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TRUSTEESHIP COUNCIL

Fifth Session

VERBATIM RECORD OF THE TWENTY-SECOND MEETING  
(Transcription from sound recording)

Lake Success, New York  
Monday, 18 July 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.186 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 twenty-second meeting of the fifth session of the Trusteeship Council.

ADMINISTRATIVE UNIONS AFFECTING TRUST TERRITORIES (T/226, T/236, T/263, T/338, T/338/Add.1, T/355, T/373, T/374, T/375). (Discussion continued)

The PRESIDENT (Interpretation from French): Today we have three items on our agenda and I trust that we will be able to finish all this work rapidly, if possible. If that is the case perhaps the Council will be able to end this session on Friday, 22 July 1949 but of course it is probable that we may have to hold two or three additional meetings in the morning. Due to the fact that the Sub-Committee on New Guinea has finished its work and, according to what was said to me, the Sub-Committee on Nauru intends to finish its work tomorrow, the Trusteeship Council might meet on Wednesday, Thursday and Friday mornings. Thus we would be able to finish on the 22nd in the evening. These morning meetings would take the place of the two meetings that had been planned for the 25th and 26th respectively because in accordance with the schedule that was established for the Council those meetings were laid down for those dates. I should like to ask all the members of the Council to be good enough to co-operate with us as much as possible so that we shall be able to fulfil our task and end our work expeditiously. Therefore we ought to be able to finish, if this schedule carries weight, on Friday.

Now we shall take up again the discussion of the administrative unions affecting Trust Territories. We have before us a draft resolution presented by the delegations of Mexico and the United States of America to which the Philippine and Australian delegations have presented a number of amendments. We shall await the arrival of the representative of Mexico as I should like to ask him whether he will accept all or part of the amendments presented by the members, but meanwhile I can ask the representative of the United States that question as he took part in the drafting of the resolution. I should like to ask the representative of the United States whether the Philippine and Australian amendments will be acceptable to the United States of America and Mexico but if any other speaker wishes to remark on these amendments or the resolution, will he please do so now?

/Mr. SAYRE

Mr. SAYRE (United States of America): I feel a certain embarrassment in speaking because I have been unable to see the representative of Mexico who I see has just entered. I have been unable to confer with him. I should be very glad to express my own views and reactions but until I can confer with my Mexican colleague I am unable to take any position. If you like I shall express my thoughts but will reserve the conclusions until I can meet with the representative of Mexico.

So far as the Philippine amendment is concerned, my own feeling is that it would be a little unfortunate to word the resolution in the way suggested by the Philippine delegation for the following reason: My thinking on this matter -- and I might add that it was also Mr. Padillo Nervo's thinking, for we talked almost a full morning on this and reached a common conclusion -- was that the question of whether or not an Administering Authority has violated the Trusteeship agreement or the statements which have been made from time to time is a continuing question; that it never will be a final matter; that it is the business of the Trusteeship Council to continue to scrutinize such arrangements as are made and not only to scrutinize the arrangements but to scrutinize the operation of those arrangements; to scrutinize the way in which certain arrangements are carried out.

That is not a situation where the Trusteeship Council, in our opinion, can make a final determination, can say that this country has not violated any undertaking or that that country has violated an undertaking and I do not, myself, construe the General Assembly resolution to mean that we should do that.

As I read that General Assembly resolution it is fairly clear. In the conclusion of that resolution, which you will find in document T/226, it recommends that the Trusteeship Council should:

"(a) Investigate these 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;"

It says to "investigate" them, not to make decisions but to "investigate" them. Then in sub-paragraph (b) it reads:

" In the light of this investigation, 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;"

/Sub-paragraph (c)

Sub-paragraph (c) refers to the International Court of Justice advisory opinions.

Sub-paragraph (d) invites the Administering Authorities "to make available to the Council such information relating to administrative unions as will facilitate the investigation by the Council referred to above;" and

Sub-paragraph (e) asks the Council to "report specifically to the next regular session of the General Assembly"-- that means this year's session -- "on the results of the Council's investigations and the action taken by it."

As I read that resolution, it would seem to me that the resolution offered by Mexico and the United States is entirely responsive. That investigation, according to my understanding, has been made; that is to say, the Trusteeship Council, acting through its committee, has questioned the Administering Authorities concerned, has discussed the matter with them, has made such investigations as the documents show.

Then in this resolution -- the joint Mexican-United States resolution -- in the fourth paragraph, the Trusteeship Council:

"TRANSMITS to the General Assembly the report of the committee, the replies of the Administering Authorities to questions prepared by the committee, and other documentation collected by the committee during its study;"

It seems to me that that shows an investigation has been made by the Council acting through its committee.

Then the General Assembly Resolution goes on to provide, in the light of this investigation, that the Trusteeship Council "should recommend safeguards."

It would seem to me that the two best safeguards which can be offered are these:

(1) That the Trusteeship Council should continue to study this matter because it is a changing matter and may be completely transformed from year to year.

It seems to me that one of the safeguards is as provided in the eighth paragraph, that is, at the bottom of document T/373: "in order to safeguard the distinct political status of the Trust Territories, the Council should continue to study" -- there is a real safeguard -- "during its regular examinations of conditions in

/Trust Territories

Trust Territories the effects of existing or proposed administrative unions.." and so on.

(2) The other safeguard which seems to me to be necessary is that separate records and statistics should be kept by the Administering Authorities so as to make clear such judgments as the Trusteeship Council may see fit to make with regard to the Trust Territories.

That second safeguard is covered in the last paragraph of document T/373. In other words, it would seem to me that what the General Assembly asked for was a recommendation to be made at this coming session of the General Assembly showing the results of the Council's investigations and recommending safeguards.

It would seem to me that this can far more effectively be done as provided in the language in document T/373 by providing for a continuing study than can be done under the Philippine amendment which apparently is written in the sense that some final conclusion is to be reached and that the General Assembly is to be informed that a final opinion is now reached by the Trusteeship Council or will be reached by it and will be turned in when it is reached.

For those reasons, I personally do not feel that I can accept the Philippine amendment. It seems to me that to do so would tend to close the door of the Trusteeship Council's responsibility to continue studying this problem. Personally I do not feel the Philippine amendment is a wise one. Before announcing whether I accept it or not I shall want to hear from the representative of Mexico.

If I may turn for just a moment to the Australian amendments, the first amendment was, in the first line of the eighth paragraph -- that is, the paragraph at the bottom of document T/373 -- to change the word "Decides" to the word "Recommends."

I find myself wondering to whom the recommendation would be made if that change were made. "Recommends that in order to safeguard the distinct political status of the Trust Territories, the Council should continue to study.." sounds like a recommendation to itself. If that be true, it would seem to me that the word "decides" is a more appropriate word to use.

On the other hand, I cannot feel that it is a matter of large consequence.

So far as the second and third suggestions in the Australian proposals are concerned, neither of them seem to me matters of large consequence. I would be perfectly willing, so far as my personal

/reaction is



reaction is concerned, to accept the second and third re-wordings if that is what is desired by the Council.

So far as the fourth recommendation is concerned, again I feel a little as I do with regard to the first. Here is a recommendation again. It seems to me that the wording of the resolution "Requests the Administering Authorities concerned to make..." is a much briefer and perhaps better way to express the thought which it takes two and a half lines of the Australian suggestion to express:

"Recommends that in order to facilitate the exercise of the Council's function in this respect, the Administering Authorities concerned should be invited to make..."

