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TRUSTEESHIP COUNCIL

Fifth Session

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

Lake Success, New York
Tuesday, 19 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.187 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-third meeting of the fifth session of the Trusteeship Council.

EXAMINATION OF PETITIONS (T/340) (Discussion continued)

PETITION OF MR. HANS SCHNEIDER (T/PET.2/66)

The PRESIDENT (Interpretation from French): We shall continue the examination of petitions which we started yesterday afternoon.

I would like to invite Mr. Lamb to take his place at the Council table next to the representative of the United Kingdom as he did yesterday.

The second petition which has to be examined is that of Mr. Hans Schneider, document T/PET.2/66. The petitioner, a German national, claims that during his internment in Southern Rhodesia he was notified by the Camp Commandant that Germans who were allowed to return to Tanganyika would receive back their farms, money and all other property. Relying on this notification, he went back to Tanganyika, as his name was on the list of those allowed to return, but was unable to get back his estate and properties. He requests the Trusteeship Council to direct the Government of the Territory to implement the promises allegedly given by it.

Mr. SOLDATOV (Union of Soviet Socialist Republics) (Interpretation from Russian): I would like to ask whether we finished the consideration of the petition of the Shariff Is-Hak Community. My impression was that we had not finished it.

The PRESIDENT (Interpretation from French): We finished the examination of that petition. I asked the members of the Council if they had any observations or remarks to make and as no remarks were made a decision was taken. Then the representative of the Philippines asked certain questions of the special representative, Mr. Lamb answered those questions and the decision was taken regarding that first petition. There is therefore no need to return to it.

We are now considering the second petition, that of Mr. Hans Schneider. I have just given the Council a summary of that petition and I would like to ask the special representative to make whatever observations he considers would be useful to the Council.

/Mr. LAMB:

Mr. LAMB (Special Representative for Tanganyika under British Administration): The brief answer is that the request of the petitioner has been met and he has been re-vested in his property with effect from 1 July 1949.

If there are any other points in that connexion the Council wishes to have clarified, I shall endeavour to answer them.

The PRESIDENT (Interpretation from French): As far as I am concerned there are no other observations, but I would ask whether anyone else wishes to make any observations on this petition which is in document T/PET.2/66.

As there are no observations, the petition will be answered as the special representative has just explained to us. It is so decided by the Council.

PETITION OF THE STATE COUNCIL OF THE KRACHI NATIVE AUTHORITY
(T/PET.6/14, T/365)

The PRESIDENT: We will proceed to the third petition, from the Krachi Native Authority, documents T/365 and T/PET.6/14. I do not think I need read the summary which the Council has before it, and I would like members of the Council to make whatever observations they think necessary at the moment. If the special representative has anything to add to this petition, perhaps he would do so.

Sir Alan BURNS (United Kingdom): I have little to add to the observations already submitted by the Administering Authority on this matter.

As pointed out in the memorandum before the Council, the main purpose of the petition is to request the transfer of the Krachi District from the northern section of Togoland to the southern. In my view the main cause for this request is the hope that it would result in increased supplies of gunpowder and spirits reaching the area.

This is by no means a new movement. On several occasions while I was in the Gold Coast the request was made by one branch of the Krachi people for this transfer and the matter was gone into from time to time. I was satisfied then and -- on the

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information now before me--I am satisfied now that the advantages and disadvantages of such a change are about equally balanced and public opinion in the area is itself equally balanced.

In these circumstances my advice to the Council would be to leave the position as it is and it may well be that the matter will be raised to the Visiting Mission while it is in Togoland.

The PRESIDENT (Interpretation from French): I also think that the substance of this petition can be the subject of investigation by the Visiting Mission going to Togoland in the near future, but if any member of the Council wishes to make any observations, would he please do so.

Mr. SOLDATOV (Union of Soviet Socialist Republics)
(Interpretation from Russian): It seems to me that we can agree with the proposal that the Visiting Mission which will visit Africa should carefully and thoroughly investigate the petition of the population of Krachi and report on it to the Trusteeship Council.

I would like to make a few remarks in support of the Soviet delegation's view that this is important and necessary. The petition of the Krachi Native Authority raises a series of serious questions which the Trusteeship Council cannot ignore.

In the first place, the petitioners raise the question that the Administering Authority has not done anything to improve the situation of the native population of the territory of Krachi. They state that during the United Kingdom administration there has been retrogression in this territory. For example, there is only one literate person for every ^{two}/thousand of the population, which is proof of the state of education.

/Secondly,

Secondly, the petitioners protest against the unification of Krachi with the United Kingdom colony of the Gold Coast and request that Krachi be united with Southern Togoland.

One of the reasons for their difficult position the population of Krachi sees in the fact that the Administering Authority entirely ignored the interests of the population and included the territory of Krachi into the colony of the Gold Coast. You know this from the resolution of the State Council of the Krachi Native Authority.

I would like to indicate the main features of this resolution. What do the petitioners request in this resolution? They asked for the liquidation as of 1 April 1949 of all the laws which put Krachi in connexion with the Gold Coast. They want the unification of Krachi with Southern Togoland; they request that schools be opened in the territory of Krachi to eliminate illiteracy; they want new roads and hospitals with equipment; they also want the development of the agricultural economy on the basis of modern equipment and modern methods.

Thus, this petition and the requests of the petitioners and the request in the resolution of the Krachi State Council in March support the information about the difficult position of the population in this territory -- this information was given us at the fourth session of the Trusteeship Council. The population of Krachi in its resolution expresses its dissatisfaction with the attitude of the United Kingdom Administration to this region and they indicate that this attitude of the Administration is incompatible with the principles of the International Trusteeship System.

At the Trusteeship Council on many occasions it was indicated that the Administering Authority -- the United Kingdom in this case -- does not fulfill the provisions of the Charter and the provisions of the Trusteeship agreements with regard to the Trust Territories under its administration, in particular, Togoland and the Camercons, and does not take effective measures to fulfill and implement these provisions.

It was also indicated that the Administering Authority, in violation of the Charter and contrary to the interests of the native population, has included Togoland in the neighbouring colony of the Gold Coast.

At the fourth session of the Trusteeship Council, as you all remember, the representative of the United Kingdom in the Council endeavoured to deny these well-known facts, and even said that this criticism was unfounded. I would like to remind the Council that even then the representative of the United Kingdom could not reject the main facts which

/indicated that

indicated that the Administering Power does not implement measures which would fulfill the provisions of the Charter.

From the petition of the population of Krachi, one can see that this petition is a corroboration of the information about ^{the} difficult position in which the population of the United Kingdom Trust Territories live. In this connexion, the USSR delegation is in agreement with the proposal that the Visiting Mission must very carefully and thoroughly investigate this petition and report to the Council about the results of its investigation, and do this as soon as possible.

Sir Alan BURNS (United Kingdom): The USSR delegation, running true to form, has seized with great joy on this petition in order to make a thoroughly good propaganda speech. I am not going to bother with the various points on which the petition has been distorted for that purpose, but I would just like to remind the Council that, as I read this petition, it is a request that the Krachi District should be transferred from the northern part of the Togoland Territory to the southern part. There is no complaint about its being attached to the colony of the Gold Coast, because it has not been so attached.

Mr. SOLDATOV (Union of Soviet Socialist Republics) (Interpretation from Russian): If the President will allow me, I shall read the passages from the petition to prove to the representative of the United Kingdom what is written there. I quoted the petition, not anything else.

This petition is in document T/PET.6/14, 20 April 1949, and it consists of a letter which was sent by the Secretary of the Native Administration Office, dated 8 March 1949. To this letter a resolution is attached, which I shall read:

"RESOLUTIONS PASSED BY THE CHIEFS AT THE STATE COUNCIL HELD IN KRACHIKROM, KETE KRACHI, TOGOLAND UNDER BRITISH MANDATE ON THE 7TH DAY OF MARCH 1949."

I shall not read the whole petition, just passages, but perhaps, in order to inform the representative of the United Kingdom, it would be better to read the whole petition. I am not sure.

Sir Alan BURNS (United Kingdom): On a point of order. I would like to point out that I can read.

/Mr. SOLDATOV

Mr. SOLDATOV (Union of Soviet Socialist Republics) (Interpretation from Russian): In this petition we read:

"We, the signatories, Paramount Chief and President, and Divisional Chiefs of the Krachi State of Togoland under British Mandate, on behalf of ourselves and our people, do hereby place on record our entire dissatisfaction and repudiation of the British Government's attitude and administration of this State in Togoland which are inconsistent with the requirements of the League of Nations' and Trusteeship's convention, that:

"(i) we were not a belligerent and conquered people; the Germans occupied our land by treaty and though, we might have been under their iron heels we lived in an unconstrained freedom;

"(ii) our customs and rites were not interfered with and neither were we threatened on all sides with vices and crimes, poverty and pestilence;"

/Then they list

Then they list the facts of the life under German administration. But we are not interested in that, so I shall read the description of life under United Kingdom administration. In point (vi) it is stated:

"since the British occupation, from August 1914, the Krachi State underwent a complete change from progress to regress in wholesale stagnation - it was, appropriately speaking, entirely rejected and neglected -- a matter of laissez-faire until the birth of the Native Administration in 1936. The State, all that time, was supporting itself without a mite of assistance by Government;

"(vii) in spite of our race, customs and rites, dress and language, we have, by force of a political boundary, been made to become an integral part of the Protectorate thus coming under all the restrictions and control hitherto unknown to us either in our ancestral history or under German rule;

"(viii) most of our customs and rites are being neglected through the outcome of such restrictions that disintegration is fast setting into the State;"

Then they list a series of inconveniences which they suffer under United Kingdom administration. Once more I shall not read the whole text as it would take too much time. I shall now proceed to the part of the resolution which includes the requests. They request the following:

"1. by the 1st of April 1949, such Ordinances in the Laws of the Gold Coast on British Mandated Togoland with all their sections, articles and other appendages which virtually render the Krachi State to be administered from the adjacent Protectorate be forthwith repealed;

"2. by the 1st of April 1949, KRACHI and South Togoland be unified as one entity under either one and the same administration as of the old German system and administered by the Chief Commissioner, Colony, or a special Chief Commissioner, Togoland, be created by the Permanent Mandates Commission or the Trusteeship Council, whose headquarters should be at Ho in view of the fact that the position of Mandated Territories may be reconsidered when the League of Nations disappears and that since we retain our original nationality as inhabitants of this mandated territory, we only owe allegiance to the mandatory power;

"3. by 1st April 1949, all laws and ordinances restricting the importation to and the sale of spirituous liquor in Krachi (if any) be forthwith repealed;

"4. as from 1st April 1949, Mission bodies with Government subsidy should be allowed to open schools in the Krachi State in order to reduce the percentage of illiteracy to the bare minimum within the shortest possible time;

"5. as from 1st April 1949, more feeder roads be opened and maintained with Government subsidy;

"6. Government hospitals with wards complete with such necessary operating equipment be opened;

"7. agriculture be encouraged on the most scientific modern methods, e.g. tractor farming, the use of fertilizers, etc.;"

Then they indicate to whom copies of the resolution are forwarded and at the end they have affixed their signatures.

Therefore I apologize for taking up the time of the Council, but I had to do so in order to prove that I did not say a word which was not taken from the petition presented to us in document T/PET.6/14, and no statement by the representative of the United Kingdom concerning some sort of propaganda will be of any help. We must seriously take up this petition and the Visiting Mission will have to consider this petition. What sort of propaganda can be meant here? We cannot, by a statement concerning propaganda, replace the serious consideration of serious matters.

The PRESIDENT (Interpretation from French): I myself had proposed to the Council that it ask the Visiting Mission to very carefully consider this petition presented here. If the Council agrees with me, it can be so decided. Up to now, all the speakers who have had the floor -- and especially the special representative, Mr. Lamb -- have said that the best solution to this problem, for the moment, would be to ask the Visiting Mission to be good enough to consider this matter, in the field, and to talk to the State Council of the Krachi Native Authority regarding this matter. I presume the Council is in agreement with this idea.

As I see no objection, it is so decided.

