

MASTER FILE

TRUSTEESHIP COUNCIL

Fifth Session

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

Lake Success, New York  
Friday, 22 July 1949, at 10.30 a.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.192 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-eighth meeting of the fifth session of the Trusteeship Council.

EXAMINATION OF ANNUAL REPORTS - NAURU, YEAR ENDED 30 JUNE 1948 -  
REPORT OF THE DRAFTING COMMITTEE (document T/381)(Continued)

The PRESIDENT (Interpretation from French): We shall continue with the examination of the annual report on Nauru.

We left off yesterday afternoon at page 13 of the draft report. We have voted already on paragraph 14 of Part IV which refers to Social Advancement and we must vote on the paragraphs following. We shall start on paragraph 15, Discriminatory Practices.

Mr. EGGE (Australia): I should like to draw attention to one or two points in connexion with this paragraph; that is, in connexion with the sub-heading which has been given under the main heading of Social Advancement. The sub-heading is "Discriminatory Practices."

I do not know whether the Council wishes to retain that heading, but it was probably included with some degree of inadvertence.

/On the face

On the face of it, I take it that we wish to avoid any colour in the form of the report. What the report/<sup>itself</sup>says, of course, is another matter; but where it is a case simply of a heading, might it not be better to use words which convey no suggestion of tendentiousness or parti-pris? I think in other reports the heading for this particular kind of observation or conclusion has been "Human rights and fundamental freedoms"; that is the recognized sub-heading for this kind of comment.

The PRESIDENT (Interpretation from French): Might I ask the Chairman of the drafting committee to be good enough to tell us whether the committee was satisfied with this sub-heading? Perhaps we might follow the precedent established in previous reports, and adopt the title of "Human Rights" or some such phrase. Would Mr. Laurentie suggest any modification or change?

Mr. LAURENTIE (France) (Interpretation from French): I think we might adopt some more general title. The recommendation itself makes no allusion -- and could make no allusion -- except to the written contractual agreements existing under the Administration of the Island of Nauru. We could probably use the title of "Human Rights" instead of "Discriminatory Practices".

The PRESIDENT (Interpretation from French): Would the Council agree to the substitution of the title "Human Rights" for "Discriminatory Practices"? Since there are no objections, the substitution will be adopted; paragraph 15 will be headed: "Human Rights".

We vote now on paragraph 15, as amended.

A vote was taken by show of hands.

Paragraph 15 was adopted by 5 votes to none.

The PRESIDENT (Interpretation from French): We go on to "Wages and Labour Conditions", paragraph 16.

A vote was taken by show of hands.

Paragraph 16 was adopted by 5 votes to 1.

The PRESIDENT (Interpretation from French): Paragraph 17.

A vote was taken by show of hands.

Paragraph 17 was adopted by 7 votes to none.

/The PRESIDENT

The PRESIDENT (Interpretation from French): We vote now on paragraph 18.

Mr. HOOD (Australia): With regard to this paragraph, I am not actually opposing it, but I think that the Council should know that any specific arrangement in these terms would not be a matter entirely for the Administering Authority. As the Council is aware, these Chinese workers are engaged very largely through the agency of the Hongkong Government by arrangement with the British Phosphate Commissioners, and the extent to which the Administering Authority would be able to influence the terms of engagement<sup>is</sup>, I should say, somewhat doubtful.

Therefore, the Council should realize that, if it adopts this recommendation, it is probably not adopting anything which is likely to produce any great practical results, for the reason which I have given.

The PRESIDENT (Interpretation from French): Perhaps the Council will allow me in this connexion to recall some personal reminiscences. I had occasion to study very thoroughly the question of the emigration of Chinese workers for the construction of railways in the French Congo, from Pointe-Noire to Brazzaville, and also of the transportation of Annamite workers to the New Hebrides.