It would seem to me that "Requests the Administering Authorities concerned to make" is a much simpler way of saying the same thing. Therefore I cannot feel that it is an improvement.

Nevertheless, with regard to all the Australian suggestions, I do not feel that they are matters of consequence, and if the Council and the representative of Mexico prefer such language I would not object to it. Nevertheless, I would not feel myself like accepting the changes unless the Council indicates that it is its desire that such changes be made.

Before announcing my position, I especially reserve that until I hear from the representative of Mexico.

The PRESIDENT (Interpretation from French): I presume the representative of Mexico would like to make known his point of view?

Mr. NORIEGA (Mexico) (Interpretation from Spanish): I am very sorry that the circumstances under which we are forced to work made it impossible for me to exchange points of view with the representative of the United States.

/That might have

That might have permitted us both to present our views to the Council in one joint statement regarding the amendments of the Philippine and Australian delegations to the Mexico-United States draft resolution. This was impossible because the committee on the report on New Guinea had to meet one hour ago, and I am pleased to tell the Council, however, that we finished our work on that report. But that is beside the point.

Nevertheless, this being a matter of great interest, I feel that it is somewhat pleasing and, I might even say, beneficial to be able to say that in a very open, honest and frank way we here in the Council can exchange points of view without having previously conversed on issues, and, especially in this case where two delegations have jointly presented a draft resolution, there might of course have been certain slight differences of opinion, not of criterion, but in the form and shape in which amendments could be accepted by these delegations that have proposed this joint text.

However, Mexico having taken part in the work of the Committee on Administrative Unions affecting Trust Territories, I can say that my delegation, because of the experience during that work in the Committee, can<sup>really</sup>/feel -- and in that I consider that I am in exactly the same position as all other delegations that took part in the work of that Committee -- how complex this subject is, and yet at the same time recognize that it is very difficult to find a first solution to the presentation of amendments by the Philippines and Australia. By solutions I mean formulae which might be acceptable to all members of the Council.

If I have correctly interpreted the situation, I would be faced now with the paradox -- and I am speaking of the Philippine amendment -- that both the Philippine delegation and the delegation of the United States are right. The representative of the Philippines is right because he says that the Council was unable to formulate final opinions on the questions involved; this is true. But the representative of the United States is also right when he says that the Council is not able to come to a final opinion when it refers to questions that are still alive, questions that are continuously evolving and changing -- that is to say, that the Council could analyze a certain administrative union and say, "This union is correct," but two years hence we might find that that correct union had turned into a political union, and then we would see that we have already taken a decision, and have given our blessing to an administrative union that has nevertheless grown up and become vitiated.

Thus I feel that the most prudent course of action would be to

/adjust both points

adjust both points of view, to come to a common agreement.

If I understand the representative of the Philippines correctly, it would be to satisfy the General Assembly when he says that the Council has been unable to formulate final opinions on the questions involved, because he supposes that, in accordance with the resolution of the General Assembly, the Council should give certain decisions and judgments and opinions to the Council, saying, for example, "When we have gone through the facts, the data and the information given us by the administrative unions, we have found that this, that or the other union is in order, it is perfectly correct, and this other one and that other one are not correct."

Now, however, if we do examine reality and the facts involved in the development of the work carried out by the Council on this particular matter, what we can find is the following: that the Council has before it the report of the Committee on Administrative Unions; but the second reality in fact is this: that as yet the Council has not considered that report.

Therefore, I would like to submit to the representative of the Philippines -- and I do not know whether the representative of the United States would be willing to accept this -- that instead of saying that the Council was unable to formulate final opinions on the questions involved, that we say it was unable to carry out an analysis on the work carried out by the Committee on Administrative Unions. That might be a compromise, because I do not think that in this Council we can ever manage to pass the condemnation of any administrative union. Why will this be impossible? Because of the very mechanism and the system of voting.

But on the other hand if the General Assembly and the Council itself have been careful and considered these administrative unions, this means that the Administering Authorities, in view of the observations made by the General Assembly and the comments made in this Council itself, will be very careful to see that the mechanism and the working of the administrative unions extant will not make that system of unions into such a situation that it will break the Trusteeship agreement. This is what I am offering almost as a prophecy on the work that we are carrying out now, but of course if we keep open the possibility for the Council in the future to make a careful study of the work done by the Committee on Administrative Unions, I think it is a formula which might satisfy the General Assembly and this I presume will obtain the agreement of the representative of the United States, who says that we should

/maintain constant



maintain constant vigilance in this matter, and at the same time I believe I might meet the idea of the representative of the Philippines, who is seeking a final opinion on this matter.

I hardly think that at this moment we have sufficient time for the Council to take up the analysis of this entire document, the report of the Committee on Administrative Unions. Then, too, the Philippine amendment, which says to add after the seventh paragraph: "DECIDES to continue its investigation in accordance with the terms of the General Assembly resolution" -- if the amendment which I have suggested to the Philippine amendment were acceptable, the second Philippine amendment could be deleted, because we would not have to say "DECIDES to continue its investigation."

Furthermore, I understand that for the representative of the Philippines it is very understandable that the General Assembly should know of the report presented by the Committee on Administrative Unions. Therefore, this paragraph, I think, should be maintained, and not deleted as he suggests, and if the formula given by myself is acceptable to the representatives of the United States and the Philippines, the idea of the substitution of the fourth paragraph might be added between the third and the fourth.

Regarding the Australian suggestion, I agree with what the representative of the United States says regarding the word "RECOMMENDS," and I do not, I think, have to expatiate on this. I understand that the correct word in this case is "DECIDES."

Regarding the second Australian amendment, where it refers to "identity and status of the Territory," I think if we were to add the word "identity," we would be giving this matter a much wider understanding and meaning, because if up to a certain point "identity" might be objected to by saying that it was not among the terms of reference given the Council by the General Assembly in its resolution, nevertheless I do think it might be very useful to keep that word "identity." "Status" is a legal term which is generally relegated to the framework of documents that give a certain idea only. We might say that the idea of "status" gives the same meaning as "moral persons," "personality." On the other hand, "identity" has a much more physical meaning; its geographic meaning refers to frontiers and boundaries, and that must also include the situation of the population.

Were the Australian Government to undertake a great migration of workers to Papua, for example, then we would find that the identity of  
/the Territory

of the Territory was being modified, because from a populated area it would become overpopulated, and if the population were to be taken from Papua, it would become underpopulated. Therefore, the identity would definitely suffer a change.

Nevertheless, regarding the third Australian amendment, I think we should give this matter much more careful attention, because in the joint draft resolution we refer to the political identity of the Territory and its development as separate and distinct entities.

/But in the Australian

But in the Australian amendment this idea of their separate development as distinct entities is lost, and we are simply given a formula which would apparently be clearer because it refers to progressive development towards self-government and independence. I should not object to the inclusion of the idea of progressive development towards self-government or independence, and it might be added at the end of paragraph 8, but I would never substitute this line for the last part of paragraph 8.

