yet a resolution.

It is quite natural that these two colleagues of ours should have wished first of all to hear the remarks which might have been formulated on the working paper in order to find out after that whether it would be advisable to change their working paper into a formal resolution. The representative of the United States has just told us that he considers that it might perhaps be appropriate to present a formal resolution which would be either a simple reproduction of his working paper or an amended document. I think I understood him clearly on this point.

In these conditions, I do not <sup>think</sup> that it is necessary to specify in a clearer way the character of this document which has been submitted to us and which you all have before you.

Of course I am not asking the Council to take this paper as the sole basis for discussion, and I do not propose that we examine each point of it now as though it were a resolution upon which we were prepared to vote. We are, of course, not prepared to vote on a resolution yet. But this paper is at any rate a good guide, on the basis of which all opinions can be expressed, and it may give rise to other opinions.

Mr. PADILLA NERVO (Mexico): The President has heard what the representative of the United States has just said. I have the opinion -- and I have expressed this opinion before this Council -- that it does not seem clear, from the discussion at least, that every member of this /Council has a definite

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Council has a definite idea as to how to go about complying with the resolution of the General Assembly in relation to these questions on the study of administrative unions.

Some entirely differing ideas have been expressed by various members -- such as, whether or not we should handle the matter in a general way, in respect to the whole problem, considering only the views of the General Assembly or of the Council on the effect of these unions with regard to the appropriate clauses of the Trusteeship agreements and the relevant provisions of the Charter. Others have expressed the opinion that the Council should state its opinion very definitely about each particular administrative union.

I believe that the suggestion that is presented to you could be considered as if it were an oral statement made by a representative suggesting which course the Council may consider it wiser to follow. This paper contains some general suggestions that could be disposed of by the members of the Council, and they could react to these suggestions one way or another. In order not to place the Council in the position of having to adopt such procedures by a definite proposal -- with all the implications that any rejection of a formal proposal might have for the future -- I consider, as was expressed by the representative of the United States, this statement as a suggestion on the possible direction that the Council could take in solving this problem. We would like to know what the reaction to that would be.

Speaking for myself, I consider -- and I said that the day before yesterday -- that it is very difficult for my delegation to state a definite opinion as to whether or not a particular administrative union is in accordance with the objectives of the Trusteeship System and with the relevant articles of the Trusteeship agreements.

/There are

There are, as the President stated a moment ago, if I understood correctly, many elements that are essentially juridical. The fact that the words of the Trusteeship agreement lend themselves to a different interpretation is shown in the discussion of the Fourth Committee in 1946, when the draft Trusteeship agreements were established.

The Administering powers, in answering the objections or reservations and the doubts of the other members of the Council concerning these certain words, made certain assurances in clarification of those words. For instance, a statement by Belgium and France is recorded in the report of the Fourth Committee to the First Session of the General Assembly, on Trusteeship Agreements, to the effect that it was the interpretation of those Governments that the words "as an integral part" were necessary as a matter of administrative convenience and were not considered as granting to the Governments of Belgium and France the power to diminish the political individuality of those Territories.

The same report refers to a declaration by the representative of the United Kingdom on the same subject, to the extent that the retention of the words "as an integral part" in the Trusteeship agreements for Togoland and the Cameroons under British administration did not involve administration as an integral part of the United Kingdom itself and did not imply British sovereignty over these areas.

We could say the same thing about the power that the Administering Authorities have to administer the Territories "as an integral part", and their power of legislation.

M. Laurentie the other day in his exposition referred to that. For instance, in the Trusteeship agreement for the Territory of the Cameroons under British administration, article 5 states that: "the Administering Authority shall have full powers of legislation, administration and jurisdiction." All this is subject to the provisions of the United Nations Charter and the agreement. What is the real legal interpretation of the words "powers of legislation, administration, and jurisdiction?"

We should be completely clear on this interpretation of those phrases which seem to be the basic phrases. Every time a draft Trusteeship agreement was discussed in that Committee, the Committee came up against the same words again and again, and in certain agreements a slight variation of the wording was accepted. I am not sure whether I am right in quoting without documents, but I believe that the agreement referring to the Administering Authority of New

/Zealand

Zealand does not say to administer "as an integral part" but "as if it were an integral part" -- or if it was not New Zealand then it was Australia. One of those Trusteeship agreements said "as if it were an integral part" instead of "as an integral part."