PETITION OF THE CONFERENCE OF FARMERS OF TOGOLAND UNDER UNITED KINGDOM TRUSTEESHIP. (T/PET.6/15, T/358)

The PRESIDENT (Interpretation from French): We shall now proceed to the petition presented by the Conference of Farmers of Togoland

under United Kingdom Trusteeship, document T/FEET.6/15. For the same reason that determined the decision on the previous petition, we might also charge the Visiting Mission, when it visits this part of the world, to give careful attention to this petition of this Conference of Farmers of Togoland. I do not think that we need open a debate on this question, but of course it is open to the members of the Council to make any remarks or suggestions.

Mr. SOLDATOV (Union of Soviet Socialist Republics) (Interpretation from Russian): I fully agree with the President's proposal that the Visiting Mission should investigate this petition as well. But I would ask the members of the Council to pay attention to several important features of this petition, so that when the Visiting Mission investigates this petition it will investigate all its aspects in order that a situation will not arise where, for lack of time the Visiting Mission, for example, may not be able to consider all the petitions and investigate them. In particular, the importance of the consideration of the petition which was received from Togoland becomes quite obvious in connection with the fact that in this petition there are serious accusations against the Administering Authority. In the resolution of the Conference of Farmers, it is stated that the farmers -- and the whole population of Togoland under British administration -- are wholly neglected by those who are responsible for the administration, and that the attitude toward them is, in general, negative.

The Conference decided to send a telegram in which the complaints of the farmers and the population are . . . expressed. It also sends a denial of the report on Togoland made by the Administration to the fourth session of the Trusteeship Council.

It seems to me that all these problems, the first to the last, deserve serious consideration because the population of Togoland -- or at least part of it -- state directly that the statements by the representatives of the Administering Authority to the Trusteeship Council at its fourth session do not correspond to reality. In view of the fact that the petition requests the Trusteeship Council to investigate the matter on the spot, instead of relying fully on the report and the information of the Administering Authority, it seems to me that the President's proposal that the Visiting Mission should investigate this petition is especially acceptable.

/I do not

I do not wish at the present time to enter into the substance of the petition, in view of the fact that we are going to decide that the Visiting Mission shall investigate it. I wanted merely to make these general observations and to stress the necessity for a thorough investigation of this petition by the Visiting Mission, which should plan its work in such a manner as to allow for a thorough investigation also of the petition from Kirachi, and the preparation of a report to the Trusteeship Council.

Sir Alan BURNS (United Kingdom): I am entirely in agreement that this matter should be referred to the Visiting Mission, but I am not going to follow the representative of the Soviet Union in instructing the Mission how thoroughly it is to do its work; I have confidence it will do it without being told.

The PRESIDENT (Interpretation from French): If the Council is in agreement, the Visiting Mission will be asked to carry out a conscientious investigation of the petition of the Conference of Farmers of Togoland under United Kingdom Trusteeship.

It is so decided.

PETITION OF THE EXTERNAL TEACHERS UNION (T/PET.6/16, T/362)

The PRESIDENT (Interpretation from French): We shall now go on to the fifth petition, that coming from the External Teachers Union. The document is T/PET.6/16, and the résumé is in document T/340.

If the special representative, Mr. Lamb, wishes to give us any supplementary information, we shall call upon him to do so.

Sir Alan BURNS (United Kingdom): I have, again, little to add to the observations submitted by the Administering Authority. The petition represents another request -- several having already been received by the Government of the Gold Coast -- that the untrained teachers employed in the Gold Coast Territory, as well as in the Trust Territory of Togoland, should receive the same treatment as trained teachers.

This has been considered by the Administering Authority, which has decided that these untrained men have received fair and reasonable treatment considering their qualifications and

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responsibilities. The whole matter was most carefully considered by a committee which I appointed before I relinquished the Administration of the Gold Coast, and has since been considered by the Central Advisory Committee on Education. This last Committee, I should like to point out, has a predominantly African membership, and it reported in the following words:

"The differentiation between trained and untrained teachers is entirely legitimate and represents sound educational policy." With this view, the Administering Authority concurs.

The PRESIDENT (Interpretation from French): This situation is found in most countries; there is usually this difference in the treatment given to teachers and the same guarantees are not always offered everywhere. It would be very difficult for the Council here in Lake Success to know exactly what is happening, but, from the indications given by the Administering Authority, we already know that investigations have been made on this matter, and the representative of the United Kingdom has just read us the observations of a Committee the majority of whose members, if I understood him correctly, were Africans.

Mr. RYCKMANS (Belgium) (Interpretation from French): I hope that this petition will not be referred by the Council to the Visiting Mission: I think that the Visiting Mission has its hands full already. I think that we can reply to these teachers that, in view of the investigation made by the Administration, the Council does not have any reasons to force the Administration to change its decision.

The PRESIDENT (Interpretation from French): The representative of Belgium has made a formal proposal, and therefore if there are no objections from the other members of the Council we could adopt it.

Mr. NORIEGA (Mexico) (Interpretation from Spanish): The problem posed by this petition has two aspects. One is whether the teachers have attained the title or degree of teacher by means of special work: whether they are specialized or not. The other aspect is that this Teachers Union demands equal pay for equal work.

I think that this is a principle that has already been considered
/by the Council

by the Council and has been adopted in some of the recommendations made to the Administering Authorities in discussing the reports on other Trust Territories. I am perfectly in agreement with the representative of Belgium that the Visiting Mission definitely has its hands full: it has many petitions to consider and a great deal of work to do.

Nevertheless, I do believe that if the Council postpones consideration of these matters, the least we can do is to keep this petition alive, to hold it in abeyance so that the Visiting Mission will be able to contact the External Teachers Union to find out how many of these teachers are really doing equal work for which they desire equal pay: a teacher's diploma has been obtained by some of the teachers. This is, of course, a world-wide problem: teachers always get low salaries, and there is the additional problem that many teachers are not qualified, have no university degree, etc. But we also know that some of the teachers who have not gone through universities are doing work as good, or perhaps better, than those who did go through universities and did obtain diplomas.

Therefore, in view of the importance of this petition -- although, of course, the Committee that considered this matter may have been perfectly justified in its decisions -- I think the Visiting Mission could give up two hours of its valuable time to considering this matter. I think it would be of great interest to the Council to consider these petitions and, at least for the time being -- I do not think this would be establishing a precedent -- to postpone this petition. I do not think that the Visiting Mission will gather very much more documentation than we have before us, or can come to any conclusions other than those which have been presented to us but, since it has been considered necessary to do the work in this way, I think we should at least keep this petition alive, consider it as being still before us, and not decide upon it here in Lake Success.

I am sorry that I cannot hold the same views as those expressed by the representative of Belgium, but the petition from the External Teachers Union is a very interesting petition and one that should be considered at least from the humane point of view, so that those teachers doing the same work should get the same pay. If they do not do the same work, there is no need to give them the same pay; but this has to be found out later.

/The PRESIDENT

The PRESIDENT (Interpretation from French): I must point out that teachers/^{can}very often carry out their work even without a diploma, but that teachers who have diplomas have certain obligations to fulfill as well as their ordinary work. Though the unqualified teachers may be perfectly competent people, in all countries there is a certain difference between the treatment given to qualified teachers and that given to the teachers who have no diploma but who fulfill the functions of teachers or tutors in private institutions.

What I think the representative of Belgium wanted to say was that, given the very short time that the Visiting Mission will have at its disposal, it will be very difficult for it to give detailed consideration to this problem. It is a problem which has been considered already; we have very complete documentation before us on this matter, and there is obviously a principle involved -- a principle controversial in all countries. This is not a problem which has cropped up only in Togoland: it is met with all over the world, and I doubt whether the Visiting Mission can carry out a detailed study and come to a practical solution. However, as the representative of Mexico suggests, we might ask the Visiting Mission to give a few hours of its time to the problem and perhaps to get into contact with these petitioners, to hear them and find out what they have to say,

/Mr. SAYRE

Mr. SAYRE (United States of America): It occurs to me, as it has in similar instances, that we ought not to tie too tightly the hands of the Visiting Mission. I think we should give a free hand to the Visiting Mission in determining how it can most advantageously spend its time in the Territories visited. That may involve a detailed study of some matter covered by a petition or it may involve other matters so that the Visiting Mission may find itself unable to give too great an amount of time to the investigation of some individual petition.

I doubt whether we as a Council here can make a wise decision as to how the Visiting Mission can best spend its time. It seems to me that the Council's wisest course is to give the Visiting Mission general instructions and trust in the Visiting Mission.

In this particular petition before us, we have a very careful consideration of the problems raised and an objective answer in document T/362, the observations of the Administering Authority. I agree thoroughly with the representative of Mexico that we should give humane treatment to the petitioners. I should think that that humane treatment might include the sending to the petitioners of this document containing the observations of the Administering Authority which show that a careful examination was made and show the reasons why the Administering Authority has not been able to comply with their requests -- reasons which seem to me to be objective and sound.

The wisest course the Council could pursue, therefore, would be to reply to these petitioners that the matter has been considered, send them a copy of document T/362 and then leave it to the Visiting Mission to undertake an investigation or not as it sees fit under general instructions from the Council.

Mr. RYCKMANS (Belgium)(Interpretation from French): Members have spoken of equal pay for equal work. In my country and in many others, an official who has worked in a position for two years gets a raise in salary whereas another who does the same work but has not spent two years in the position does not receive the same salary. The question of a diploma is connected with an increase in salary. If a person is majoring in music or something similar, he gets an increase in salary. Therefore, a teacher with a diploma will get a higher salary than a teacher without a diploma.

It seems to me that to refer such a simple question, a question on which we can form an opinion and submit a reply, is just, as is said in American slang, "passing the buck."

The PRESIDENT

The PRESIDENT (Interpretation from French): Does the representative of Mexico still maintain his proposal?

Mr. NORIEGA (Mexico)(Interpretation from Spanish): As far as "passing the buck" is concerned, I think the Visiting Mission has more than one "buck" in its hands. In Spanish we say that we "pass the dead man along", but I think the Visiting Mission is carrying a mausoleum on its shoulders.

The PRESIDENT (Interpretation from French): I think we are misinterpreting matters. The last two petitions were very important and we definitely want the Visiting Mission to study those matters in detail. We have asked the Visiting Mission to consider these matters in the field.

Sir Alan BURNS (United Kingdom): I have no objection to this matter being referred to the Visiting Mission or being dealt with in any other way. I just want to correct what I think must be a misapprehension on the part of the representative of Mexico. This is not a question of not giving people equal pay for equal work. These non-certificated teachers do not do the same work. They are not allowed to teach except in the very lowest classes, and are only put in there to do the work because there is not a sufficient number of certificated teachers to teach in all the schools. They do not do the same work as the other teachers.

Mr. SOLDATOV (Union of Soviet Socialist Republics)(Interpretation from Russian): I support the proposal of the representative of Mexico.

Mr. NORIEGA (Mexico)(Interpretation from Spanish): I find the explanation given by the representative of the United Kingdom very just and I think the work of the Visiting Mission will be most useful because the Council will be able to decide, not only as far as the conclusions of the Visiting Mission which considered the matter locally are concerned, but under the responsibility of the Council in regard to the matter.

Obviously, the conscience of the Council will be much more at ease when it takes a decision on this matter if it has new information submitted by the Visiting Mission.

/The PRESIDENT

The PRESIDENT (Interpretation from French): The representative of the United States has presented a proposal which meets that presented by the representatives of Belgium and Mexico. If I understood the representative of the United States correctly, he wishes to answer this petition by indicating the observations presented by the Administering Authority and adding that the Council has referred the matter to the Visiting Mission for consideration.

Mr. RYCKMANS (Belgium)(Interpretation from French): My proposal is that the Council should finish this petition now since it has all the elements necessary to take a decision.

Mr. SAYRE (United States of America): I fear I did not make my views clear. My view is the same as that of the representative of Belgium. I do not see why we cannot dispose of this petition now, and inform the petitioners of our decision sending them, at the same time, a copy of document T/362 which gives them the reasons for the decision.

The PRESIDENT (Interpretation from French): I thought the representative of the United States had suggested that the Visiting Mission should at least consider the question briefly in the field.

Mr. SAYRE (United States of America): My idea was that we should answer the petition as such now. Then when the Visiting Mission reaches the Territory, if it feels that this is a matter which deserves further consideration, it would be free under its general instructions to make such investigations as it sees fit. But I think we should dispose of the petition now and not have it pending for reconsideration at a future session.