The reason, as I explained previously, is that according to this decision, the Council definitely would supervise the separate development as distinct entities. With the Australian proposal there is no obligation on behalf of the Council to supervise, but we fall, rather, into a theoretical level of political development towards self-government or independence, and the following might occur: if the administrative union, regarding the treatment of the indigenous population, were to develop in such a way as to form an integral political whole, then we can hardly think of institutions that might give rise to the possibility of independence in that country, because, for example I am still considering the case of New Guinea, the fate of New Guinea would be closely inter-related with that of Papua. There would be certain political institutions which would be common to both territories. That is why we refer to the "separate development as <sup>distinct entities</sup> /a." That is why those <sup>five</sup> words are of great importance to the general idea of paragraph 8 of the joint draft resolution presented by the United States and my own delegation.

Regarding the fourth Australian amendment, at first glance I, personally, cannot greatly object to it.

The PRESIDENT (Interpretation from French): If there are no other observations on the amendments proposed or on the original resolution, then we can go on to a vote. We shall vote first on the amendments and then on the draft resolution as a whole, presented jointly by the United States and Mexican delegations.

Mr. SOLDATOV (Union of Soviet Socialist Republics) (Interpretation from Russian): Before we proceed to a vote I should like to clarify the position of the USSR delegation on the problem of administrative unions, in connexion with the resolution presented.

/In considering

In considering the reports of the Administering Authorities at third and fourth sessions of the Trusteeship Council and also during the preliminary consideration of the report of the Visiting Mission to Tanganyika and Ruanda-Urundi, at the fourth session, the USSR delegation clearly expressed its position on the question of so-called administrative unions. It was stated by the USSR delegation that there is a tendency for the Administering Authorities which bear the responsibility for the Administration of Tanganyika, Ruanda-Urundi and New Guinea, towards factual annexation of their Trust Territories by means of organizing the so-called administrative unions, through uniting the Trust Territories with the neighbouring colonies.

Such a policy is contrary to the Charter of the United Nations, which provides that the progressive development of a Trust Territory should be helped, towards independence and self-government.

In considering the reports on Togoland and the Cameroons under United Kingdom Administration, the USSR delegation indicated that the information supplied by the Administering Authority with regard to the Administration of these Territories testified to the fact that the Administering Authority violated the main provisions of the Charter of the United Nations with regard to the objectives and task of international trusteeship, by uniting these Trust Territories with the neighbouring colonies. It was also indicated that by uniting these Territories with the neighbouring colonies the Administering Authority did not take measures in order to assist the proper economic and political development of the Trust Territories.

As to the question of including Togoland and the Cameroons under French Administration in the system of the French Union, the USSR delegation is of the opinion that this is done in violation of the Charter of the United Nations and reflects a tendency to factual annexation of these Territories within the French Union.

In view of the fact that the USSR delegation has expressed its views on the matter of administrative unions fully, we can at the present time limit ourselves to brief remarks. The USSR delegation is of the opinion that when administrative unions are considered, the Trusteeship Council must recommend to the Administering Authorities that they create on the Trust Territories legislative and administrative bodies which are not under the authority of any bodies created in the neighbouring colonial

/territories

territories, and / <sup>that they</sup> introduce legislative and other measures which would ensure the participation of the inhabitants of the Territories in the legislative, administrative and judiciary bodies of the Trust Territories.

As to the draft resolution and the amendments suggested, they are not acceptable to the USSR delegation.

Mr. KHALIDY (Iraq): Could we possibly know what the representatives of the United States and the Philippines think of the change suggested by the representative of Mexico a few minutes ago?

Perhaps, if a wider range of acceptance could be obtained, we might come to a unanimous vote. Do they accept the suggestion of Mr. Noriega -- I mean, of course, the last one in the main paragraph of the Philippine amendment?

Mr. INGLES (Philippines): I should like to say a few words in connexion with the suggestion made by the representative of Mexico, concerning the Philippine amendment.

In this connexion I should like to express my appreciation to the representative of Mexico for attempting to see the point of view which moved my delegation in presenting its amendment.

The purpose of the amendment is precisely to apprise the General Assembly <sup>of</sup> what has been done so far by the Council on the question of administrative unions. As my delegation pointed out at the last meeting, the Council itself has not made an investigation into administrative unions.

/The committee appointed



The Committee it appointed to deal with the matter was not supposed to conduct the investigation in behalf of the Council; it was only asked to prepare documentation and to report thereon to the Council.

That is why we believe that in the resolution to be presented to the General Assembly reporting on the work done by this Council, it is necessary to inform the General Assembly that although the Council has carried out certain preparatory work, it has not yet reached a stage at which it is able to formulate opinions on the questions involved.

My delegation would not insist, as was suggested by the representative of Mexico, on the deletion of paragraph 4 of the Mexico-United States draft resolution transmitting to the General Assembly the report of the Committee and other documentation collected by the Committee, because when this matter reaches the General Assembly the General Assembly would, in fact, have the following alternatives before it: either formulate its conclusions on the basis of this report which the Council has not been able to make or, as suggested in the resolution presented by the delegations of Mexico and the United States, to ask the Council to continue with its study and investigation of the matter. For that reason, my delegation does not insist on the deletion of paragraph 4.

But we do desire that after that paragraph the Philippine amendment should be inserted, and for that purpose the change in the wording suggested by the representative of Mexico would be acceptable to my delegation.

In this connexion, I should like to hear the reaction of <sup>the</sup> representative of the United States -- as one of the co-authors of the resolution -- before I speak on the other subjects of my amendment.

Mr. SAYRE (United States of America): I should like to ask the representative of the Philippines whether he meant that he would like to hear my opinion with regard to paragraph 1 of his amendment before he comments on paragraphs 2 and 3. I should be very glad to give my opinions.

I am certainly one who likes to find a way mutually acceptable to all. I should like to find some formula which will satisfy all, but I am doubtful about the formula suggested by the representative of Mexico. That formula, if I have it correctly, is that the Council was unable to carry out an analysis of the work of the Committee on Administrative Unions. That, if I understand the representative of the Philippines correctly, would be added after paragraph 4 of the joint resolution; that is, if I understood the representative of the Philippines correctly, he would leave the paragraph beginning "TRANSMITS to the General Assembly..." as it

/is, and

is, and then add the formula which I have just read.

The actual formula bothers me. It reads:

"The Council was unable to carry out an analysis of the work of the Committee."

What does this mean? I do not know what is meant by carrying out an analysis of the work of the Committee. I have been at a loss to determine just what it does mean. I simply do not know. It would seem to me that any Member of the General Assembly, after reading that, would at once say: "Why was the Council unable to do this thing, and what is this thing which the Council was unable to do?"

In other words, it does not seem to me that that formula gets us very far. I do not quite see what additional meaning it adds to the resolution. For that reason, I do not feel that the particular language suggested helps. If the meaning were clearer, I could give a clearer reply, but I, frankly, do not know what it means to say that "the Council was unable to carry out an analysis of the work of the Committee," nor do I feel that that adds to the virtue of the resolution.

Perhaps I can be enlightened on this and perhaps the remarks of the representative of the Philippines -- with respect to the second and third paragraphs of this resolution -- would be helpful.

Mr. NORIEGA (Mexico) (Interpretation from Spanish): Very often there is a lack of understanding on the part of the hearers because ideas themselves can have different connotations and different meanings to different people. Perhaps the explanation I shall give now will clarify the idea somewhat as to what is meant by "carrying out an analysis", or "to analyze".