Those are legal aspects. My delegation would undoubtedly be in a better position to give a definite opinion, if that were requested by any of the Administering Powers, should the Council agree that we request an advisory opinion of the Court on this particular matter. I do not propose anything at this moment, but I should like to suggest to the members of the Council that they explore that possibility and react at a later date in respect of the suggestion that certain aspects of this matter be referred to the International Court for an advisory opinion.

When the General Assembly Resolution to the Trusteeship Council, which in paragraph (c) recommends the Trusteeship Council "to request whenever appropriate an advisory opinion of the International Court of Justice as to whether such unions are within the scope of and compatible with the stipulations and terms of the Trusteeship agreement", was discussed, you will all remember that in the Fourth Committee nobody abstained from voting on this paragraph and it was adopted by practically all of the members of the Fourth Committee, with 6 votes against. When this Resolution came up before the General Assembly it was adopted without objection.

The general feeling, then, after all the arguments in favour and against and a study of all the aspects of this possibility of requesting an advisory opinion of the Court were examined, was that it would be a useful and perhaps a necessary thing to do and the Trusteeship Council should have the power to request such an advisory opinion, if they considered it appropriate.

That is a matter outside the point before us. I should just like to say that it is so complicated that, besides the course suggested by the representative of the United States, with which I agree, we could also add this other possibility.

I will therefore end my observations in this way. As long as we do not have an advisory opinion of the Court on which to rely, it is not possible at this stage for the Council to give a definite opinion in respect of each one of the reports, stating whether or not they are in compliance with the objectives of the Charter and the Trusteeship agreement. A declaration approving or disapproving cannot be made at  
/this stage

this stage, I believe, in the Council. It would therefore be better to follow this other course, i.e., to state the general assurance and opinion of the General Assembly in respect of this matter.

The unions that are permitted in the Trusteeship agreement have to be accepted by this Council, provided that they conform to two essential conditions in the establishment of the unions:

- (1) that it is not contrary to the basic objectives of the Charter and in particular to article 76;
- (2) that the Administering Authority, in accordance with the assurance written in the report of Sub-Committee 1 of the Fourth Committee of the General Assembly of 1946, should not exercise its right to establish a union in such a way as to prejudice the political integrity of the Trust Territory.

/Those facts could be

Those facts could be stated in a resolution such as has been suggested.

The other important point is that, besides the legal aspect of this matter, there is the practical aspect of government and of administration which, in my opinion, makes the whole difference. Under the same instrument, under the same legal or juridical construction, an Administering Authority can do one thing or can do the other thing if it wants. Therefore, respecting and demonstrating our faith in the assurance of the Administering Authority that it does not consider these unions contrary either to the Charter or to the Trusteeship agreements, and that they will not in any manner prejudice the distinct identity of the Trust Territory or the final position of the inhabitants in their development towards either self-government or independence -- with this assurance, the Council will continue to study, during the examination of the reports of each Territory, the effect of such unions on the political, economic, educational and social advancement of the inhabitants.

That is the other important point of this paper that has been presented to the Council by the representative of the United States.

We reserve one final consideration, that is the request to the Authorities concerned to furnish separate records, statistics and other information that might help the Council in its findings. There is some reason for this, because there are cases in which the main organs of government or administration of a Trust Territory, in the case of a union, do not have their headquarters in the Trust Territory, but have been removed to an adjoining territory that is not under Trusteeship. In such cases question would arise as to whether or not the Visiting Mission could study that organ in operation without going to the place where that organ resides, which is not in the Trust Territory. In that case an objection could naturally be made by the Administering Authority, saying that the Visiting Mission has the right to visit the Trust Territory, but not to enter the adjoining territory not under Trusteeship.

Another question would arise in respect, for instance, of a request by the Council for definite statistics and figures relating to the Trust Territory. The common services that have been established for reasons of economy and technical efficiency have, in certain cases, joined the statistical service relating to the Trust Territory with those of other territories. I suppose that if the Trusteeship Council or the Visiting Mission were to examine those figures, objection could be made to the effect that: we do not have any particular figures on that point

/relating to

relating to the Trust Territory; they are mixed with figures relating to other territories, but, as you do not have supervision over the other territories, you cannot, therefore, examine these records.

This sort of technical difficulty could arise in that situation. In the request stated in this paper, however, some care is taken in that respect.