The PRESIDENT (Interpretation from French): I should like to ask the representative of Mexico if he will accept that proposal.

Mr. NORIEGA (Mexico)(Interpretation from Spanish): I believe the members sitting around this table do not know what teachers are. If there is anyone in the world as insistent as a teacher, it is another teacher. I think the representative of the United States can rest assured that when the Visiting Mission reaches the Territory, the External Teachers Union will resubmit the petition whether the Council decides not to take any notice of the petition or not.

/The Council will

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The Council will be in a most embarrassing position if it arrives at a hasty solution to this petition and will find that the "dead man" to which the representative of Belgium referred will be resurrected as soon as the Visiting Mission arrives in Togoland. It would be neither happy nor practical to do so. Let us keep this petition alive and we will not be faced with a resurrection. I think it would be better if it were held in abeyance for a while.

/The PRESIDENT

The PRESIDENT (Interpretation from French): Then the Council has three proposals before it, two which are contradictory -- one from Belgium and one from Mexico -- and one from the United States, which is a proposal that I thought could be considered a compromise solution as it has two elements in it.

Therefore I put it before the Council to choose. Does the Council wish to have the three proposals put to the vote?

As far as I myself am concerned I must say that the proposal made by the representative of the United States seems to meet the essential parts of the Belgian and the Mexican proposals. Perhaps I am mistaken in that but I believe it is a very wise proposal that has in it the essence of the Mexican proposal, that is, that the Mission should meet the petitioners, discuss with them on the matter and then inform the Council. But at least the Council will definitely be able to make up its mind on a problem which is not unique for Togoland but which is extant in many countries of the world. In all countries, without exception, you will find the self-same situation.

Mr. KHALIDY (Iraq): In order neither to "pass the buck" nor the "dead man" we might adopt a course which would keep him hanging.

It seems to me that the course of the representative of the United States is the best one to follow. That is to say, to give a little latitude to the Visiting Mission, to authorize it to see if the question is raised there, and if so to deal with it. But I sincerely hope it will not have occasion to deal with it because I have no hesitation in saying that I think the matter is clear here and now and does not really need any further study.

In order that the "dead man" of the representative of Mexico may keep hanging, the Visiting Mission might be charged with the task of looking into the matter if there is any necessity to do so.

The PRESIDENT (Interpretation from French): Let us not waste too much time on this matter. I would like to ask the representatives of Belgium and of Mexico whether they can accept the compromise solution presented by the representative of the United States. I think it would satisfy both of them, if they were to accept it -- or at least abstain.

/ Mr. RYCKMANS:

Mr. RYCKMANS (Belgium) (Interpretation from French): It seems to me that the representative of the United States suggests that we reply to the petitioners that, in view of the explanations given, the Council can not ask the Administering Authority to change its attitude. That is one point.

And then the representative of the United States also suggests that the Visiting Mission can study any question in the Territory.

If this is so then it is exactly my own proposal and there is no addition. I am of the opinion that there is no need to tell the Visiting Mission that when it goes to Togoland it has to study such and such a question. We do not have to endeavour to find a compromise when there are two opposite proposals. It seems to me that these people must receive a reply from the Council.

When all the teachers in Togoland are the holders of diplomas then we will be the first to request that only certified teachers be employed. Let us face realities. It is very bad for them; I am sorry that not all of them are certified; but we cannot recommend to the Administering Authority that it should change its attitude. At least three quarters of the members of the Council seem to agree with that.

The PRESIDENT (Interpretation from French): Will the representative of Mexico vote in favour of the United States proposal?

Mr. NORIEGA (Mexico) (Interpretation from Spanish): I do not know whether the value given to personal opinions is right. This matter must be studied in the field. Obviously the committee that considered this matter did it conscientiously but the Trusteeship Council is obliged, now that a Visiting Mission is going to Togoland, to consider in the field the circumstances obtaining, the conditions under which the teachers are working and also at least the possibility of giving at least a partial solution to the problem.

I understand perfectly well that not all the teachers who are part of this Union are certificated and can therefore ask for an equal salary with those teachers who have a diploma. But at least we should suppose -- and now it is not a matter of having the courage of upholding one's views but it is merely going along logical lines -- that there are certain uncertificated teachers who are as able to teach a

/ those who have

those who have a diploma already; who are carrying out equal work with those who have diplomas and who should therefore receive equal pay.

That is why I say that the Visiting Mission should consider this matter. It is less than useless for the Council to consider and decide on this matter here, because, as I said before, no sooner will the Visiting Mission set foot in Togoland than the Teachers' Union will present this problem again. If I were to be assured that the teachers were not going to make a new petition to the Visiting Mission then I would accept Mr. Sayre's suggestion; but I doubt whether anyone will be able to assure me of that. And I think Mr. Lamb will agree with me that the teachers will re-present this petition.

That is why I feel it is useless to accept a proposal such as that presented to us. I do feel that the Visiting Mission should consider the matter and all matters that the Council gives to it. I do not think it is logical at all to send a Visiting Mission without any instructions, without telling it what petitions the Council wishes it to study. The people who are going on a Visiting Mission are not going on a picnic or a pleasure cruise; they are not going to spend a few weeks in Africa to get out of the heat of New York. They are going to fulfill a task set on their shoulders by the Council. We know that, and we also know that there is a specific interest in these petitions.

The petitions are the responsibility of the Council and that is why I am pressing my proposal.

Mr. KHALIDY (Iraq): Would a formula like this be of any use to the Council: "... that the Council answer the petitioners along the lines indicated by the Administering Authority. At the same time the Visiting Mission ^{would} be authorized to look into the matter in case the teachers petition the Mission on the spot."

I think that ought to make it clear. I think it brings both sides together. We stop at informing the petitioners now along the lines indicated by the Administering Authority and let the Visiting Mission make its judgment there. Perhaps they will not petition us again, and I sincerely hope that they will not.

The PRESIDENT (Interpretation from French): Now we have four proposals. Let us put the last to the vote because I think that is the wisest one, and it summarizes them all.

Has the representative of the Soviet Union a fifth proposal?

/ Mr. SOLDATOV:

Mr. SOLDATOV (Union of Soviet Socialist Republics) (Interpretation from Russian): The President knows that the Soviet delegation does not change its views as the discussion goes on. I have no other proposal and I support the proposal of the representative of Mexico.

I am of the opinion that it would be wrong on the part of the Trusteeship Council to accept a position -- which is that of some representatives on the Council -- that when a petition is being considered it is indicated that "there is no reply or information from the Administering Authority, there is no report from the Visiting Mission, and therefore let us not consider this petition. Let us postpone it until the time when we receive the report of the Visiting Mission."

/ Now a different approach

Now a different approach is being suggested. We are dealing with a serious matter in connexion with this petition. There is a proposal that the Visiting Mission should deal with this petition and we are being told: "Why should we wait for the Visiting Mission? Why should we wait until it investigates? Let us in haste now accept the decision and finish with it." I do not think that this is a serious approach to the matter, just to do away with the petition in one way or another.

We are not pressed for such haste; we have all the opportunity to obtain additional material from the Visiting Mission especially in view of the fact that this is a question of teachers, the main cultural force in a Trust Territory. Why not show our attention to this group of the population of the Trust Territory? I think that we can do so and we have no reason to deny the population of the Trust Territory, in the persons of the teachers, the consideration of their petitions on the spot.

The PRESIDENT (Interpretation from French): There was a proposal presented originally by the Belgian representative, a second one presented by the Mexican representative, a third presented by the United States representative and a fourth -- which is a variation on the preceding one -- presented by the representative of Iraq.

Mr. KHALIDY (Iraq): A small correction: mine is in no way different from that of Mr. Sayre. I only meant to put it on paper. I believe it is the same; if it is not I should be glad if the representative of the United States would correct me.

Mr. SAYRE (United States of America): I feel that it is the same. I did not envisage putting into a formal motion authority to the Visiting Mission to look into the matter if it saw fit because I consider that under the terms of general reference that goes without saying. It is not necessary to have a special resolution to that effect. Nevertheless I have no objection whatsoever to doing so and I feel that the proposal of the representative of Iraq is the same as mine.

Mr. HOOD (Australia): There is one point that I would like to be clear about. It has been proposed that the petitioners

/be informed

be informed, not only that the Council has considered the matter here and is forwarding the comment of the Administering Authority but also that the Visiting Mission will be authorized to look into the question. If so it seems to me that this proposition is different from that of Mr. Sayre.

The PRESIDENT (Interpretation from French): If I have correctly understood the representative of Iraq, I saw a certain variation in the Iraqi suggestion as compared with Mr. Sayre's suggestion, that is, that Mr. Khalidy said that the Visiting Mission would examine the question if, after the answer given by the Council, the petitioners consider it useful to renew their petition to the Mission itself. I think that is what the representative of Iraq said. Therefore there is a certain difference between the Iraqi proposal and the United States proposal.

Mr. RYCKMANS (Belgium) (Interpretation from French): I must say that I then prefer the Mexican proposal for the representative of Mexico requests that the Visiting Mission should study the matter on the spot. I request that this Visiting Mission should not get such an instruction from us for we ourselves can finish this matter.

The Iraqi proposal replies to the petitioners: "The Council finds that you are not right but you can appeal to the Visiting Mission." In such a case I prefer the other way. We know that if we tell the petitioners that they can refer this to the Visiting Mission it is an invitation to them to do so. In that case it is better/^{directly} to ask the Visiting Mission to do so.

I think we should not avoid our responsibility. We have the petition; let us have the courage to reply.

Mr. KHALIDY (Iraq): We shall not say to the teachers that they should petition the Visiting Mission. On the contrary we expect that perhaps they will not and I hope they will not because, as I said, the position to me is quite clear here. But in order that we get Mr. Noriega's "dead man" still hanging -- and I am sorry to use it again -- we should just stop at telling them just what the Administering Authority has indicated. If they choose, in bad judgment, to petition the Visiting Mission on the spot we cannot stop them from doing so but we shall not tell them they ought to do so.

/Sir Alan BURNS

Sir Alan BURNS (United Kingdom): As I stated before, I do not greatly care whether this is referred to the Visiting Mission or not but I should like to point out to the Council that here is a perfectly straightforward petition and we all know in our hearts what the answer to that petition ought to be.

I want to ask the Council: Suppose there were not a Visiting Mission going to West Africa this year to which "the buck" could be passed, what would the Council do? Hold it up for three years or give the answer everyone knows ought to be given?

The PRESIDENT (Interpretation from French): There is only one course open to me and that is to put to the vote at least the two contradictory proposals, those of Belgium and Mexico. Then we have one other, that presented by the Iraqi representative. We can then follow suggestions according to the vote.

Though there is a rule of priority to follow, if the Council sees no objection to the procedure, I shall first of all put to the vote the Iraqi proposal and that is because that is the one I consider to be a compromise solution. If the Council objects, of course, I shall apply the rule of priority and first put to the vote the Belgian proposal, then the Mexican proposal and, thirdly, the Iraqi proposal. If the Council has no objection, therefore, I shall put to the vote, first of all, the proposal that I consider to be a compromise solution.

Point of order from the Belgian representative.

Mr. RYCKMANS (Belgium) (Interpretation from French): I fully agree if the rules of procedure give us the right but I do not know whether the rules of procedure give us the right to do so. The rules of procedure provide that we begin with the proposal furthest removed...

The PRESIDENT (Interpretation from French): There is no original proposal so none of them could be furthest removed from it. These are not amendments to an original proposal. The rules of procedure say that the amendment furthest removed from the original proposal shall be put to the vote first but we have no original proposal.

/Mr. NORIEGA

Mr. NORIEGA (Mexico) (Interpretation from Spanish): Mr. Ryckmans first of all made a proposal; that is the basic original document. I made a contradictory one and, therefore, mine was the furthest removed from the original one which is the Belgian. Then the Iraqi representative made another one that is closer to the Belgian proposal. Therefore I think that mine should be voted on first and then the Belgian proposal.

I really do not care. If Mr. Ryckmans wants his proposal to be voted on first let us do that. I frankly do not care, one way or another.

Mr. RYCKMANS (Belgium) (Interpretation from French): It seems to me that the rule referred to by the representative of Mexico is a rule with regard to amendments but when there are separate proposals then it is a question of their introduction, the time when they were introduced.