The report of the Committee on Administrative Unions has surely been discussed by members of the Council, yet officially we have no document which shows that we have analyzed the data and the information presented to us in that report. We have not formulated, shall we say, as a result of any study or investigation carried out on that report, any analysis of the report as such. Why do I refer to the word "analysis"? Because, as I explained previously, given the special situation of the composition of the Council, we have not as yet been able to find a case -- except on neutral and innocuous formulae -- where it has been possible for us to adopt anything -- or reject anything -- with regard to administrative unions. This is such a mathematical truth as to be perfectly obvious.

On the other hand, if later on the Council were to analyze that document, then the Council would be in a position to make an analysis if it so wishes, because it will be in possession of the facts which are at present confined to the documents on administrative unions. And with the results of consultations carried out later with the administrative unions and the Administering Authorities concerned, the Council can present the results of an investigation into the facts.

/of course

Of course, I can perfectly understand the objections of the representative of the United States that this phrase may be rather confused; and if it is confusing even to the members of the Council who are well acquainted with this matter, it would be much more confusing to the members of the Fourth Committee of the General Assembly. As the representative of the United States and I myself are both responsible for this resolution, I would ask him to cooperate with me in order that the idea of a complete analysis of the report and work of the Committee may be conveyed by any other word he can suggest. But I should like this same meaning to be conveyed, even though the representative of the United States may deem it necessary to couch it in different terms, and I know that he is better able to do this in English than I myself am.

Mr. SAYRE (United States of America): I have been trying my hand at doing exactly what the representative of Mexico has suggested. I should like to have two or three more minutes, and I wonder whether <sup>meanwhile,</sup> the representative of the Philippines might possibly be willing to express his opinion regarding the second and third paragraphs of his resolution. When he has finished doing so, I shall be glad to give the Council the benefit of such drafting efforts as I can make.

The PRESIDENT (Interpretation from French): I should like to make a suggestion: perhaps we might have a five minute recess so that the co-authors of this resolution may consult one another, together with the representative of the Philippines, and try to arrive at a compromise text. Or, if the Council is agreeable to this suggestion, we might recess for fifteen minutes.

Mr. NORIEGA (Mexico) (Interpretation from Spanish): I agree with the President's proposal for a fifteen minute recess, and I think the most convenient and appropriate course would be to invite the representative of Australia to exchange ideas with us. We might thus co-ordinate matters in such a way as to be able to present one joint resolution at the end of the recess. That might save more time.

/The PRESIDENT

The PRESIDENT (Interpretation from French): I should like to know whether the representative of the Philippines would accept this invitation to exchange ideas with the representatives of the United States, Mexico and Australia during a brief recess with a view to arriving at what I hope will be a common, acceptable text that may obtain an affirmative vote from the majority of members of the Council.

Mr. INGLES (Philippines): I should be glad to cooperate with the Council.

The PRESIDENT (Interpretation from French): The meeting is adjourned for a quarter of an hour.

The meeting recessed at 3.33 p.m. and resumed at 4.31p.m.



The PRESIDENT (Interpretation from French): The four delegations that were to meet during the recess to prepare a comment and joint text have, fortunately, finished their consultations, and I think they have come to an agreement on a text which eliminates the amendments presented previously by the Australian and Philippine delegations.

I should like to call upon the representative of the United States, who, while we are waiting for the written text, will give the gist of that new resolution.

Mr. SAYRE (United States of America): It is my very happy function to report that the members of the little committee which the President named met together and found nothing it could disagree about. It was unanimous in the conclusions which it reached, and I shall be glad to read, while it is being mimeographed, the paragraph which would be inserted in place of the Philippine amendment at the end of the fourth paragraph of the resolution, appearing in document T/373, concerning the transmission of certain documents to the General Assembly.

Following that fourth paragraph would come this new paragraph:

"INFORMS the General Assembly that in accordance with the penultimate paragraph of this Resolution it will continue to study and examine the operation of existing or future administrative unions in all their aspects."

Let me hasten to add that the words "penultimate paragraph" mean paragraph 8 -- that is, it means the paragraph at the bottom of the first page of document T/373, which will become, if this suggestion is adopted, the ninth paragraph. However that may be, it is the next to the last paragraph.

I think unanimous agreement was reached with regard to the Australian amendment, and I think I should ask the representative of Australia to explain exactly what that agreement is.

Mr. HOOD (Australia): As a result of the same consultations, the four amendments which stand in the name of my delegation have been to some extent replaced and altered. The first amendment is withdrawn, and also, I am not pressing the fourth amendment, so those two can now be taken as withdrawn from the Council.

I understand that the representatives of the United States and Mexico both are ready to accept the second amendment -- that is to say, the replacement of the words "distinct political status" by the words "identity /and status,"

and status," and on the third amendment, I understand that the same agreement exist towards a rewording, which reads as follows:

"...on the status of the Trust Territories as such and on their separate development as distinct entities."

The words "progressive development towards self-government or independence" come out, and I am happy to say that I understand that both sponsors of the original resolution are agreeable to those changes.

Mr. SAYRE (United States of America): May I add that so far as I am concerned, I accept those amendments as just read.

The PRESIDENT (Interpretation from French): Does the representative of Mexico accept the wording proposed by the representative of Australia? He does. Then this amendment is included and added to the resolution presented by the delegations of Australia and the United States and Mexico.

While we await the written text, I think it might be good for the members of the Council to be informed of the new paragraph, and therefore I shall repeat it:

"INFORMS the General Assembly that in accordance with the penultimate paragraph of this Resolution it will continue to study and examine the operation of existing or future administrative unions in all their aspects."

This sentence will come at the end of paragraph 4 of the original joint resolution.

Therefore, I think that we can no go on to the vote on this resolution, as a whole of course or, if anyone requests it, we shall do so paragraph by paragraph. If there are no objections, I would propose that we vote on the resolution as a whole. That definitely would economize time; we would merely have to vote once.

If, as I said, there are no objections to this procedure, we will follow it. The Secretary shall read the resolution as a whole with the amendments which have just been presented and accepted and as it will be voted upon.

Mr. ALEKSANDER (Secretary of the Trusteeship Council): The draft resolution reads as follows:

"THE TRUSTEESHIP COUNCIL

"HAVING RECEIVED General Assembly resolution 224 (III) of

/November 18, 1948,

November 18, 1948,

"HAVING ESTABLISHED in accordance with this resolution a Committee on administrative unions,

"HAVING RECEIVED an interim report and a report from this Committee and having examined this report at its ...meetings on....,

"TRANSMITTE to the General Assembly the report of the Committee, the replies of the administering authorities to questions prepared by the Committee, and other documentation collected by the Committee during its study;

"INFORMS the General Assembly that in accordance with the penultimate paragraph of this Resolution it will continue to study and examine the operation of existing or future administrative unions in all their aspects;

"RECALLING that the General Assembly approved the Trusteeship Agreements upon the assurance of the Administering Powers that they do not consider the terms of the relevant articles in the Trusteeship Agreements 'as giving powers to the Administering Authority to establish any form of political association between the Trust Territories respectively administered by them and adjacent territories which would involve annexation of the Trust Territories in any sense or would have the effect of extinguishing their status as Trust Territories';

/"NOTES the assurances

"NOTES the assurances by the Administering Authorities that the administrative arrangements under consideration do not extinguish the political identity of the Trust Territories;

"TAKES NOTE of the assurances by the Administering Authorities that the administrative arrangements under consideration by the Council are not inconsistent with the objectives of the International Trusteeship System or with the terms of the Trusteeship Agreements;

"DECIDES that in order to safeguard the identity and status of the Trust Territories, the Council should continue to study during its regular examinations 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 of the Trust Territories as such and their separate development as distinct entities;

"REQUESTS the Administering Authorities concerned to make the fullest possible effort to furnish in their annual reports separate records, statistics, and other information on each Trust Territory in order to safeguard the effective exercise of the Council's supervisory functions."