In my opinion, this might be the general line on which the Council could take a decision. Some other ideas have been expressed that are somewhat contrary to this one, which is why this is presented as a "suggestion" to see what the reaction is, especially in the minds of those representatives who have different ideas.

The PRESIDENT (Interpretation from French): I see that this time the discussion is really progressing and we are entering the field of precise matters.

Sir Carl BERENDSEN (New Zealand): I almost regretted that I had asked for the floor, because my original intention was merely to say what the President himself has already said in much more felicitous terms than I could have chosen. But, as I have the microphone, it might be, perhaps, not without some usefulness if I were to develop my tentative views on this matter.

The day before yesterday I had occasion to express my extreme dissatisfaction with the unreality of the attempt that the Council was making to approach this subject. It seemed to me that the President had brought the horse to the water, but that the horse was showing a marked reluctance to drink, putting its nose in and finding the water too hot or too cold, or for some other reason shuddering away and running round the pool in a state of complete indecision. The day before yesterday I attempted to express the hope that on this matter -- as indeed on all matters -- the Council would either "fish or cut bait".

Today -- and I quite agree with the President -- today we have had two admirable pieces of bait produced for us, though the representative of the Soviet Union says he does not like the look of them and does not propose to fish. But most certainly we are now approaching this subject with some degree of reality.

The proposal which is in front of us now -- whether it is a resolution or whether it is not a resolution -- is an obviously sensible and useful first step in the consideration of this matter. The representative of the Soviet Union asks who is in favour of it. Obviously there  
/are two

are two in favour of it: one is Mr. Sayre, and the other is Mr. Padilla Nervo; and if there is anything of which those two are in favour, may I suggest that it deserves the most earnest consideration of all of us around this table. If it is of any interest at all, I may say there are three in favour of it, because I would like to add myself as being very strongly in favour of this method of approaching this problem. And if there are any that are not in favour of this method, it is entirely open to them -- it is entirely open to the representative of the Soviet Union or to anybody else -- to produce a resolution to the contrary or a resolution expressing the differing ideas.

All I ask is that, in the name of common sense, let us get on with it; let us face this thing and grasp it. And I think we are grasping it.

I am very largely in agreement with what the representative of Mexico has just said to us. Perhaps I might bring up one minor point: the representative of Mexico has introduced this vexed question of the "integral part", the right that was fought <sup>for</sup> and in many cases granted to an Administering Authority to administer the Trust Territory as an integral part of its own territory. The Council may remember that, when that battle was fought -- the battle of the integral part -- the innocent who was put at the head of the phalanx was none other than myself. On the whole I think that was a compliment, because I am so innocent that those who may, perhaps, not have that particular advantage, shoved me to the front on the understanding that nobody could really suspect me; and if there are any brick-bats being thrown about, I have shown that I can take it if I can't dish it out.

/Consequently



Consequently, I had to face the problem of the integral part. I tried to show my colleagues in the Fourth Committee, in the sub-committee of the Fourth Committee and in the General Assembly that there was no inherent wickedness in this proposal, that the sole object was a mechanical one as the representative of Mexico has contemplated.

It was a small territory, We did not want to set up separate pieces of mechanism with another police force and another system of courts. We wanted to keep it, as far as was convenient, within the framework of running mechanism.

But I could not get anyone to believe that, so I made an offer, which seemed to me to be a most generous offer, to alter the words that we have the right to govern as "an integral part" and say that we shall have the right to govern "as if it were an integral part." That, you would imagine, would satisfy anybody, but no, it was regarded as something much deeper and satanic than the original wording. So, in order to please everyone, we cut it out but others were not able to cut it out and did not cut it out and the phrase still exists. That was a purely mechanical point as far as we were concerned.

Nobody has ever suggested that my small country has any thought at all of uniting Western Samoa with New Zealand. Nobody has gone so far as to suggest that but I may live to see it. It was purely mechanical from our point of view.

What we have to consider now is not the effect of any form of words, not whether there can be an administrative union because that has been solved. Those who wish to adopt an administrative union have provided for that administrative union in their draft agreements and the agreements have received the approval of the General Assembly. But in every case it was made perfectly plain that there was no intention of instituting an administrative union of such a nature that it would compromise the political development of the Trust Territory.

I suggest that the only test which is of concern to this Council is whether the administrative union is, in effect, detrimental or beneficial to the orderly progress of the Trust Territory towards self-government or independence at the earliest possible and reasonable moment.