The PRESIDENT (Interpretation from French): I want to tell the Council that there were no proposals; they were all observations, remarks. They were suggestions, suggested solutions to the petition, that is all. The first suggestion made was presented by the Belgian representative, another suggestion was made by the Mexican representative, a third by the United States representative and a fourth by the representative of Iraq. But where is the original proposal as far as the substance is concerned. No amendment has been presented. Mr. Noriega, of Mexico, did not present an amendment, Mr. Khalidy did not propose an amendment nor did Mr. Sayre. Therefore if we do not adopt the suggestion that I made before, starting with the Iraqi suggestion -- a suggestion which I consider to be a compromise suggestion -- then I shall put to the vote the first proposal put to us which is the Belgian one.

Mr. NORIEGA (Mexico) (Interpretation from Spanish): I do not think that, regarding the vote on the Belgian and the Mexican proposals, the order is going to do anything to the vote itself. That is why I said that the order does not matter in this case; either we vote for one or the other. But, as far as procedure is concerned, you may be perfectly sure that if I, at this moment, had before me the Belgian proposal in writing I could make the necessary amendment to it so that my proposal would be the furthest removed from it and then mine would be voted on first.

/The PRESIDENT

The PRESIDENT (Interpretation from French): Then according to the rules of procedure I will first of all put to the vote the first proposal presented, that is the Belgian one.

We have no written proposal, but I will ask the representative of Belgium to be good enough to present his proposal very clearly.

Mr. RYCKMANS (Belgium)(Interpretation from French): I suggest that the Council reply to the petitioners that it has studied their petition and, after having studied it, does not consider that it can ask the Administering Authority to change its previous decision on this matter.

The PRESIDENT (Interpretation from French): I presume that all members of the Council have understood this proposal.

Mr. SOLDATOV (Union of Soviet Socialist Republics)(Interpretation from Russian): I would ask that all the four proposals be made clear to us before we vote, not only the Belgian proposal. In the first place we must have clearly the wording of each of the proposals and then proceed to a vote.

The PRESIDENT (Interpretation from French): The representative of Belgium has just repeated his proposal, that is, the answer to be given to the petitioners. That is the first proposal we have before us.

If that proposal is adopted by the majority of the members of the Council, then the answer given to the petitioners will be in accordance with the Belgian suggestion.

Mr. RYCKMANS (Belgium)(Interpretation from French): Perhaps I was wrong in saying that the Council should reply to the petitioners; the reply to petitioners is made by the Secretariat.

I suggest that the Council decide, after having studied the petition, that there is no need to request the Administering Authority to change its previous decision.

/The PRESIDENT:

The PRESIDENT (Interpretation from French): I presume that the representative of the Soviet Union wanted to know the other proposals?

Mr. SOLDATOV (Union of Soviet Socialist Republics)(Interpretation from Russian): On a point of order, if the President will allow me, I would like to ask that all the proposals be presented to us in written form, because in the first place the representative of Belgium said one thing, then he said a second thing and now he has a third wording. At this moment I do not know what the proposal of Belgium is. How can I vote for the other proposals if I do not have them in written form? Perhaps the President could very clearly and definitely give us the wording of all the four proposals and then we could vote on them.

Mr. HOOD (Australia): I suggest that we use a little common sense in this matter and not in any respect try to confuse what is the clear duty of the Council, that is, to express its view on a perfectly simple matter.

If a request is made for the submission of written proposals, that is something which I think the Council has not used as a procedure in the case of petitions before. What has been done before is that the President takes the sense of the Council in respect of any particular course and then the text of any reply to the petitioners is drawn up by the Secretariat and subsequently approved by the Council. It has not been the habit of the Council to vote at this stage of consideration of a petition on written proposals and I think the request of the representative of the Soviet Union is not a reasonable or proper procedural one in this connexion.

The PRESIDENT (Interpretation from French): It is true we have never, when discussing petitions, had to present written suggestions; there were never written resolutions to be considered. The only thing I want is a suggestion from the Council which will enable the Secretariat to send an answer to the petitioners. I do not see why we should act differently where the External Teachers' Union is concerned. I personally -- and I think everyone else -- understood clearly what was meant by the proposals

/successively presented

successively presented to us by the representatives of Belgium, Mexico, the United States and Iraq. I do not feel that I personally need a written text. Of course there may be differences of opinion expressed on different proposals, but if all members of the Council are not perfectly clear as to this matter I shall have to ask those members who have presented proposals to do so in writing now.

Mr. SCIDATOV (Union of Soviet Socialist Republics)(Interpretation from Russian): I wanted to supply the information that at the fourth session of the Council recently, on each petition the Trusteeship Council took decisions on the basis of written proposals and all these decisions were voted upon. The representative of Australia attended these meetings and should therefore remember that his statement does not correspond to the facts regarding the procedure of the Trusteeship Council on the consideration of petitions.

As to these four proposals, I do not insist that they should be presented to us in written form. In order to finish with the question as soon as possible, I only ask the President to formulate all four proposals before we vote on them, -- to read them to us.

Mr. KHALIDY (Iraq): This is taking an unnecessarily long time. To make a long story short, everyone could read his suggestion now -- I shall not call it a proposal because it is not a proposal. The representative of Belgium has done so. May I now read mine, and perhaps the representative of Mexico will read his and we can then proceed to a vote.

Mr. RYCKMANS (Belgium): I had not written anything, so I could not read it. (Interpretation from French): This is my suggestion: After having considered the petition, the Council decides that there is no need to make any recommendations to the Administering Authority with regard to this matter.

Mr. KHALIDY (Iraq): My suggestion is: That the Council reply to the petitioners along the lines indicated by the Administering Authority. The Council may also authorize the Visiting Mission to look into the matter in case the teachers petition the Mission on the spot.

/Mr. NORIEGA

Mr. NORIEGA (Mexico)(Interpretation from Spanish): My proposal is as follows: The Council decides to charge the Visiting Mission to consider the petition received from the External Teachers' Union in the field (document T/PET.6/16).

Mr. SAYRE (United States of America): My formula which I humbly suggest would be: That the Trusteeship Council should reply to the petitioners that their petition has been considered by the Trusteeship Council but, for the reasons expressed in document T/362 -- which will be attached of course, the Council is unable to recommend that the Administering Authority reconsider its policy on this question.

If I may say just a word, I wonder if we are not getting into a quagmire in discussing the precise wording of four different proposals. I wonder whether we cannot simplify the matter. So far as I can see there are two schools of thought here. One is, that we should make a decision here and now. The second is that we should refer the matter to the Visiting Mission. I wonder if, by a very informal show of hands, we could not indicate sufficiently the feeling of the Council so that the President -- once having ascertained that feeling -- could not sense the opinion of the Council and suggest the solution to be reached.

The PRESIDENT (Interpretation from French): In any case, we must take a vote on the first proposal presented by the representative of Belgium which I believe is now crystal-clear to everyone. This vote is merely to find out how the Council will answer the petitioners.

/A vote was taken

A vote was taken by show of hands.

The Belgian proposal was adopted by 6 votes to 4, with 1 abstention.

Mr. RYCKMANS (Belgium) (Interpretation from French): In formulating the reply to the petitioner, I would prefer the formula which was suggested by the representative of the United States. We voted on the principle, but to express the matter we must put it in polite form. To say it in the words suggested by the representative of the United States is certainly compatible with my proposal.

The PRESIDENT (Interpretation from French): The vote has already been taken. I think we can follow the suggestion presented by the representative of Belgium; I think the Secretariat will definitely follow the Belgian suggestion and give the answer in as polite terms as it usually does.

Mr. KHALIDY (Iraq): I do not see the need for taking any other vote. Anyway, I do not have to vote on mine. I do not think you ought to vote on mine, or any other one. That is finished, I hope.

The PRESIDENT (Interpretation from French): That is true. After the explanation given us by the representative of Belgium, the answer will be, as a whole, on the lines of what the representative of Iraq proposed himself. Therefore, everyone will be satisfied, I presume.

PETITION OF MRS. JANE T. WALLACE (T/PET.8/1, T/370)

The PRESIDENT (Interpretation from French): We will go on to the petition which follows -- that is, the petition presented by Mrs. Jane T. Wallace, document T/PET.8/1. It is a petition that comes from New Guinea.

"This petition is a summary of a previously submitted lengthy manuscript in which the petitioner dealt with the conditions of the Natives of New Guinea as she and her son found them during their stay in the Territory from about 1927 until after the outbreak of the Second World War. In this summary, the petitioner complains in particular of the alleged conditions governing contract labour, corporal punishment, 'unlawful killings,' 'manslaughter,' and cruelties to enslaved children. She also describes briefly the
/activities of her son

activities of her son in his efforts to improve the lot of the Natives."

I think in this petition there is an exposé of a certain number of items and points which should be considered. We have examined the report on New Guinea, and, also, all the items that are indicated in this petition will be the subject of an investigation carried out by the Visiting Mission next year. I am merely pointing this out for information.

I should like to ask the representative of Australia whether he has any observations to make on this petition.

Mr. HOOD (Australia): I have very little to add at this point to the comments which the Council has from the Administering Authority.

As the Council will note, this lady is not herself a native of the Territory, nor has she lived in the Territory for the past eight years. She now appears before the Council as a third party, representing herself as one able to speak on behalf of the indigenous inhabitants of New Guinea as against the Administration on the spot.

Mrs. Wallace is very well known to the Australian Government and to the administrative authorities in New Guinea. As the petition, or even a summary of it, shows, she was in constant correspondence with both the Administration and the Federal Government in Canberra for many years while she was resident in New Guinea. I think the Council will be able to judge for itself pretty much what the substance of her complaints and allegations must have been during the course of that period. To some extent they reflect personal grievances which this lady and her son supposed themselves to have during their residence in New Guinea. It is perfectly true that they came up against the Administration on many occasions, largely because of what appears to have been a keen sense of business enterprise on the part of the son of Mrs. Wallace and his anxiety to establish direct contact with the indigenous inhabitants, in many ways short-circuiting the regulations which the Administration had laid down for exactly that kind of business relation.

As regards the actual allegations which Mrs. Wallace makes in the petition, I cannot recall any specific one which refers to a period later than the period of her residence there, which, as I say, ended in 1941, before the assumption of the Trusteeship. Those which are set out in the petition I think are dealt with adequately in the general comments of the Administering Authority. On particular cases there would be more details to give the Council if the Council thought it necessary.

/But I am satisfied

But I am satisfied that in every case it could be shown that either action by the Administration was unnecessary, or that action was in fact taken when the circumstances necessitated it, and that applies particularly to certain cases of a criminal nature which are cited in the petition. I confess I do not know the date of all of them, but they must all have related to a considerable period ago.

The Council will also be able to judge for itself from the tone and the terms of the petition -- and I mean by that the summary of the petition -- that this petitioner is, may I say, addicted to overstatement, to exaggeration and to an overemphasis and an overcolouring of all she has to say. It may be that the Council will find that in all matters in which the complaints have a general nature and relate to general aspects of administration, proper notice has already been taken in the Council, as the President has just said, and will be taken further in the future in the Council, especially in the light of the visit of the Visiting Mission, and in that case the Council might think it adequate to reply to the petitioner that insofar as her representations apply to the present period of the Trusteeship administration, they are within the notice of the Council and will of course come promptly under review by the Council in the future each time a report comes from the Territory.

As for the particular allegations against the Administration, these relate to a much earlier period, since when conditions have changed greatly in the Territory, and I would not imagine that they come properly within the cognizance of the Council at this period.

Mr. NORIEGA (Mexico) (Interpretation from Spanish): Personally I must confess that a lady of eighty-one years of age who is interested in these matters seems to show an interest that is not simply limited to financial or business affairs, but is rather guided, I presume, by humane ideas -- at least that seems to be implicit in what she says.

Examining the letters and communications received from Mrs. Wallace, we see that there are very old data -- some of them are dated 1932, and so on. This definitely can be considered to be ancient history in New Guinea.

But I believe that ^{on} the problem touched upon by this lady -- those that we might consider to be modern or upon which we might need more up-to-date information as, for example, the part that refers to the enslavement of children -- we could ask the administrative authorities if these cases are normal, or if they are sporadic matters.