The PRESIDENT (Interpretation from French): This resolution will now be put to the vote.

A vote was taken by show of hands.

The Mexican-United States draft resolution was adopted by 11 votes to none, with 1 abstention.

#### EDUCATIONAL ADVANCEMENT IN TRUST TERRITORIES (T/227, T/267, T/334, T/369)

The PRESIDENT (Interpretation from French): We shall now go on to another item on our agenda. We shall leave the petitions, which are item 2 on the agenda, until tomorrow, and we shall go straight on to item 3, referring to "Educational Advancement in the Trust Territories."

The Trusteeship Council established a committee, made up of four of its members, which was given the task of presenting a preparatory report on this matter. In document T/369 the Rapporteur of this committee, Mr. Noriega, of Mexico, has presented a report, and I think that on behalf of the Council we can congratulate him. That document is the proof of considerable work

/that was

that was accomplished by the committee.

I should therefore like Mr. Noriega himself to present us with this report officially, as briefly as possible.

Mr. NORIEGA (Mexico) (Interpretation from Spanish): I should like to thank the President for his kind words and to say that it is very satisfactory for me, on behalf of the Committee on Higher Education in Trust Territories, to present him with a report and a draft resolution which was adopted unanimously in the Committee.

That the Committee was able to obtain this unanimity in such a controversial and difficult subject, as it has proved to be since the debate in the Fourth Committee of the General Assembly in Paris, was due to the fact that we decided to adopt a strictly technical criterion, leaving aside criticism of any sort. Our mission was to define the positive factors and the points of view of experts, and then turn to the Administering Authorities -- Belgian, French and United Kingdom -- who showed great desire to cooperate. In the consultations held with them, they joined our work, and this team-work permitted us to obtain their full support for the resolution which our Committee is proposing to this Council.

Undoubtedly, one of the most urgent problems besetting modern states is the finding of means that will lead to the adoption of measures that will lead to higher education and, possibly, university training. The economic, social and political values garnered from education are, of course, indisputable, because they make of the individual an entity, and a more complete one. As far as society itself is concerned it is also undoubted that a greater degree of technical ability permits man to take a greater part in the evolution of what we call "progress."

The meaning of the Resolution of the General Assembly which gave rise to the studies of our Committee, and which specifically refers to higher education -- which includes the possibility of establishing a university for the six African Territories -- can, I think, be explained by the humanistic ideas of the Assembly, which always decides unanimously in favour of Resolutions which will leave the road open to the fulfilment of the Principles and Purposes of the United Nations. But if it is not enough to have the general view that education is the basis of progress in all countries, it is enough to feel that intelligence, properly adapted and adopted, can only shine and can only be useful if it has been trained through higher education and university



education, especially by the great masses by whom these benefits have not as yet been felt.

I consider that the present stage of international life demands a full revision of colonial policies. The crises of the economic super-structure in the metropolitan countries point up the urgency for establishing a much more intimate relation with their dependent territories, because once the normal balance of the old economic systems was broken, the most important raising of the standards of living could only be brought about by means of the raising of the standard of education in the Trust Territory. But these new standards cannot be maintained if the culture and education of the indigenous masses is not raised accordingly.

I must confess that, in spite of the fact that educational conditions of Trust Territories in Africa are familiar to me, I felt -- and I think that in this situation I share the position of most members of the Committee -- that we did not have sufficient information to give us a whole view of the situation. Fortunately the knowledge of the members of the Trusteeship Division and the documents it supplied, together with the explanations given us by the experts called upon by our Committee, as well as by the representative of UNESCO, have now become a volume of data which, I think, might be considered unique, because today this is the most complete source of information on these matters that could be desired.

For these reasons, not sticking to the old-established form of courtesy used when thanking the Secretariat for the usual help it gives us, on this occasion I wish the Council to be good enough to transmit to Mr. Lie, through the Assistant Secretary-General, Mr. Hoo, our greatest appreciation of the work and the help that was given us by the Trusteeship Division in the carrying out of the task given us by the Council.

I must point out that because I myself, on behalf of the Mexican delegation, gave most hearty approval to the proposal made by Costa Rica in the General Assembly in Paris, I maintained my position on the establishment of one university for all the Trust Territories in Africa. The very careful study carried out by the Committee, as explained not only in the report but also in the draft resolution, showed us that the technical and practical possibilities of establishing this university are not immediate. There are Territories in which we have first of all

/to give

to give post-secondary education, and there are others which have to establish faculties and multiply the number of scholarships open to students. Until the post-secondary and higher education of these Territories was offered by the Administering Authorities and has been established and developed considerably, it will not be possible to establish centres of scientific research and instruction where the efforts of the three Administering Authorities will converge. Then, also, very possibly the Administering Authorities will be able to establish regional planning for specialization in higher studies and for arrangements in respect of an interchange of students and teachers.

/I wish to inform

I wish to inform the Council of two very great worries which beset us during our work. One of these was the waste of effort in studies in order to follow the European standard education. Such studies have very small application in African every day life. Related to this waste of effort and time, there was the problem of the number of students leaving school before graduating. Parallel with this concern, we maintained, in the course of our work, the idea of remedying this situation. The draft resolution and the report give details of the conclusions of the Committee, but I wish to state that fundamentally this situation can be attacked and solved if the Administering Authorities decide to maintain a progressively greater number of scholarships, which might be economical if the winners of the scholarships take it upon themselves to do a particular job in the administration afterwards.

If, for the future of education in the Trust Territories in Africa this resolution has undoubtedly favourable consequences, I should like to give an opinion --- and I do so only because I know that the Trusteeship Council has become one of the greatest forums in the United Nations. I should like to point out that the work of the Committee points a new and broad path for the life of the Council itself. This new path is that of developing our work as swiftly as possible within the framework of technical matters.

For those outside our Organization who try to analyze this draft resolution from the point of view of a political attitude, the resolution might appear to be insufficiently reproving. But those who understand their mission in the Council itself as a supreme moral obligation of leaving aside all incidences of international politics in/ to secure the welfare <sup>order</sup> of the indigenous population, as provided by the Charter, will very easily understand that the resolution which is now before the Council finds its strength in that it attains the acquiescence and agreement of the Administering Authorities, so as to be able to include the suggestions we have put into this recommendation.

The work of the Committee on Higher Education is a very humble and modest attempt, but it may be a new seed of a great plant in the Trusteeship Council. When we work technically, we cannot vote against technical results; it would be as ridiculous to vote against the laws of physics or chemistry. With this I wish to say that when a technical work is carried out, there is no possibility of disagreement unless the interpretation of facts is to be vitiated or the situations themselves are to be dimmed. Many economic and social situations, and many of the policies which are the subject of very long and fruitless debates amongst us,

could be very conscientiously studied, if they were first of all submitted to scientific and technical analysis.

Practically speaking, this is one of the last offers of the Mexican delegation to the work of the Council, and I wish to say that my delegation is very grateful for the cordial way in which the representatives of Australia, the Philippines and the United States adopted the Mexican suggestion and included everything in technical formulas.