The identical question dealt with in paragraph 18 was discussed at great length: we wanted the greatest possible number of workers to be able to take their families with them so as to settle on the spot. We realized that living conditions were fairly difficult in these still very backward areas. However, we came up against the wishes of the candidates themselves who wanted to go to work in these regions because of the very high salaries assured them there, but preferred to leave their families in China, Annam or Tonkin and to send them their earnings. Thus, in both cases, very few women left with their husbands; the men went alone. As their contracts were for one, two or three years, their object in leaving their countries was to earn more than they could at home and to send their wages back to their families. Thus it was by their own desire that these men went alone.

It is a very difficult problem to solve, and I made these observations merely because I have had occasion personally to go into it at some length.

/If there are

If there are no other remarks on paragraph 18, we shall now vote on it.

A vote was taken by show of hands.

Paragraph 18 was adopted by 5 votes to none.

The PRESIDENT (Interpretation from French): We vote now on "Housing", paragraph 19.

Mr. RYCKMANS (Belgium) (Interpretation from French): I would propose the deletion of the words: "lowering the proposed rental of L12 a year". The text of paragraph 19 would then read, in the third line: "the Administering Authority should consider the possibility of taking into account the ability of the tenants to pay".

The reason for such an amendment is that the rental is 1.2% of the cost of a house.

/Mr. SAYRE

Mr. SAYRE (United States of America): The same point was bothering me and my own suggestion is along precisely the same lines, but I do not press it. I was going to suggest the omission of the words "consider the possibility of lowering the proposed rental of E12 a year taking into account" and inserting in their place "ensure that the rental established is not out of proportion to the ability of the tenants to pay." It is merely a question of language.

Mr. RYCKMANS (Belgium)(Interpretation from French): I agree to that proposal.

The PRESIDENT (Interpretation from French): We will vote on the United States amendment to paragraph 19.

A vote was taken by show of hands.

The United States amendment to paragraph 19 was adopted by 6 votes to none.

The President (Interpretation from French): Now the Council will vote on paragraph 19 as amended.

A vote was taken by show of hands.

Paragraph 19 as amended was adopted by 7 votes to none.

The PRESIDENT (Interpretation from French): The vote will now be taken on paragraph 20 under section 5, "Educational Advancement."

A vote was taken by show of hands.

Paragraph 20 was adopted by 7 votes to none.

The PRESIDENT (Interpretation from French): We will now go on to Part III of the report. If there are no specific remarks on Part III, we can proceed in the same manner we followed when we discussed the reports yesterday. I would suggest that the Council vote on Part III in its entirety.

Mr. INGLES (Philippines): I should just like to call attention to a typographical error. In document T/381, page 22, line 7, the first word should be "Europeans" instead of "Nauruans." The sentence would then read: "that all key positions in the administration continued to be held by Europeans."

The PRESIDENT (Interpretation from French): This correction will be made. It is obviously a typographical error as the representative of the Philippines pointed out.

/Mr. SOLDATOV



Mr. SOLDATOV (Union of Soviet Socialist Republics)(Interpretation from Russian): I should like to give some factual information in regard to the title of Part III of the report on Nauru. In the drafting committee, the question of the title of Part III was raised on several occasions. It was raised on the initiative of the USSR delegation and not a single member of the drafting committee objected to calling Part III "Observations, Conclusions and Recommendations of Individual Members of the Council."

The PRESIDENT (Interpretation from French): This point was debated yesterday and I pointed out the decision taken by the drafting committee. Of course, any decision taken by that committee does not bind the Council, and last year it was decided by the Council that in all reports Part III would be called "Observations of Individual Members of the Council." That is why that title has been maintained in the two reports we discussed yesterday.

Mr. SOLDATOV (Union of Soviet Socialist Republics)(Interpretation from Russian): I did not think we would have to waste time on this question, but I should like to recall that at the beginning of this session, at the unofficial gathering of the members of the Council, it was clearly agreed that the report would consist of three parts and Part III would be called "Observations, Conclusions and Recommendations of Individual Members." This question was raised on the initiative of the USSR delegation, there was only one amendment to it to which the USSR delegation agreed, and it was decided that Part III would be entitled "Observations, Conclusions and Recommendations of Individual Members of the Council" and not "of Individual Delegations" as was originally suggested by the USSR delegation. The suggestion to use the term "Individual Members" was made by the representative of the United Kingdom and I did not object to it.