/But in reality

But in reality they are matters of detail. I do believe that the Council could simply take note of this document sent by Mrs. Wallace. I do not think there is anything new in her information and nothing on which the Council would have present-day jurisdiction, because if the examples given occurred prior to the establishment of the United Nations, I do not think we can do anything about it. We should notify Mrs. Wallace that this petition will be included in the report given by the Council on New Guinea since many of the things she referred to are of a general nature.

As far as specific cases given and suggestions -- which definitely abound in her letters -- are concerned, they are merely meant to strengthen the generic petitions which are presented; the abolishment of corporal punishment, for example, the change of the laws governing contract labour, and so on. I think this lady would be very satisfied to find out how the Council is working and what are the recommendations specifically made by the Council to the Administering Authority.

I think it would be quite sufficient to take note of this petition and send this lady the report the Council will adopt and send to the General Assembly on New Guinea.

The PRESIDENT (Interpretation from French): The proposal just made by the representative of Mexico seems to me to be wise.

Mr. RYCKMANS (Belgium) (Interpretation from French): I support that suggestion.

The PRESIDENT (Interpretation from French): Does any member wish to make any other remarks regarding the answer to be given Mrs. Wallace, aside from those suggested by the representative of Mexico. As there are no other suggestions, it is so decided.

PETITION FROM D. M. ANJARIA (document T/PET.2/57, T/334)

The PRESIDENT (Interpretation from French): We shall now go on to the seventh petition, presented by Mr. D. M. Anjaria. It is before the Council in document T/PET.2/57. This petition comes from the Trust Territory of Tanganyika. It was sent to the Council dated 30 August 1948, and in document T/346 we have the observations of the Administering Authority.

This petition was examined by the Trusteeship Council at its fourth session. The Council decided to postpone the examination of this matter until it had received the observations of the Administering Authority.

These observations were made on 22 June 1949 and the Council now has both documents.

Of course the petition does not figure on the agenda of the fifth session. Are there any remarks to be made on this petition?

I should like to ask the representative of the United Kingdom, or the special representative, Mr. Lamb, to summarize, in a few words, the gist of this petition.

Mr. LAMB (Special Representative): The petition is covered in the observations of the Administering Authority thereon in the document which the President mentioned. There is really nothing to add; the position has not changed since the observations of the Administering Authority were written.

Briefly, this is a petition submitted by an advocate, on behalf of certain of his clients, seeking an amendment of the law relating to land tenure, because certain of his clients consider that they should have freehold title to land, and they have not under the existing law been able to establish such a title legally. For the reasons set out in the observations of the Administering Authority, it is not considered possible so to amend the law. The applications which were received were the subject of an appeal to the High Court, and it is said in the observations that: "The appeals to the High Court from the decisions of the Registrar referred to in the petition are not likely to be heard before July 1949."

Unless things have changed very much since I left Tanganyika, there is still little likelihood of those petitions being heard because it now rests with the petitioner to produce the documents called for by the High Court, and for some reason -- which they themselves best know -- they have not produced these documents and they have not yet made it possible for the appeal proceedings to be instituted in the High Court.

Mr. RYCKMANS (Belgium) (Interpretation from French): I should like to ask the special representative whether this Mr. Anjaria requests anything for himself, or is he a lawyer who asks for things to be done in a legislative manner.

Mr. LAMB (Special Representative): As far as I am aware, it is entirely a case of an advocate making a petition on behalf of his clients. He may also be the holder of a piece of land to which he would like to have a freehold title, but I am unable to say.

Sir Alan BURNS (United Kingdom): I think I should point out to the Council that these are cases now pending before the High Court of the Territory, and it may well be that this Council ought not to consider a petition of this sort when there is a possibility of an appeal case coming up before the High Court.

Mr. SAYRE (United States of America): I should like to ask whether this case would be covered by the language of rule 81, which says:

"Normally petitions shall be considered inadmissible if they are directed against judgments of competent courts of the Administering Authority or if they lay before the Council a dispute with which the courts have competence to deal."

I should like to ask the special representative or the representative of the United Kingdom whether this petition, in their judgment, would be covered by rule 81.

Mr. LAMB (Special Representative): Without setting myself up as an interpreter of the rules of procedure of this Council, I should say it is entirely covered by that rule of procedure in that the matter now pends a hearing of appeal in the High Court of Tanganyika.

I should point out that the petitioner has asked that the law be changed, but it will be noted that he says in his petition:

"As the law stands the Trustees attitude to disown past admissions by its officers appears to be justifiable..."

Then he goes on to ask that the law be changed.

Mr. RYCKMANS (Belgium)(Interpretation from French): According to rule 81, referred to by the representative of the United States, this petition can be considered by the Council because it says:

"This rule shall not be interpreted so as to prevent consideration by the Trusteeship Council of petitions against legislation on the grounds of its incompatibility with the provisions of the Charter of the United Nations or of the Trusteeship agreement, irrespective of whether decisions on cases arising under such legislation have previously been given by the courts of the Administering Authority."

This means that in view of the fact that the petitioner requests that the law be modified, this petition can be considered here if the existing law is contrary to the Charter or to the Trusteeship Agreement.

Mr. NORIEGA (Mexico) (Interpretation from Spanish): Of course I agree that this Council would not be acting prudently if it tried to make a resolution on this matter as if it were a matter of substance, while it is really a legal matter and is, moreover, before a Court of Appeal. This Court may decide that this land should be given to those who have occupied it peacefully for more than twenty years.

This of course rests with the Court of Appeal, but what I think might be advantageous -- and I think this matter might be considered in the future -- is that part which refers to the registration of land owner^{ship}. This is a task that the Council should take up later; it might be beneficial if we were to do that and if the Administering Authorities were to agree to this in the majority of African Trust Territories. Land tenure is a special problem, and, in the same way that we established a Committee on Higher Education, we could establish one to consider land tenure in Africa.

I note that the representative of the United States is rather surprised by this suggestion, but this committee would consider the question of land tenure heretofore on the basis of a number of investigations which have been made. Time and time again petitions present us with the problem of land tenure. What this petitioner wants is that there should be a possibility of considering the land legislation in the Territory. This the Council cannot at present do, nor can it decide on this matter. This, therefore, should be done in the future.

We cannot take any decision -- we might even include a quotation from rule 81 -- because this is a petition on a matter sub judice; but we could tell the petitioner that his suggestion on land tenure and the legislation covering it will be considered by the Council in due course. I think this is the only answer that can be given to the petitioner.

Mr. KHALIDY (Iraq): If the case is sub judice, the petition is clearly inadmissible, but if the petitioner is speaking against an existing law of the land, that is evidently a different matter. I suggest that we leave the matter until we have further information from the next Visiting Mission. This is the only way of getting any information.

/The PRESIDENT

The PRESIDENT (Interpretation from French): If there are no other observations on this matter, I would propose that we reply to the petitioner that, due to the fact that this matter is sub judice, the Council cannot consider it because of the provisions of rule 81 of the rules of procedure. We could say, regarding the legislation on land tenure, that the Council has constantly to consider these matters, ^{and} that therefore this question will again be considered by the Council when it considers the report on Tanganyika. I think that would be the only way of answering this petitioner.

If there are no objections we shall decide to send this answer to Mr. Anjaria. It is so decided.

We have now finished the examination of petitions, and I shall adjourn the meeting for fifteen minutes before we take up the next item on the agenda.

I think that, in the same way as we did last year, we could charge the Secretariat with the preparation of the replies to petitioners in accordance with the decisions taken in the Council today. This will be done, and the drafts prepared by the Secretariat will be adopted by the Council before the end of the session.

The meeting recessed at 4.24 and resumed at 4.57 p.m.

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

The PRESIDENT (Interpretation from French): We will now go on to consider item 2 of our agenda, that is, "Educational Advancement in Trust Territories."

We started to consider this matter yesterday and the Council will recall that certain members asked whether it would not be possible to give them sufficient time to consider the report of the Committee on Higher Education, and suggested that the Council would be more able to consider the matter when the members had studied this document.

The report is before you in document T/369.

The Committee^{has} presented to us a number of recommendations that could be adopted by the Council and referred by it to the General Assembly. Thus the Council has to consider the recommendations made by the Committee on Higher Education and decide whether it accepts them or not.

Mr. SOLDATOV (Union of Soviet Socialist Republics) (Interpretation from Russian): Before we pass on to this question I would like to ascertain when the Council will consider the petitions which it has not yet had time to deal with.

/ The PRESIDENT:

The PRESIDENT (Interpretation from French): I presume that the representative of the Soviet Union is referring to certain petitions that were postponed until we consider the final report of the Visiting Mission but we finished the consideration of the report of the Visiting Mission and therefore these petitions can be considered when we consider the report of the Administering Authorities on the different Territories. I think that is what the Council had decided and we voted finally on the report of the Visiting Mission.

Mr. SOLDATOV (Union of Soviet Socialist Republics)

(Interpretation from Russian): As far as I can remember the President said that when we shall consider the report we shall consider also petitions -- and he mentioned two or three -- which were received by the Visiting Mission, the consideration of which was postponed from the fourth session of the Trusteeship Council. Therefore I ask: when shall we consider these petitions? The President made a statement that we should make an attempt to consider them. It seems to me that these petitions are of serious nature, they dwell on general problems connected with the problems before us and if we cannot do it today we could consider them tomorrow so as not to postpone the consideration of the question on the report of the Committee on Higher Education.

The PRESIDENT (Interpretation from French): With the Secretariat I shall go through the list of petitions concerned and then we shall establish a list of those petitions and we shall consider them at one of our next meetings, perhaps tomorrow or the day after, but we can decide upon that later.

Sir Alan BURNS (United Kingdom): If the petitions referred to are those relating to Tanganyika I shall be very glad if they could be considered as soon as possible because Mr. Lamb, who has already been here for two-and-a-half weeks, must leave on Thursday and he will not be available after Wednesday afternoon.

The PRESIDENT (Interpretation from French): They will be included on the agenda of the Trusteeship Council for tomorrow morning. I presume that will be satisfactory. Therefore, tomorrow morning we shall start considering these petitions that were referred to by the USSR representative.

I want to remind the members that we have a morning meeting tomorrow.

We have a meeting at half past ten in the morning and another one at a quarter past two in the afternoon.

As I said before, we shall go on to consider now the development of instructions on educational advancement in African Trust Territories. We have before us a certain number of recommendations presented us by the Committee that considered this matter and that the Council has to examine and, if possible, adopt.

I should like to hear remarks on the recommendations as a whole.

Mr. KHALIDY (Iraq): Just a word to say that I find all the recommendations and conclusions of that report in an excellent form and I doubt if any improvement could be made. No doubt great praise ought to go to the Committee and to its very able and charming chairman, Mr. Noriega. I believe we need not spend much time on them and I urge the Council to adopt them right away.

The PRESIDENT (Interpretation from French): We have before us a proposal of the representative of Iraq which is to vote on the recommendations as a whole as they came to us from the Committee.

Mr. SOLDATOV (Union of Soviet Socialist Republics)
(Interpretation from Russian): I should like to make a few observations with regard to the report of this Committee on Higher Education.

In the opinion of the USSR delegation the draft resolution suggested by the Committee on Higher Education does not contain recommendations which would be constructive enough with regard to the higher education in Trust Territories in Africa.

One of the main lacks of this report is the abstract nature of this draft. What would seem to be the nature and characteristics of a resolution on such a matter? In our opinion such a draft must reflect the present situation as it exists and it must recommend concrete measures which must be implemented in order to create the conditions for assuring higher and secondary education in the Territory. Do we find this in the report? We do see some concrete information in the report on the unsatisfactory situation on higher education but we do not find it in the recommendations whatsoever.

As we know, not in a single Trust Territory are there conditions for the assurance of secondary education or higher education.

/Even elementary

Even elementary education is supplied only to a small number of children and could show many data on this matter. If we take the Belgian Trust Territory of Ruanda-Urundi according to the report for 1948 one can see that for education in this Trust Territory per person only two cents are being spent per year. For two cents very little education can be given -- not to even mention higher or secondary education. Not even elementary education could be supplied for two cents.

As to the Trust Territories under French Administration, again one must note the unsatisfactory state of affairs with regard even to elementary education. These data were already brought before the fourth session of the Trusteeship Council and there is no need for me to repeat the figures which I could bring to your attention, for all the members of the Trusteeship Council remember the consideration of this matter at the fourth session.