My delegation also wishes to express its gratitude to the delegations of France, the United Kingdom and Belgium, who, through their representatives, Mr. Ryckmans, Mr. Laurentie and Sir Alan Burns, after having presented a memorandum which seemed to annul all hope, gave us assurances which make possible the complete implementation of the draft resolution of which the Council is now seized.

Our Committee which has been given the task of studying, in a preliminary way and in a preparatory way, this problem of higher education in Africa, now hands to the Council a draft resolution which contains positive assurances. It is the hope of the Mexican delegation that as we attained a unanimous vote <sup>in the Committee</sup> in favour of the resolution, it may be possible for us also to find a unanimous vote in the Council in favour of this resolution.

Mr. SAYRE (United States of America): I suspect -- although I am not sure -- that all of us realize how much time and how much careful study has gone into this report which we have before us, document T/369. The question was full of difficulties and full of complexities. The authorizing resolution which initiated this work was not too easy a resolution to implement. Personally, I wondered how much constructive work could come from the resolution as it was framed in Paris.

It seems to me that the Committee which has been tackling this problem has achieved a notable result. It has taken that problem which was full of difficulties and complexities -- a problem which did not look easy either in the days in Paris or in the days when we were considering the matter here at our last session -- and through careful study and work, brought out a resolution which, I think, can do much to achieve the objectives which we all have in our minds.

I should like to comment briefly on the Chairmanship of that Committee. The work of the Committee and the unanimous recommendations which it made are due in great part to the tact, ability and understanding of the Chairman of the Committee, Mr. Noriega. As he has himself said, the Secretariat deserves much in the way of appreciation for the hard work and the long hours which it spent on this subject, but all of that work and long hours would, in my mind, have come to naught had it not been for the tactful, helpful work of the Chairman, and I feel that the whole Council owes a very real debt of appreciation to him.

I also feel that the Council owes a debt of appreciation to those Administering Authorities who helped, by answers to enquiries, by information furnished, by constructive suggestions on their own part, to contribute to the successful outcome of this Committee.

The conclusions of the Committee, as we see them in the form of recommendations on pages 21, 22, 23 and 24 of document T/369, seem to my delegation eminently sound. The United States will be happy to support wholeheartedly and enthusiastically the recommendations as thus put forward by the Committee.

Mr. LAURENTIE (France) (Interpretation from French): I wish particularly to associate myself with the tribute paid by the President to the Committee on Higher Education. Obviously, the work of this Committee has been excellent, and if it was excellent it is not only, as Mr. Noriega said, because it attacked a technical problem; it was excellent also -- and this is again a personal tribute to Mr. Noriega -- because it sought a solution to that technical problem.

The Committee considered that the objective to be reached was that of giving the highest possible education to the greatest possible number of Africans. Having thus evaluated the problem, the Committee tried to determine the means by which this result could be obtained. It sought these means sincerely and conscientiously, and we may say that it found them. This -- as Mr. Noriega rightly pointed out -- might serve as an example to the Trusteeship Council itself as well as to committees it may appoint in the future, charged with analogous problems.

Mr. Noriega said just now that the United Kingdom, Belgian and French Governments had presented a <sup>special</sup> memorandum which at first glance seemed purely negative. It is true that this memorandum was negative, but it was negative only on one point. The memorandum  
/considered



considered that the original idea which had been propounded, of a communal university for all African Trust Territories, was neither a fair idea, nor one which answered exactly to the objectives laid down.

On this point, the memorandum was forced to the conclusion that, in the interests of African youth, this idea should not be carried out.

On the other hand, what the memorandum did not say though it almost added it -- and what we, in the name of the French Government at least, are today adding -- is that we desire wholeheartedly to follow in the path of the Committee to see the institution of higher education in Africa.

Furthermore, I should like to say that, at the same time as the Committee was considering this question, analogous studies were being undertaken in France and in Africa. In France, the Assembly of the French Union was the scene of a long debate on the subject. If the Council is agreeable, I should like to read a few extracts from the discussion which took place on 9 July in the Assembly of the French Union. The rapporteur of the Committee on Cultural Affairs stated that:

"There can be no question of having in 1952, as was recommended by the United Nations General Assembly, an African university capable of providing for the higher education requirements of the populations of all the African Trust Territories. The political and economic conditions differ; there is no common language of these peoples; moreover, the three Governments concerned have expressed the legitimate and praiseworthy desire of endowing the Territories entrusted to them <sup>with</sup> a university comparable in all respects to those of the metropolitan country.

"In consequence, the Committee has reached the unanimous decision that France should set an example in hastening to comply with the recommendations of the international organization. This is even more so in a case like the present, when it is a question of developing the culture of Trust Territories with a view to speeding up their evolution, -- not to satisfy imperialistic aims, but on the contrary to develop their ability for self-government.

/The representative

"The representative of Togoland to the Assembly of the French Union then pointed out that the proposal under discussion was very interesting because the populations of Togoland and the Cameroons have never ceased to demand the institution of higher education. In Togoland, secondary education has already been instituted and the lycée at Lomé is expected in knowledgeable circles to become the most modern secondary school in Africa. He asked, therefore, that the resolution under discussion be adopted unanimously."

The resolution was, in fact, adopted unanimously; it laid down that a university be established in the French Trust Territories.

I cannot, of course, say today what the French Government will do in this respect, but I think that, rather than undertaking the considerable expense of establishing a special university for the Trust Territories of the Cameroons and Togoland, the Government will prefer -- as was suggested today by the Committee on Higher Education -- to institute <sup>a system of</sup> education common to the whole of Africa, but of which certain branches would be situated in Togoland and the Cameroons.

In this way -- if I have understood the draft resolution -- all African students wishing to follow the same branch of instruction would carry out their studies in that part of the university situated in the Cameroons; whereas all those students, including those of the Cameroons and Togoland, following another branch of study would attend the part of the university situated in some part of West Africa.

In these circumstances, the project at present under consideration by the French Government and which will probably receive its approval, the project of establishing in East Africa an institute of higher education,--it cannot yet be called a university because of certain practical and statutory rules, but it will in reality be a university -- will function in exactly the way recommended by the Committee.

I would point out that this institute for higher education would include, to begin with at least, a higher school of law, a preparatory school of medicine and pharmacy, as well as higher schools of science and literature.

I think it would be impossible to meet again, simultaneously in the Trusteeship Council and in French and African circles, such analogous trends, which is why, with the greatest respect for the work of the Committee, I shall vote in favour of its resolution.

/Sir Alan BURNS

Sir Alan BURNS (United Kingdom): I am going to vote in favour of the adoption of this report, not only on its merits, but because it is of value in proving that the Trusteeship Council can, if it wishes, carry out really constructive work free from some of those unfortunate differences which <sup>so</sup> often mar the work we are supposed to be doing.

For this successful result I wish to congratulate the Committee as a whole and, in particular, its very able Chairman, Mr. Noriega.

Mr. RYCKMANS (Belgium)(Interpretation from French): I wish to associate myself with the views expressed here by the representative of France and the representative of the United Kingdom with regard to the work of the Committee. I shall vote in favour of this resolution with the greatest satisfaction.

In thanking the Committee for the work accomplished, I wish to point out that we have as a result of this work a documentation which is quite exhaustive and which is the best available at this time.

In the plan which has been submitted and which will be implemented soon, the Belgian Government will fulfil the requests of the Committee and is in full agreement with the principle which was the guiding light of the Committee.