/That is the test

That is the test and, if the representative of Mexico will allow me to disagree with him on one small aspect, I do not think that is a legal matter at all. I think that is a matter of common sense and judgment and on which this Council may well be expected to pass an opinion.

The General Assembly has asked the Trusteeship Council to take certain steps in connexion with administrative unions and if we have any comments to make, we are invited to make them. For my part, I would invite any representative who doubts either the intentions or the effects of any of the existing administrative unions to say so and to move accordingly. If anyone imagines that any existing administrative union is either intended to facilitate the incorporation of a Trust Territory in a metropolitan power or, though not intended, is calculated to have that effect, then I suggest it is the duty of that representative to say so here and now and to propose a resolution to the Council to that effect. If he can convince me that that is so, I shall certainly join in supporting such a resolution.

If, on the other hand, there is no such suggestion at the moment but, in the minds of many of the representatives, there is apprehension that such a situation might conceivably develop, then I suggest we are not facing any serious difficulty. Something of this order, which would meet the desires of the General Assembly, would carry us over at the moment.

It would be the <sup>continuing</sup> duty of the Council to view these administrative unions with the utmost care in order that we, in turn, might discharge our duty. If and when we feel that any administrative union shows a tendency to destroy the political identity of a Trust Territory, it would be our duty to pass a resolution to that effect.

My suggestion is that we discuss this working paper. It is open to any member to turn this document into a resolution. I think we have made, as the President correctly said, a very admirable beginning in a serious study of this matter. Let us continue that serious study. Let us base our discussion on this document. If anyone disagrees with it, let him propose an amendment. If anyone favours another course, let him propose that course.

But here and now we have the horse with his mouth in the water and I really think if we keep him to it, he will take a drink. For my part, I suggest that we should carry on along these lines and no longer attempt to run away from this admittedly most difficult task.

/Mr. SOLDATOV

Mr. SOLDATOV (Union of Soviet Socialist Republics)(Interpretation from Russian): In spite of the very eloquent attempt by the representative of New Zealand to convince me that this document is a horse which has begun to drink, I am still not clear as to the exact nature of this document. Actually this is not a formal proposal as has already been stated. This is not a draft resolution. This is not a draft amendment. This document is not signed by the countries which are bringing it before the Council. I should like to ask what it is.

The representative of New Zealand feels that it is quite a definite document and he very picturesquely describes it as a horse which has begun to drink. I have some doubts. It seems to me that this is neither a horse nor a camel but something unknown, something indefinite. In any event, it is something which has not begun to drink as yet.

I do not say that no delegation can submit a working document. The President said that working documents are submitted to the Council. Of course they are, but when a working document is submitted we know very clearly that this document has been submitted by the Secretariat or by some delegation and the Council then proceeds to work on that particular document.

It may be that previously in the Trusteeship Council there did exist a practice whereby unknown documents were submitted. I do admit to that possibility in the past, but my impression now is that this document has been submitted to the Trusteeship Council by the representatives of the United States and Mexico as a basis for discussion in this Council. If that is case, then I can simply add words to the effect that this document has been submitted by the representatives of the United States and Mexico and everything will be quite clear.

I should like to have this clarification introduced as to the parents of this document. If it is a legitimate document that has parents, I should like to have this parentage acknowledged.

The PRESIDENT (Interpretation from French): I should like to point out to the representative of the USSR that the representative of the United States recognized the paternity of this document and spoke at length on the subject. This indication is not given specifically on the document but it is a working paper.

/Mr. SOLDATOV

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Mr. SOLDATOV (Union of Soviet Socialist Republics)(Interpretation from Russian): I did not hear that the second parent was the representative of Mexico.

The PRESIDENT (Interpretation from French): We shall simply consider this paper as unofficial instrument of work which may help to accelerate the discussion on the problem of administrative unions. I sincerely hope this will be the case because we may run the risk of wasting a considerable amount of time on this problem without getting to the heart of the matter. We must arrive, as rapidly as possible, at some form of resolution which would enable us to reply to the General Assembly that we have acted in accordance with the instructions given to the Council.

/Any member of the

Any member of the Council may present another instrument of work if he wishes. If the representative of the Soviet Union has some precise opinion to formulate in writing or verbally, we will be very grateful for it and anything that may contribute to clarifying our ideas and crystallizing the opinions of the majority of the Council will be extremely useful.