/As to Trust Territories

As to Trust Territories under British Administration, in the course of the fourth session of the Trusteeship Council there were sufficient data brought to that session to testify to the fact that even elementary education is very badly organized, not only in Tanganyika but also in Togoland and the Cameroons under British Administration. I will not bring concrete data, as these were sufficiently presented at the fourth session.

Even from the point of view of elementary education in these Trust Territories in Africa, the situation is very poor. As to higher education, in not one single Trust Territory are there conditions which would assure higher education. The cause of this is not only the absence of higher educational institutions -- naturally the lack of such schools is one of the reasons -- but also the poverty of the native population, who have no possibility of giving their children even a very elementary education, not to speak of higher or secondary education. If we were to take the question of higher education we would see that the Administering Authorities up to now have not taken any measures in order to assure the conditions necessary for higher education.

In the report of the Committee, these data are indicated. For example, on page 5 of document T/369 with regard to Ruanda-Urundi, I find the following: "... except for certain courses offered in Ruanda-Urundi, no institutions for higher education exist at present within the six African Trust Territories."

Thus, it is not only a question of Ruanda-Urundi, where there are certain courses offered, but it deals with all six Trust Territories, and no institution for higher education exists at present within these six Territories.

Further, on the same page it is directly stated that: "The three Administering Authorities state that the facilities for higher education already existing and planned in Africa would not be adequate for very long." Even according to the views of the Administering Authorities these facilities will not be sufficient for very long.

As to Tanganyika, it is known that for the whole population of this Territory in 1948, only 35 Africans were getting schooling in Makerere College and 15 got schooling in England. As to the academic year 1948/49, only two scholarships were given to

/representatives of

representatives of the native population; one was an Indian and one a European.

These data show that the educational organization is unsatisfactory in Tanganyika.

The situation in the Cameroons and in Togoland under British Administration in the field of higher education is also very poor. In the report, on page 7 of document T/369, it is stated: "According to the information available in 1949, one student from Togoland was studying at the University College of the Gold Coast and five were studying in the United Kingdom."

More or less the same situation exists in the Cameroons under British Administration. On page 8 of the same document under point (iii) it is stated: "In 1949 there were three students from the Cameroons studying in Nigeria and two students studying in the United Kingdom."

As to the Trust Territories under French Administration -- Togoland and the Cameroons -- the report also supplies data which prove that the native population does not get real opportunities for higher education. On pages 8 and 9 of the report these data may be found.

As to Ruanda-Urundi, the following is stated on page 10 of the report: "No students from Ruanda-Urundi are enrolled at institutions of higher learning either in Belgium or the Belgian Congo. Two African priests from the Territory trained at the High Seminary of Hyakibanda are at present continuing their studies in Rome."

These are some of the facts with regard to the conditions for higher education in the Trust Territories and these facts prove that the native population does not have the possibility of giving its children education. Therefore there is no reason whatsoever for any undeserved praise for the Administering Authorities.

This is one aspect of the matter with regard to the situation in the Trust Territories in the field of education. But these facts, although they are reflected in the report, are not noted in the recommendations and it is clear that without these concrete data and with the praise that is contained in ^{it} the resolution is one-sided and is not correct. On the other hand, in the resolution of the Committee there are no concrete recommendations with regard to real measures for the creation of conditions in which the children of the native population can get secondary and higher education.

/These are the

These are the ^{brief} observations of the Soviet delegation on the report and the resolution of the Committee. In view of the facts, the delegation of the Soviet Union cannot agree to the draft resolution.

The PRESIDENT (Interpretation from French): We have a proposal made by the representative of Iraq, who suggests that we vote on the resolution presented to us by our Committee.

Mr. NORIEGA (Mexico) (Interpretation from Spanish): Due to some strange paradox, we find that at this moment the representative of the Soviet Union has tacitly put himself into a similar position -- starting from a different basis, of course -- to that of the Administering Authorities. This may be strange, but nevertheless it is true. It is paradoxical because the Administering Authorities in the memorandum sent to us at the beginning of our work said that they wanted the best for Africa. The representative of the Soviet Union also wants the best for Africa.

I, as Chairman of the Committee on Higher Education and with a practical viewpoint as far as the representative of the Soviet Union and the Administering Authorities are concerned, would say that we are being given the opportunity of having a Lincoln; but this is a very far-fetched possibility -- I would prefer a jeep. I would rather have a jeep than be promised a Lincoln.

This is what the resolution before the Council means. It embodies certain practical things that can be done and -- what is far more important -- that the Administering Authorities are willing to do.

I well understand the objections of the representative of the Soviet Union, as well as his criticisms. But in this case I am only going to repeat the point of view of a very great Argentine educator who explained that as far as education was concerned anything that is done -- even if badly done -- is ultimately well done and useful.

Why? Because the

Why? Because the worst in education is to be absent and to be in vacuo.

I want to explain this matter, because it can in no way be acceptable -- and I am not talking as president of the Committee, but as the representative of Mexico -- under no circumstances and in no body of the United Nations, and especially in the Trusteeship Council, can my delegation accept the drafting of any paragraph that would give unwarranted praise.

I think that in documents of the United Nations the formulae of courtesy do not have to be justified merely as courtesy. I think that the investigation carried out by myself of the situation in Africa in matters of the Trust Territories led me to the conviction that of course the United Kingdom Government has considered the matter of education. These are questions that have been intensively and exhaustively considered, and obviously the studies and investigations made will take time to bear fruit. Last year there was a special commission in Tanganyika considering this matter of educational advancement. Years prior to that they went to western Africa to consider the same problems. I do not think that any praise that can be given to these efforts to investigate the situation, to the plans that have been offered for solution, can be something that we must refuse to put down on paper. We know that these documents will be the bases upon which the Administration will work.

Now, as far as the French Government is concerned on this matter, yesterday we heard the representative of France giving us assurances of the plans and programmes that the French Government had prepared for the French territories. Regarding the Belgian Government, we also obtained assurances from the representative of Belgium that the date for the establishment of the preparatory work was going to be advanced in the Belgian territories.

I think that all members here present must recall that our Committee was called upon to do a preliminary and preparatory work on this matter. We not only carried out the preliminary study and analysis, but we came to the Council with a resolution which may, at first glance, appear weak, but it is really much more powerful than many of the ones that have left this Council -- those resolutions that are couched in very strong terms but which nevertheless faint and die when they leave this chamber.

As I said before, I do not think this resolution is the perfect, utopian solution. It is not the Cadillac about which Administering

/Authorities

Authorities might dream, but it is a jeep and jeeps can overcome more obstacles.

The PRESIDENT (Interpretation from French): I want to remind the Council that the General Assembly, in its resolution 225 (III), did not ask the Trusteeship Council to carry out a critical study of the conditions obtaining in educational advancement in Trust Territories. The criticism was made under other circumstances by the Council. These criticisms were made when considering the annual report of the Administering Authority or the report of visiting missions. But what the General Assembly asked us to do was -- and the committee carried out this work -- to seek the conditions that might permit the advancement of the educational situation in the Trust Territory.

At present we have before us a document explaining these matters. Now we have to know whether the recommendations proposed by the Committee are acceptable, if the Council considers these recommendations good, and, if so, can it accept them, and if it can accept them, it will send them to the General Assembly.

On this matter I will refer you to the suggestion made by the representative of Iraq. We have already discussed this matter; we have already discussed the preparatory or spadework of the Committee. But we decided to come to a vote on these recommendations presented by the Committee, and, following the request of certain members of the Council, I postponed the taking of the vote on this matter so that all members of the Council could seriously and conscientiously consider these reports.

I beg you once more to come back to brass tacks and let us consider the report of the Committee, which presents a ^{draft} resolution to the Council and upon which the Council must decide. I refer you to Part 3 of the report -- the recommendations on page 21 of document T/369, as presented to us by the Rapporteur of the Committee, Mr. Noriega. Does anyone have any remarks on that Part? If there are no other observations, we might as well go on to a vote. If there is no need to vote in parts, I would propose that we vote on the recommendations as a whole, as presented to us by the committee. I refer you, as I said, to page 21 of document T/369.

If there are no objections, we will vote on the recommendations as a whole, and if we do not have to vote by raising our hands, we might merely adopt this part of the report. Does anyone ask for a vote?

/Mr. SOLDATOV

Mr. SOLDATOV (Union of Soviet Socialist Republics) (Interpretation from Russian): I would request that it be put to a vote.

The PRESIDENT (Interpretation from French): Very well, it will be so done. Those who are in favour of Part III, the recommendations presented by the Committee, please raise their right hands.

A vote was taken by show of hands.

The recommendations presented by the Committee were adopted by 10 votes to none, with 1 abstention.

The PRESIDENT (Interpretation from French): We have finished item 2.

REVISION OF THE RULES OF PROCEDURE (T/339)

The PRESIDENT (Interpretation from French): We will now go on to item 3 of our agenda, the revision of the rules of procedure. The document that refers to this matter is document T/339.

You will recall that we very hastily went over this point, and the matter that is to be considered is to add to our rules of procedure a rule 12 ^{his} that will read as follows:

"The President of the Economic and Social Council, or his representative, may participate without the right to vote in the deliberations of the Trusteeship Council on any matter of particular concern to the Economic and Social Council including questions which have been proposed by the Economic and Social Council for inclusion on the provisional agenda of the Trusteeship Council."

This will be included as rule 12 bis.

I do not need to explain the reasons for this matter because you already have document T/339 before you, and therefore I would ask members of the Council to present their observations immediately so that we can go on with our work without wasting time.

Mr. RYCKMANS (Belgium) (Interpretation from French): I would like to remind the Council of the observations that I made on previous occasions.

The PRESIDENT (Interpretation from French): Yes, the other day the representative of Belgium made certain objections, or at least he /asked for certain

asked for certain precise explanations of reasons for this addition of a new rule to our rules of procedure.

You will recall those observations made by the representative of Belgium. If there are no other observations, I will put this draft rule to the vote.

Mr. RYCKMANS (Belgium) (Interpretation from French): I would like to explain my vote against it. It is not a vote against the President of the Economic and Social Council. I understand why the President of the Trusteeship Council has a privileged position, for it is normal, according to the Charter, that the President of the Trusteeship Council should participate in the Economic and Social Council. But I do not see why the President of the Economic and Social Council should receive in the Trusteeship Council rights which are not given to the President of the Security Council. I do not see any special reason for privileges.

/Sir Alan BURNS

Sir Alan BURNS (United Kingdom): I^{would} have no objection to this rule provided there was something inserted into it to say that the President of the Economic and Social Council, or his representative, may, with the approval of the Trusteeship Council, participate. There should be some power left to the Trusteeship Council itself to decide who shall join in its debates.

The PRESIDENT (Interpretation from French): It is therefore an amendment which the representative of the United Kingdom is proposing. The amendment would be to add, after the word "may", the words "with the approval of the Trusteeship Council," so that it would read:

"The President of the Economic and Social Council, or his representative, may, with the approval of the Trusteeship Council, participate without the right to vote..."

That suggestion is presented by the representative of the United Kingdom.

Sir Alan BURNS (United Kingdom): It might be better wording to say: "at the invitation of the President of the Trusteeship Council."

The PRESIDENT (Interpretation from French): It has just been pointed out to me that the Trusteeship Council can always invite anyone to take part in the debate and therefore it would not have to be specifically mentioned. The Trusteeship Council can always invite the President of the Economic and Social Council to take part in the debate without the right to vote.

Sir Alan BURNS (United Kingdom): I agree, but if this rule is passed, the President of the Economic and Social Council or his representative can come ^{in without} the permission of the President, as far as I can see.

Mr. NORIEGA (Mexico) (Interpretation from Spanish): I believe that before we agree on this matter we should examine the reasons for the adoption of rule 76 by the Economic and Social Council.

The position of the President of the Trusteeship Council might be rather an invidious one if the most frank reciprocity did not exist between the Presidents of both Councils regarding the presence of either President in the discussions of either Council. Therefore I feel that any restrictive idea might embarrass the Economic and Social Council if that Council has adopted an absolutely liberal and open attitude regarding

/The President

the President of the Trusteeship Council.