The PRESIDENT (Interpretation from French): If there are no further remarks, the Council will proceed to vote on this draft resolution and the report which, I trust, will be adopted unanimously.

Mr. SOLDATOV (Union of Soviet Socialist Republics)(Interpretation from Russian): In regard to the report of the Committee which dealt with the problem of educational advancement in Trust Territories, representatives of those countries which were represented in the Committee and also representatives of the Administering Authorities which are entrusted with the administration of the Trust Territories in Africa presented their views. It is natural that those representatives are well conversant with the circumstances in the Territories in question since they are directly responsible for these Territories and for the development of education in these Territories, and it was not difficult for them to study the report of the Committee in the brief recess which was taken by the Council.

Unfortunately, I am not in such a favourable position and I think some other members of the Council are in the same position. Therefore

/we are not in a

we are not in a position to express our final views in regard to the report and to the draft resolution suggested by the Committee.

It seems to me that this report will need some further study before we can come to any final conclusion. In any case, the USSR delegation is not in a position to express its views on the substance of the report, especially in view of the fact that we received the report only recently and have had not the time to study it in detail.

The PRESIDENT (Interpretation from French): The representative of the USSR proposed that the Council postpone the final examination of the report presented by the Committee. I should like to point out that this document was distributed a few days ago. It is dated 13 July and the item has been on the agenda for a number of days. The Council knew that it was to be discussed because agenda items have been taken up as near to chronological order as possible.

We do not have to adopt <sup>the</sup> report as such but rather the recommendation which is included at the end of the report on pages 21 to 24. The report itself is a document which has been presented to the Council by a committee which was given the task of studying this matter. The report as a whole figures amongst the general documentation which will be referred by the Trusteeship Council to the General Assembly, but what the Council has to do at the moment is to adopt or reject the conclusions and recommendations presented by the Committee.

I thought we could do this today or at least vote on the greater part of these recommendations.

Mr. SOLDATOV (Union of Soviet Socialist Republics) (Interpretation from Russian): The question of petitions is the next point on the agenda and it was natural to expect that that would be the next item taken up. I cannot agree with the statement that someone is delaying the consideration of these matters. The second item on the agenda is the examination of petitions and, suddenly, we skip this item and go on to the third item.

The PRESIDENT (Interpretation from French): I know that the question of petitions is the second item on the agenda but items on the agenda need not be followed automatically. The Council can study one or the other today. After all, all three were on the agenda for today. If I substituted the third item for the second it was because  
/I felt that the

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I felt that the subject of petitions might require a longer time for discussion than was available at this meeting today. Therefore, I felt that it might be more preferable to finish point 3 before starting on something which may take a long time.

Item 3 was included in the general agenda for this meeting and the documents concerning it were distributed in plenty of time for study.

Mr. SOLDATOV (Union of Soviet Socialist Republics)(Interpretation from Russian): At the end of the meeting on Friday, the President indicated that today the items on the agenda would be considered in the order in which they appear on the agenda. I personally thought we would only be able to hear the report of the Committee on Higher Education in Trust Territories.

I have no objection if other members of the Council are ready to express their views on the report and the recommendations contained therein. It is up to them to do so, and I am not introducing any proposal to the contrary. I merely thought it would be more useful if this question could be studied in more detail, at least until tomorrow.

If other members of the Council are prepared to proceed to the vote, I did not introduce any proposal not to do so. In such a case, I shall formulate my own position and explain why I will have to take one or another position in the vote on this or that question in view of the fact that I did not have an opportunity to study the report and recommendations.

I did not introduce any formal proposal not to proceed to a consideration of item 3 at this time.

/Mr. RYCKMANS



Mr. RYCKMANS (Belgium) (Interpretation from French):

It seems to me that it is difficult to proceed to a vote when some of the members of the Council have not studied the document, and I think therefore that we should proceed to the next point on the agenda.

The PRESIDENT (Interpretation from French): Then I shall postpone the consideration of this item until to-morrow afternoon, but I presume and hope that we shall then go on to a vote, if we are given time to do so. We will vote on the draft resolution presented in the report of the committee on page 21 -- that is not only the expression of a hope.

We will now return to item 2 on petitions.

Mr. NORIEGA (Mexico) (Interpretation from Spanish); Before going on to item 2 of our agenda I should like to express on behalf of the Committee on Higher Education, the most profound recognition and gratitude for the kind statements made by Messrs. Soyre, Laurentie, Ryckmans and Sir Alan Burns.

Their words of commendation about our work will be very much appreciated by the members of the Committee as well as by myself for the remarks that referred to me personally.

#### EXAMINATION OF PETITIONS (T/340)

The PRESIDENT (Interpretation from French): We have to finish to-day at 5.45 p.m. and we have therefore only a very short time before us in which to start on item 2, but I think that we might finish some of the petitions that we have before us.

You have the item on petitions before you in document T/Agenda 186. You have the summary of petitions in document T/340.

#### PETITION OF THE SHARIFF IS-HAK COMMUNITY (T/Pet.2/58,T/342)

The PRESIDENT (Interpretation from French): The first of these petitions comes from the Shariff Is-Hak Community, and that is in document T/Pet.2/58.

These petitioners have been classified as Africans instead of Asians -- and I would like to remind you that this summary has already been included in document T/340 that was presented to the Council during its fourth session and was subjected to preliminary consideration.

Are there any statements to be made on these petitions.?

/ Sir Alan BURNS:

Sir Alan BURNS (United Kingdom): If the petitions that came from Tanganyika are going to be examined I have here Mr. Lamb, who is qualified as a special representative, and if it is the wish of the Council I shall be very glad for him to sit at the table and give such information as he can regarding the Tanganyika petitions.

The PRESIDENT (Interpretation from French): I think the Council would be most happy to hear Mr. Lamb if he has any help to give us. Perhaps he might take his place at the table next to Sir Alan Burns.

At the invitation of the President, the special representative for Tanganyika under British Administration, Mr. Lamb, took his seat at the Council table.

The PRESIDENT (Interpretation from French): We wish to welcome Mr. Lamb to the Council.

Does the special representative wish to give us any explanation regarding the petition from the Shariff Is-Hak Community? The Council knows that the Administering Authority has already addressed certain observations on these petitions.

Mr. LAMB (Special Representative): I take it that the members of the Council will not wish me to go right through the statement on the case presented by the Administering Authority.

There is only one point which has arisen, which was the petition by the Ishakia Community, part of the Somali Community of the Territory, that they should be regarded as non-African, in the particular case of the census.

Their petition has been more than completely met by the passing of an ordinance just recently which has had the effect of including all Somalis of the Territory and not only those in the Ishakia Community, under the status of non-Africans. So their point has been completely met.

It has been a problem for years. The Somali population is divided amongst those completely domiciled in Africa as coming from Somaliland, and those who claim as their domicile Aden, which therefore gives them the status of non-Africans. But, while they wished to be regarded as non-Africans for such matters as census, they have not wished to assume all the obligations that fall upon them as non-Africans, and in this Bill

/ that has recently

that has recently been passed, although it gives them the status of non-Africans, there had to be one or two exemptions from the responsibilities of non-Africans in that, for instance, they are not liable for <sup>the</sup> non-native education tax, and one or two things of that sort.

In other words, they are really, as far as possible, getting the best of both worlds.