In this respect I was very happy to have before me at least one paper which might enable us to progress more easily and arrive at a specific resolution. But if the representative of the Soviet Union regrets the unofficial form of this document perhaps the representative of the United States, when we resume discussion on this matter, might consider it advisable to present a formal resolution, in view of the fact that a great many members of this Council have already indicated quite clearly that they were very happy at his initiative and that as a general rule they approved the way in which the delegations of the United States and Mexico have approached this problem with a view to arriving at a solution.

Mr. PADILLA NERVO (Mexico): The representative of the Soviet Union has just said that he had heard from the representative of the United States, but not from me, that this suggestion was presented by the representative of the United States and the representative of Mexico.

I repeat to the Council that there was some agreement in the general ideas expressed both by the representative of the United States and by myself. We spoke by telephone concerning those ideas. We discussed a text, certain parts of which were proposed by myself.

The main purpose of this text was to formulate two main ideas: first, that it is not convenient to deal with this matter in relation to each one of the unions in particular; secondly, that we cannot pronounce on this matter once and for all by giving an opinion. This is a question which should be left open and the Council should go on studying the effects of these unions when they consider the reports on the Trust Territories each year.

We were in agreement on these general ideas and therefore this document was <sup>so</sup>worded. Mr. Sayre asked me if <sup>all</sup>my opinions were embodied in the paper that we drafted first. I requested that certain questions should be added. We discussed many other different questions and finally arrived at the conclusion that other questions

/ could not be

could not be added -- at least those to be presented as suggestions -- and we arrived at the conclusion that before presenting any formal proposal, an opportunity must be given to the Council to express itself and to see what the general reaction would be. That is why it came in this form. I would not have been surprised, after my conversations with Mr. Sayre, if this paper had been presented as "suggestions made by the representatives of the United States and of Mexico." It simply happened that that was not clear.

It is not unusual to present suggestions. In that respect the representative of the Soviet Union will remember that in the case of the Italian Colonies the Soviet Union delegation presented some suggestions -- and they were called "suggestions". Later that was transformed into a formal proposal but it was first circulated as suggestions made by the Soviet Union.

The fact that this is not printed here is not important. It will be emphasized still more strongly however by the fact that we have verbatim records, that we have made declarations to that effect.

I would therefore request that the Council consider this text and give its reactions to it.

Mr. KHALIDY (Iraq): A short while ago we were faced with the problem of the horse and the drink. Now evidently we have another one: whether the child is legitimate or illegitimate.

It is possible that the representative of the Soviet Union would like to inform either his delegation or his Government as to the authors of this paper. It is possible that he would like to know the opinion of his Government and he would probably be called upon to tell it whose paper it was.

Perhaps there is no harm in saying that this paper belongs to the United States delegation and the Mexican delegation. If that will expedite the matter I suggest to both my colleagues, Mr. Sayre and Mr. Padilla Nervo to say <sup>that</sup> that/is so, and if necessary to have the Council assist us on this paper, to say that it is a <sup>Working paper</sup> / by the United States and Mexican delegations,

Mr. LAURENTIE (France) (Interpretation from French):  
As far as I am concerned I confess that this question of procedure does not seem to me to be very serious. We have a paper on the / table before us

table before us; if we adopt it it may be transformed into a resolution of the Trusteeship Council. It seems to me that that should be amply sufficient to lead us to a decision.

As to the substance of the matter, I listened with great interest to what was said by the representatives of the United States and of Mexico. I think it is a question of commonsense. We have arrived at a stage where it is impossible for us either to render judgment on each one of the administrative unions which have been studied or to defer sine die the study of these administrative unions. It is commonsense itself to say that the Trusteeship Council, as it studies the various reports which will come before it from the Trust Territories, or petitions or any other kind of information which it might receive on the subject, will always take into account the question of administrative unions in order to verify whether or not they are detrimental to the interests of the inhabitants and whether they are likely or not to safeguard the political identity of the Trust Territories.

To attempt to proceed otherwise would of course be to enter into discussions which would be endless and which would not, in the present state of things, lead us anywhere.

I think therefore it is completely correct to express the idea that it is necessary not to pass judgment to-day, and that it is no less necessary to pursue this study and always to retain in our minds the fact that an administrative union is something which deserves control and study on the part of the Council.