I do not know the scope of the United Kingdom amendment, but I understand that his idea was that the President of the Trusteeship Council could not be present at the meetings of the Economic and Social Council unless it had been an agreement taken in the Trusteeship Council. Therefore I should like to ask the Secretariat whether the case might not come up that the Economic and Social Council might be in session and a subject might be brought up in that Council which would be of interest to the Trusteeship Council, making it desirable that the President of the Trusteeship Council be present. In that case we should have to hold a special meeting of the Trusteeship Council merely to grant to our President the right to be present at a meeting of the Economic and Social Council.

I think that when we vote for a President of the Trusteeship Council we are implicitly voting all our confidence. I do not think that the attitude or position of the President of the Trusteeship Council, in any meetings of the Economic and Social Council, might be so imprudent or wrong that the delicate balance might be broken, that the Trusteeship agreements might be broken or that the interests in the care of this Council might be jeopardized.

As I said before, I do not think we should go too far and break the delicate reciprocity which should exist between the two Councils. I wish the representative of the United Kingdom to note the remarks I have just made because the case might crop up where the Economic and Social Council might be in session and it might be urgently necessary for the President of the Trusteeship Council to be present to assist at the meetings, and, as I said before, we should have to call a special meeting of the Trusteeship Council to permit our President to be present.

Mr. RYCKMANS (Belgium) (Interpretation from French): The only argument which has been brought to the fore in favour of this amendment to our rules of procedure is the subject of reciprocity. This argument does not stand up if there is no reciprocity and I think that, giving semi-reciprocity, we can invite the President of the Economic and Social Council when that Council gives the right to the President of the Trusteeship Council to participate, without an invitation. This would not be reciprocity; this would be to emphasize the different nature of the privileges given to the two Presidents.

But does reciprocity exist in fact? No, there is no such reciprocity in fact. The Trusteeship Council has the right to ask the Economic and

/Social Council

Social Council to give explanations in certain matters, but the Economic and Social Council has not the right to ask the Trusteeship Council to do so. Therefore it is perfectly logical that the Trusteeship Council which has the right to ask for consultation, would have the right to participate in the work. But as the Economic and Social Council has no right to ask us to study certain question, therefore there is no reason to allow the President of the Economic and Social Council to participate in our work. But I consider it logical to do for the Security Council what the Economic and Social Council did for us. The President of the Economic and Social Council has nothing to do with our work, therefore there is no reason to give him the right to participate in our meetings.

However, the Security Council can ask this Council to study certain questions. For example, it might ask us to study the relationship of strategic areas under Trusteeship. Therefore it would be perfectly normal that we should give the President of the Security Council the right to participate in our meetings when we consider matters dealing with strategic areas, just as the Economic and Social Council gave the President of this Council the right to participate when it considers matters which were put in its agenda under the appropriate provisions of the Charter.

I do not see why we should give this right to the President of the Economic and Social Council when we do not give this right to the President of the Security Council, who does have the necessary motives for participation. There is no intention of injuring the Economic and Social Council, but it seems to me that it would be completely incongruous to grant this right to the President of the Economic and Social Council when we do not grant it to the President of the Security Council. But, on the other hand, it would be perfectly normal to allow the President of the Security Council this right.

Sir Alan BURNS (United Kingdom): I think the representative of Mexico must have misunderstood me. I never suggested for a moment that there was any question of restricting the powers of the President of the Trusteeship Council. I wish to prevent anyone having the right of coming into our Council to talk to us without our invitation. If, however, the President of the Trusteeship Council has the power -- which I think he has -- to invite someone to come and talk to us, then there seems to be no necessity for making a rule at all. But if we are going to have a rule, I think it should be made clear that the President of the Economic and Social Council, or his representative, can come only at the President's invitation.

Mr. HOOD (Australia): I have not yet heard a really convincing argument in favour of the adoption of this new rule. The only argument which has been made is that, because the Economic and Social Council has recently adopted such a rule, this Council, as a matter of reciprocity, should also have it. But I think that some more substantial reason than that would have to be produced.

The various Commissions of the Economic and Social Council have, in fact, a good deal more to do with the work of the Trusteeship Council than the Economic and Social Council itself, and if we are seeking to improve the level of our discussions by inviting outside participation, there would be more substantial reason for inviting representatives of some of those Commissions than of the Economic and Social Council itself.

I also find the arguments put forward by the representative of Belgium quite reasonable: if the Economic and Social Council, then why not -- even more so -- the Security Council? On that point, I notice that in rule 4 of the present rules of procedure it is in fact laid down that notifications of the time and place of the meetings of the Trusteeship Council "shall also be addressed to the Security Council, ^{and} to the Economic and Social Council." I do not know what is the exact interpretation of that rule -- perhaps we could have some explanation -- but, on the face of it, it would seem that there would be no purpose in sending such notifications to the two Councils unless it was the intention that, when this Council or either of the other two Councils desired it, an arrangement could be made for the participation of a representative of each of those Councils in the discussions here. Otherwise I see no meaning in rule 4. I think that the rules can very well be left as they are.

Sir Alan BURNS (United Kingdom): I should like to make the concrete proposal now that we should not proceed with this rule 12 bis, nor make any change in our rules of procedure in this respect.

The PRESIDENT (Interpretation from French): Now we have a new proposal before us, which is not to proceed with this rule and not to amend our rules of procedure. We should therefore reject the suggestion presented by the Secretariat.

/Mr. RYCKMANS

Mr. RYCKMANS (Belgium) (Interpretation from French): I think that there is another argument which should be brought to the fore. That is that in the Economic and Social Council, if I am correct, there are several bodies which may attend the meetings: for example, the WFTU, AFL, ILO, ICAO and several other organizations. Therefore it is quite normal that the Economic and Social Council should say that the President of the Trusteeship Council may participate on the same level as the President of the WFTU.

But we do not have representatives of different bodies in our midst, and so are not in the same position. If the majority of the members of the Council share my opinion, it is that it would be preferable that no proposal should be made. The Secretariat just indicates that it might be best to make such a proposal; it seems to me that it would be better that no one should introduce this proposal.

The PRESIDENT (Interpretation from French): I think I should recommend to the Council the idea so well formulated by the representative of Belgium.

We have before us a proposal presented by the Secretariat for the reasons which have already been given to the Council. There has been some brief discussion on this matter in the Economic and Social Council, as reported in document T/339. The Secretariat was right to point out this item to us and to have prepared for us a memorandum and a draft rule to be included in the rules of procedure. But if the majority of the Council is of the opinion that we should not include this in our rules of procedure, it would be better ^{not} to take a vote. Unless the majority of the Council is ⁱⁿ favour ^{of} the inclusion of this rule, we could simply postpone the matter. It is up to the Council to decide.

Mr. INGLES (Philippines): Under our rule 9, it appears that the Economic and Social Council may propose items for discussion on the agenda of the Trusteeship Council. Members of the United Nations are likewise given the privilege of proposing items, and rule 12 grants "Members of the United Nations which are not members of the Trusteeship Council but which have proposed items on the agenda of that Council" the right to be present at the meetings of the Trusteeship Council for the deliberations on those items.

/The point

The point that my delegation wishes to raise is this: if we do not proceed with the adoption of rule 12 bis as proposed in document T/339, would that prevent this Council from inviting the President of the Economic and Social Council or his representative to be present at our deliberations on items on our agenda proposed by that Council?

The PRESIDENT (Interpretation from French): I should like to point out rule 12 of our rules of procedure which says: "Members of the United Nations which are not members of the Trusteeship Council but which have proposed items on the agenda of that Council shall be invited to have present at the appropriate meetings of the Council; representatives who shall be entitled to participate, without vote, in the deliberations on those items." Rule 12 is perfectly clear, and supplements rule 9. The representative of the Philippines was quite right to bring up the point. The Trusteeship Council can always invite either the President of the Economic and Social Council or his representative to be present and to participate in the discussion of items proposed by the Economic and Social Council for inclusion on the agenda of this Council, as well as members of any other of the organs of the United Nations.

Sir Carl BERENDSEN (New Zealand): I asked for the floor to say something very similar to what the President has just said. I think the Secretariat was entirely authorized and justified in raising this matter; I think it was the Secretariat's duty to do so and that we owe it thanks and appreciation for having done so. But I cannot myself see the slightest advantage to be gained by passing this resolution, and I think I can see much that can be lost.

The point raised by the representative of the Philippines is perfectly sound, and if we are going to provide for the automatic association of the President of the Economic and Social Council, of course we have got to provide ^{for} the automatic association of the President of the Security Council, which can also suggest items on our agenda.

I think it is completely unthinkable that if the Trusteeship Council wished for the association of the President of either the Economic and Social Council or the Security Council, it would not ask for that association and get it. I think it is equally

/unthinkable

unthinkable that if the Economic and Social Council saw any advantage in having its President here, or if the Security Council saw any advantage in having its President here, they would not suggest it and that this Council would not unquestionably agree.

In my opinion, we ought to drop this matter here and now and let things settle themselves, provided we have -- and I assume we have -- the right and authority to invite anybody whom we can trust to associate with us here. For my part, I do not doubt that we have this right.

/Mr. HOO

Mr. HOO (Assistant Secretary-General): Since the discussion has gone into such detail on this question, I should like to explain the origin of why this has been suggested in a document of the Secretariat. This document is the report of the joint committee of the Economic and Social Council and the Trusteeship Council which recommended this measure.

This report, dated 10 November 1947, states that the two Councils respectively have appointed the following members to a joint committee. There were four members of the Economic and Social Council and three members of the Trusteeship Council who were Mr. Jurgensen for France, Mr. Khalidy for Iraq, and Mr. Gerig for the United States. This report was adopted by that joint committee and submitted to both Councils, both of which approved it. Paragraph (d) of the report, "Reciprocal Representation in Meetings of Councils, Their Committees and Commissions", is as follows:

"1. Councils:

"It has been the practice hitherto that representation of the one Council at meetings of the other has been on the Secretariat level. It is recommended that this practice be generally continued but that, on those occasions when it may be desirable, the President of the one Council or his representative should be given the privilege of participating in the discussions by the other on matters of special concern to this Council.

"This could include cases when one Council had proposed items for inclusion in the provisional agenda of the other. Adoption of this recommendation would entail some extension of rule 12 of the rules of procedure of the Trusteeship Council and would entail a new rule in the rules of procedure of the Economic and Social Council."

After this recommendation inserted in the report of the joint committee had been adopted by both Councils, the Economic and Social Council adopted their rule 76. Therefore, the Secretariat felt that it was its duty to call the attention of the Trusteeship Council to the fact that, since the Economic and Social Council adopted that rule recommended by the joint committee, this Council might also like to adopt a similar rule in its rules of procedure.

The PRESIDENT (Interpretation from French): The Assistant Secretary-General has just given us certain supplementary data regarding
/the background

the background of the matter. These details have not been included in document T/339. Therefore I should like to ask the Assistant Secretary-General if he can tell me when the Trusteeship Council accepted the establishment of that joint committee. I do not recall the report of that joint committee having been discussed in the Trusteeship Council.

Mr. HOO (Assistant Secretary-General): I think it was two sessions ago, at the third session.

Sir Alan BURNS (United Kingdom): We all agree that the Secretariat was absolutely right in putting this forward, but I have suggested that we should not proceed with the matter. Let it die.

Mr. KHALIDY (Iraq): I had no idea that the whole thing went back as far as two years ago. It all comes back to my mind now. I was on that joint committee, it is true, but I had absolutely no idea that after being neglected for two years, it was suddenly being inflicted upon the Council. It seems to me that time has made this quite unnecessary.

The PRESIDENT (Interpretation from French): For the reasons I gave previously and which were also given by the representative of Belgium, I am of the opinion that we do not have to vote directly on the draft rule 12^{bis} which has been presented in document T/339. I suggest instead voting on the postponement of the matter and, in that way, I think we might obtain a majority. That would be the most expeditious method of dealing with this matter.

Mr. RYCKMANS (Belgium)(Interpretation from French): As no one has introduced a resolution, it is finished.

The PRESIDENT (Interpretation from French): If no one has presented a resolution, we can postpone the matter. If there are no objections to that procedure, we shall postpone the debate.

Mr. NORIEGA (Mexico)(Interpretation from Spanish): I am sorry, but I do not quite understand. I do not know where this opposition comes from or why. I should like to have it explained. Why not accept this rule? What is wrong with it? I should like to have an explanation.