The PRESIDENT (Interpretation from French): Due to the fact that the petitioners have already received satisfaction I think the answer is very easily established. The Council will answer to the petitioners that satisfaction has already been given them in accordance with information given us by the Administering Authority.

Mr. SOLDATOV (Union of Soviet Socialist Republics) (Interpretation from Russian): I would like to ask a question of the special representative.

What reasons did this Community have when it introduced the petition besides those that have already been explained to us? What reasons did it have with regard to racial discrimination?

Is one to consider that the petition was caused by the fact that in the Trust Territory there is a division within the population? There is the indigenous population, which is in very difficult conditions legally and economically. There is a group of populations which consists of Asians who are also in conditions of a population with regard to whom there is discrimination. And there is a third group, the European population, with regard to whom there is no discrimination.

/ Could the special

Could the special representative tell us that this petition is caused by the fact that with regard to people originating in Asia there is discrimination but to a lesser degree than with regard to the indigenous population; therefore they would like to obtain this status of Asians? I would be grateful for clarification on this matter before we take a decision on the petition.

As you remember, at the fourth session of the Council when we had several petitions on Tanganyika, we had the conclusions of the Visiting Mission and references to the laws existing in Tanganyika which indicate that there is racial discrimination.

Mr. LAMB (Special Representative): The answer is very briefly: "No." It would require a very vivid imagination indeed to read into this petition a complaint of racial discrimination. That is not the basis on which this petition is submitted.

As I explained before, many of these Ishaakia community were not domiciled originally in Africa and, therefore, they do not see why they should be called Africans; they are Asians. But there is no division of the people into Africans, Asians and Europeans legally. Such division as there is is African and non-African and very often, be it remembered, <sup>it is</sup> in order that the Africans may be protected and be given facilities which are not provided for the non-Africans -- such as the holding of land without rights of occupancy and many things of that sort: licence fees and other things at reduced figures. The Ishaakia incidentally are not very interested in African life as such; they are nearly all of them cattle traders. Very few of them indeed may be called permanent residents of the Territory; they buy cattle from the cattle areas and bring it down to the coast to be sold for meat and are continually on the move.

But to suggest that any of the petitioners could be found who have made this petition because at some time they have fallen the victims of discrimination against Africans is an astonishing suggestion. There is nothing of the sort in this at all. They must either be African or non-African for the purposes of a number of laws and, in order that not all the responsibilities of non-Africans should be placed on them, a special ordinance had to be brought in to relieve them of some of the burden which would otherwise fall on them if

/they were just

they were just automatically declared non-Africans.

The PRESIDENT (Interpretation from French): Are there any other remarks regarding this petition? I have already proposed to the Council that we might adopt this answer given to us and that was decided upon. If there are no other remarks we shall close the discussion on this petition.

Mr. INGLES (Philippines): The special representative in his remarks stated that discrimination could not possibly be the basis of this petition.

Looking at document T/342 regarding the civil case decided in 1925, Civil Appeal No. 2 of 1926, it appears that certain members of the Shariff Is-Hak community were haled in court by a Hut and Poll Tax collector. In its opinion the Court said:

"By section 3 of this Ordinance all owners and occupiers of a hut are liable for the hut tax whether they are natives or non-natives, while by section 4 only male natives sixteen years old and over, and not the owner of a hut are liable for the poll tax."

Will the special representative be able to tell the Council why this poll tax is imposed only on natives?

Mr. LAMB (Special Representative): The answer is that it is not. I also pay a poll tax but it is much larger than the native poll tax and comes under a separate ordinance.

If I might just add a word or two I should say that this has been a problem for years and many an administrative officer -- myself included in my younger days -- has often had to give an option to a Somali: "Make the choice yourself; which do you wish to be considered: African or non-African? I shall regard your answer as indicated by the amount of tax you wish to pay. If you wish to pay the small native tax, then I shall regard you as an African and you may have a piece of land free and so on, but if you wish to be a non-African you must obviously pay the higher rate of tax and if you wish to remain sitting on that piece of land you must take out a right of occupancy because you are no longer an indigenous person."

We all pay poll tax but we pay different rates according to our status under the poll tax ordinances.

/Mr. INGLES



Mr. INGLES (Philippines): Referring to the non-payment of poll tax, is it not a fact that non-payment of this poll tax would compel the natives to compulsory labour?

Mr. LAMB (Special Representative): It might. In other words, an African has the choice of paying his tax by a cash payment or by labour. In the event of his wishing to discharge his liabilities by labour he is paid at the current rate of wage and from that he pays his tax.

Mr. INGLES (Philippines): Regarding the amount of the poll tax, will the special representative be able to indicate how much is the average poll tax payable by natives?

Mr. LAMB (Special Representative): The tax varies from district to district.

/The endeavour is

The endeavour is to make the tax bear some relation to the economics of the district. Richer districts where money is more easily and readily obtained pay a higher rate of tax than the poorer districts.

In each annual report an appendix will be found setting out for the whole Territory the different rates of tax. As a guess I would say that if one took the whole population and the individual rates of tax, ten shillings would be about the average.

Mr. INGLES (Philippines): Taking an average poll-tax of ten shillings and taking the minimum wage of let us say six shillings a month, this would indicate that a native has to work for around two months in order to pay his poll-tax.

Mr. LAURENTIE (France) (Interpretation from French): On a point of order, we are not discussing the Trusteeship System in Tanganyika; we are discussing this petition which has already been finished with, and it seems to me we have only to vote on the reply.

According to what the President has said, this question is finished with. We are not discussing the tax system of Tanganyika.

The PRESIDENT (Interpretation from French): I would like to draw the attention of the representative of the Philippines to this matter. We are not at the moment investigating the financial situation of Tanganyika. The petition falls within a very well-defined framework.

I think the question posed would be pertinent when we discuss the report on Tanganyika, but I do not think it has any import at the moment.

Mr. INGLES (Philippines): I only raised this question in connexion with the point raised of discrimination and, by the series of questions which I am propounding to the special representative, to indicate whether or not there is really discrimination against the natives in the payment of taxes. It appears that a native, for example, is liable to forced labour in case of non-payment of taxes and that this labour has to be performed for as much as two months for one native in order to be able to pay this poll-tax.

What I am

What I am driving at is one of the reasons for this protest from the Shariff Is-Hak Community against being classified as native so that they would not be subject to the same treatment as the natives. That is all.

The PRESIDENT (Interpretation from French): Will the special representative answer this question and then we will adjourn the meeting. It is late and I have been asked to adjourn the meeting at 5.45 today.

Mr. LAMB (Special Representative): I do not wish to prolong this particular discussion. I have already said that it would require a good deal of imagination to read racial discrimination into this thing. But on the particular point, I should like to ask where the representative of the Philippines got two months' labour to work off a ten shilling tax from. I have no such figures as would suggest that he would have to work for two months to work off a ten shilling tax. The representative of the Philippines must be misreading some figures.

The PRESIDENT (Interpretation from French): We will take this matter up again tomorrow and also refer again to the Report on Higher Education in Africa.

Perhaps if we have time tomorrow we can add to our agenda the question of the revision of the rules of procedure. Those would be the three items to be discussed tomorrow and the fourth item would be a return to the question of the Visiting Missions. Probably there will be a Visiting Mission to West Africa and also one to the Territories of the Pacific Islands.

All those questions will be added to our agenda tomorrow and we will consider those for which we have time. The meeting is adjourned.

The meeting rose at 5.45 p.m.