Mr. SOLDATOV (Union of Soviet Socialist Republics)

(Interpretation from Russian): I should like to thank the representative of Mexico for the explanation which he gave to the effect that he is one of the authors of the suggestions. It is now clear that this document has been submitted by the representatives of the United States and of Mexico.

I would like <sup>however</sup> to explain to the representative of Mexico that when the Soviet delegation submitted its suggestions regarding the Italian Colonies, the document quite clearly contained a statement that these suggestions were made by the delegation of the Union of Soviet Socialist Republics.

/ Therefore the analogy

Therefore the analogy goes only half way and that is that those documents were suggestions. The other half was that the original Soviet Union document contained the suggestions made by the Union of Soviet Socialist Republics so that the analogy goes just as far as the words "suggestions concerned."

Whenever the Soviet Union delegation submits a draft or an amendment it quite clearly states that this is submitted by the USSR and consequently when a document of this sort is submitted we speak about it and we defend it and support that document.

When any member of the Council would be discussing any document here it would seem to me that all of us -- including my delegation -- would like to know whose document we are talking about. In no case would we here or in any organ of the United Nations want to discuss a document without an author. I therefore cannot agree with the representative of France who so lightly wanted to brush off this question, saying that this is a procedural question which was not particularly important; that is his personal opinion. From the point of view of the Soviet Union delegation it is our feeling that this procedural point is an important one particularly since tomorrow a document may be submitted which would not be signed by any individual delegation or group of delegations, at which time the representative of France could say: "No, we cannot discuss this, it is an anonymous document." Again I thank the representatives of the United States of America and Mexico for admitting their parentage of this document.

Sir Alan BURNS (United Kingdom): May I just observe that the United States representative told us at the very beginning of this discussion who the authors of this document were and we have all understood it quite well.

Mr. SAYRE (United States of America): I merely want to say in reply to the suggestion made by the representative of Iraq that I have no objection whatsoever to his suggestion; I think it is a good one.

As the representative of the United Kingdom has said, I spoke, I fear, too long introducing this, explaining how it came into being and who helped to write it. I thought that was made very clear at too great length but in order to make everybody happy I suggest that we take our pencils in hand now and follow the word "suggestion"



in this document by the words "by the Mexican and United States delegations." Thus it would read: "Suggestion by the Mexican and United States delegations for Resolution on Administrative Unions." and I hope that the representative of the Soviet Union will be very happy.

The PRESIDENT (Interpretation from French): This correction will be made and I think it will give satisfaction to all members of the Council.

Mr. SOLDATOV (Union of Soviet Socialist Republics)

(Interpretation from Russian): The question of authorship of this document arose only because the representative of the United States of America, in submitting this document to the Council, said nothing to the effect that this document was being submitted by the United States and Mexico. He simply said that they had shared and exchanged views etc. Then the question arose: was the representative of Mexico a joint author of this document etc. This was not clear at the beginning and I do not think that it should have been said that it was clear at the very beginning. I do not think the representative of the United Kingdom was correct when he said that it was clear to all. We could look into the record and see that this was not clear from the original statement made by the representative of the United States.

The PRESIDENT (Interpretation from French): I hope we are not going to waste any more time on this question of procedure and that we may come back to the subject which concerns us, that is, the question of administrative unions.

I would like to ask if any other members of the Council wished to speak on the substance of the matter with which we are dealing. If there are no remarks I would suggest to you that we meditate more at length on the problem and that in the light of everything that you have heard this afternoon from various statements which were interesting and which crystallized our opinions, we might make our decision. You will have a certain amount of time to think over this matter because tomorrow, according to the agenda we adopted and our time-table, we are to undertake the discussion of the report on Nauru. We would therefore defer until a later date the remainder of our discussion on administrative unions.

/Mr. SAYRE

Mr. SAYRE (United States of America): I merely want to say that I was ready to fall in with the President's earlier suggestion of turning this into a formal resolution after I have had a chance to confer with the representative of Mexico; I would not want to take that step until he is prepared to do the same thing. Therefore I think that your last suggestion covers the point; if we are not going to take this up tomorrow there will be plenty of time.

The PRESIDENT (Interpretation from French): We will take it up in a few days, not tomorrow. Therefore we would begin tomorrow the report on Nauru at 2:15 p.m.

For today we have finished and if nobody else wishes to speak the meeting is adjourned.

The meeting rose at 4:57 p.m.