Mr. RYCKMANS (Belgium)(Interpretation from French): The only motive is this: Does the representative of Mexico think the practice /accepted by the

accepted by the Economic and Social Council to introduce more and more people into meetings is a good one? What if an association of architects would like to participate in the meetings?

If we invite the President of the Economic and Social Council, then we must invite the President of the Security Council, then it will be the Commission on Human Rights, the Sub-Commission on the Status of Women, the association of architects and anything else.

The PRESIDENT (Interpretation from French): If there are no objections, I suggest that we postpone this matter.

Mr. NORIEGA (Mexico)(Interpretation from Spanish): I do not agree. There is no reason for postponing this matter. No argument has been given to convince me that we should postpone this matter because, first, a committee of the Council together with a committee of the Economic and Social Council adopted this possibility of liaison between the two Councils; second, I do not think that the tendencies of the Trusteeship Council are toward isolationism; and third, following the reasoning of the representative of Belgium, everything always comes out wrong.

I recall the story of an individual who was asked one day what he would do if he were out on a plain and a bull came along. He said, "I would run." Then he was asked, "What would you do if the bull were about to reach you?" He said, "I would climb a tree." Then he was asked what he would do if the bull climbed the tree after him. According to Mr. Ryckmans all bulls climb trees.

We are not trying to open our meetings to the news vendors on Broadway. We are not trying to invite all the Lions here. I think we have a definite duty of courtesy toward the Economic and Social Council and we should accept that duty. Therefore, I suggest that we vote on this matter.

Sir Alan BURNS (United Kingdom): I am always glad to meet the representative of Mexico in every possible way as he is always ready to meet us, but my point in asking for the removal of this matter is that it is completely useless. All the powers that are given in this rule already exist in the rules of procedure as has been pointed out by the representative of the Philippines.

Mr. Khalidy is willing and has offered to kill his own child. I suggest we help him to kill it.

/Mr. KHALIDY

Mr. KHALIDY (Iraq): Not because it is illegitimate.

Mr. NORIEGA (Mexico)(Interpretation from Spanish): I propose that the Council lose no more time on this matter at our next meeting. Since this meeting has been so sombre with talk of murder and dead men, let us go on to the murder. Let us put this matter to the vote. I should like a roll call vote.

/The PRESIDENT

The PRESIDENT (Interpretation from French): Then we will have a roll-call vote on the draft rule of procedure 12 bis as presented to you in document T/339.

Mr. INGLES (Philippines): I have had to take the floor because the representative of the United Kingdom has attributed to me a statement which may have been the result of a misunderstanding.

I only asked the question whether it would not satisfy this rule 12 bis if the Trusteeship Council were to invite the President of the Economic and Social Council to be present at a meeting if that Council had proposed an item on the agenda of the Trusteeship Council.

I only asked a question. I have not received a reply and therefore an affirmative answer should not be attributed to my delegation.

Since I made that remark the Assistant Secretary-General has enlightened us on the background of this rule, to the effect that this Council has, in effect, made a commitment to allow the President of the Economic and Social Council the same privileges that that Council has granted to the Trusteeship Council. So that the question now before this Council is whether or not to live up to its commitments; and if it is going to live up to its commitments, whether it is necessary to pass rule 12/^{bis}as proposed in document T/339. So we come back to the original question raised by my delegation.

Sir Alan BURNS (United Kingdom) If I misunderstood the representative of the Philippines I apologize to him. I thought he was asking a rhetorical question to which he gave an affirmative answer, but I withdraw my reference to him altogether.

Mr. KHALIDY (Iraq): Perhaps it would help matters if I proposed the postponement of this item to the next meeting.

The PRESIDENT (Interpretation from French): The representative of Iraq is showing great wisdom. The question is postponed. I take it upon my own shoulders to postpone the vote on this matter and that will give the members of the Council time to ponder on it and avoid having to vote expressly on rule 12 bis. Because suppose it were rejected -- and that could happen after the different observations we have heard here -- then I consider that it might be better not to vote.

I therefore, as I said, take it upon my own shoulders to

/ postpone this

postpone this matter. It is six o'clock and we have other matters on our agenda which we will take up at our next meeting.

Sir Alan BURNS (United Kingdom): I do not want to suggest that you should not adjourn the Council -- I am all in favour of it -- but the United ^{Kingdom}/delegation reserves the right to discuss rule 99 on the matter of rules of procedure, and I hope that I shall have the opportunity to do so to-morrow morning.

The PRESIDENT (Interpretation from French): To-morrow we will take up the matter of the last petitions, as was agreed to previously. Do members of the Council want the list -- I am afraid it may be rather a long one.

Mr. INGLES (Philippines): In connexion with the observation made by the representative of the United Kingdom regarding rule 99 bis, perhaps it would save time if the complete proposal of the United Kingdom were presented to-day so that the members of the Council could study it overnight and would be prepared to discuss it to-morrow.

Sir Carl BERENDSEN (New Zealand): My intervention has nothing to do with the matter under discussion. I might perhaps wait if this matter is not disposed of.

I want to mention the question of New Zealand's membership in the Visiting Mission. As the Council will recollect when the suggestion was made that New Zealand might accept membership in the Visiting Mission to the Pacific next year I took the opportunity to explain that in view of the unusual circumstances and the possibility of awkwardness in the light of the fact that one of the Territories to be visited by this Mission is a Territory of which New Zealand is the Administering Authority, I thought it proper to consult my Government, and I undertook to let the Council know when I had the views of my Government.

I have now received those views and my Government feels -- and I am sure all my colleagues will appreciate its feeling -- that in the special circumstances New Zealand should not be a member of this particular Visiting Mission.

/ The PRESIDENT:

The PRESIDENT (Interpretation from French): In the circumstances, as we have already taken up this matter we could finish it before our meeting ends.

I should like to ask the members of the Council if they have any suggestions to make regarding the country that will take part in the Visiting Mission, as the Government of New Zealand is unable to accept.

Mr. INGLES (Philippines): In view of the fact that the Government of New Zealand is unable to accept membership in the Visiting Mission I would suppose that if we follow the principle of rotation, France would be in line for membership.

I therefore suggest that the Government of France be invited to be a member of the Visiting Mission to the Pacific.

Sir Alan BURNS (United Kingdom): I support that entirely but it was not with reference to that that I wished to speak, it was in response to the request of my Philippine colleague.

I asked permission to discuss to-morrow the question of rule 99. It is not necessarily with a view to obtaining any amendment of that rule but to an understanding in the Council and a clarification of the position.

The Council will remember the unhappy circumstances which arose through what I consider to be the premature publication of the report of the Visiting Mission to East Africa. It would have been a much happier situation had that report not been published until the comments and observations of the Administering Authority had been available at the same time.

I merely wish to suggest to the Council some way in which we can secure that there is not this premature publication, and that the report and the observations should be published simultaneously. It may be necessary, in the view of the Council, that an amendment to the rule should be made but I think it would be quite sufficient if it were understood that when the document is transmitted to the Administering Authority and to each other member of the Trusteeship Council by the Secretary-General, there may be some way of doing it in a confidential ^{manner} / so that it does not become public property.

I will elaborate that point to-morrow morning if I may.

/ The PRESIDENT:

The PRESIDENT (Interpretation from French): I recall that on that matter regarding the publication of the report of the Visiting Mission to East Africa we had adjourned the decision and were to return to that before the end of the session.

I should like to ask the representative of China ^{if he is ready} to tell us whether his Government would be willing to present a candidate for membership on the Visiting Mission to go to the Islands of the Pacific.

/ Mr. LIU (China):

Mr. LIU (China): I am glad to inform the Trusteeship Council that my Government will be pleased to make the nomination for membership in the Visiting Mission to the Pacific Territories in due time.

The PRESIDENT (Interpretation from French): Therefore the Governments that will be asked for candidates as members of that Mission will be the Governments of the United Kingdom, Philippines, China and France if, of course, there are no objections from the Council. These four delegations will be invited to present for agreement in the Council, be it before the end of this session or be it at the beginning of the next session in January, the names of their candidates and these have to be agreed upon by the Council.

Mr. LAURENTIE (France) (Interpretation from French): I merely wish to thank the representative of the Philippines for the proposal that he made. It is, of course, understood that France will accept that mission.

Regarding the person who will be proposed by the French Government I shall, of course, reserve the right to present that nomination, as the President said, at the end of this session or at the beginning of our next session but I hope to be able to do it before the end of this present session of the Council.

Mr. RYCKMANS (Belgium) (Interpretation from French): I fully agree with the nominations but I want it to be noted in the minutes that my delegation is of the opinion that the procedure adopted at the present session should not constitute a precedent. I think that the Council can ask certain Governments to make nominations to the Council to participate in the Visiting Mission but that the Council is not to request ^{nominations of} candidates. Normally it can ask the members who did not as yet participate in visiting missions to take part in one or another of the missions but the Council should not request any nominations of candidates.

The PRESIDENT (Interpretation from French): I want to remind Mr. Ryckmans that this procedure was not only followed at this present session but it was followed at the preceding sessions. It is

/possible that

possible that this procedure is a bad one but it was followed for the first two Visiting Missions and also for the Mission to Western Samoa. If the representative of Belgium will refer to the verbatim records he will see that this procedure has been regularly followed for the Special Mission to Western Samoa, the one to East Africa and it was followed for the two Missions that are being prepared now.

Mr. SAYRE (United States of America): I think there is one thought I would like to express in this connexion which, so far as I know, the members of the Council agree to but which sometimes seems to be lost sight of and that is that, in my conception, it is the responsibility of the Council to choose such individuals to be members of the visiting mission as the Council sees fit. It is not a choice of governments but rather a choice of individuals.

There have been times and occasions in the past -- and surely will be in the future -- when we have asked governments to suggest possible members of the mission but always, it seems to me, the responsibility lies on the shoulders of the Trusteeship Council and not on the particular governments concerned to choose the individuals who compose the visiting missions, just as the responsibility of those missions runs to the Trusteeship Council and not to the governments whose nationals are on the mission.

I think we all agree to that but I think that often we lose sight of the fact. Under the rules I think I am correct in stating, and I think it has been our common understanding, that it is the Council which chooses individuals and not governments as members of visiting missions. Perhaps we have departed from that at times but that certainly is the viewpoint of my delegation and so far as I know of other delegations also.

The PRESIDENT (Interpretation from French): I do not think that we have stepped aside from that rule. We have applied it. Here it is a matter of obtaining candidates. It is the Council that nominates the members of the mission. Well, the members are nominated but no member of the mission itself is named. The candidates will be presented by governments to the Council and the Council can agree or disagree with the name of the candidate but we have asked certain countries to present candidates.

/Tomorrow we shall

Tomorrow we shall consider the questions that have been mentioned today, then we shall go on to the petitions and then we still have to solve the questions referring to the composition and the chairmanship of the Visiting Mission to West Africa. That matter was postponed until Mr. Ryckmans is able to give us certain details regarding the person who will be presented by his Government for agreement by the Council in accordance with the rule that Mr. Sayre has just brought to mind.

Therefore for today we have finished our work. Tomorrow morning we have a meeting at 10.30 and another meeting in the afternoon tomorrow. I hope that at the morning meeting we shall be able to finish our work and end the complete work of the Council before the end of the week.

Mr. SOLDATOV (Union of Soviet Socialist Republics)

(Interpretation from Russian): When shall we consider the membership of the Visiting Mission to the Pacific Territories? At this session or at the next session?

The PRESIDENT (Interpretation from French): No, probably we shall not be able to arrange the composition of that Mission finally as regards people because we have not, as yet, been presented with any candidates. We have no names. The names have to be submitted to the Council for agreement and that cannot be done until we have received the names. I have heard from a number of the representatives that their countries may be able to present us with the names at the beginning of our January session.

Mr. SOLDATOV (Union of Soviet Socialist Republics)

(Interpretation from Russian): If I understand the President correctly, we have not up to now decided on the membership of the missions, not the countries that will be represented nor their nominations. We just indicated the possible countries that could participate. Do I understand that correctly?

The PRESIDENT (Interpretation from French): That is true. That is the way things stand.

The meeting is adjourned.

The meeting rose at 6.18 p.m.