Moreover, at a meeting of the Trusteeship Council this was reaffirmed and no one objected to the title for Part III agreed upon at this unofficial gathering of all members of the Trusteeship Council. I think this information fully covers the matter.

The PRESIDENT (Interpretation from French): We will take a vote on Part III as a whole.

A vote was taken by show of hands.

Part III was adopted by 6 votes to none.

/The PRESIDENT

The PRESIDENT (Interpretation from French): The Council will now vote on the entire report on Nauru.

A vote was taken by show of hands.

The annual report on the Island of Nauru was adopted by 7 votes to none.

Mr. HOOD (Australia): In the case of the report on New Guinea, I was able to support the adoption of the report, together with the majority of the Council, as the representative of the Administering Authority. In this case, however, I abstained from voting because, as I indicated to some degree to the Council, this report contains a certain number of recommendations which, I feel, may not be entirely clear to the Administering Authority or which, in some cases, may be actually unattainable at the present stage of the administration of Nauru.

For those reasons, I thought it better to abstain from voting on the report on Nauru.

/Mr. RYCKMANS



Mr. RYCKMANS (Belgium) (Interpretation from French): I have abstained on the report as a whole in view of the fact that the vote on the report as a whole can be misinterpreted by the public. Some people are of the opinion that when a delegation votes for a report as a whole, by the same token it approves of all the recommendations included in the report.

In cases of other reports, when I voted for them it was for the transmission of the report, with all the recommendations contained therein, noting how many votes each of the recommendations had received. Thus one could vote for the transmission to the General Assembly of a report which one considers to be a correct reflection of what is going on without changing one's opinion with regard to separate recommendations.

But in the press, and in the minds of the public, a vote for the transmission of a report is in fact being interpreted as approval of the whole report and all its recommendations, and that is why I have had to abstain. In view of the fact that I voted against some recommendations and abstained on others I could not vote for the report as a whole.

#### EXAMINATION OF PETITIONS

#### DRAFT RESOLUTIONS PREPARED BY THE SECRETARIAT (T/W.C)

The PRESIDENT (Interpretation from French): We will go on to item 2 of our agenda: draft resolutions prepared by the Secretariat for answers to petitions received by the Trusteeship Council. I refer the Council to document T/W.C., the working paper prepared by the Secretariat.

I presume that members of the Council have all taken cognizance of this document and that therefore we can go through it and vote on it quite quickly.

Mr. SAYRE (United States of America): I have perused this document and I think it is in good shape and embodies all the corrections, suggestions and formulas which were noted in the Council.

I have two very slight suggestions to make. Is it the President's thought to adopt this as a whole? If so, I will make my two suggestions now but if, on the other hand, he prefers to take each petition up separately then I shall wait until we come to those petitions.

/ The PRESIDENT:

The PRESIDENT (Interpretation from French): I think we could vote on the document as a whole; that would save time. Then we would take note of any observations or remarks.

Sir Alan BURNS (United Kingdom): There are two of these petitions, on pages 9 and 10, to which I am going to suggest amendments. I do not think they convey quite accurately what was decided in the Council, and I think it would probably be better if we could take each of these separately so that these amendments can be moved by the members concerned.

Mr. SOLDATOV (Union of Soviet Socialist Republics) (Interpretation from Russian): I think that we should consider each decision separately.

The PRESIDENT (Interpretation from French): Then we will take a separate vote on each of these answers to petitions.

Page 2 of document T/W.9 contains the answer to one petition; it also contains general information. Therefore I will put to the vote the draft resolution on page 2: "The Trusteeship Council having noted that the petitioners' request has already been granted, ....."

Mr. INGLES (Philippines): I do not remember the Council having taken a definite decision on this petition. Perhaps the Secretariat would be kind enough to furnish us with the summary record or verbatim record indicating what final action has been taken by the Council on this petition.

Mr. NORIEGA (Mexico) (Interpretation from Spanish): I do not think that it would be timely for the Council, at this stage of the discussion, to decide as to whether we have arrived at a decision or not. After all, we have before us a draft resolution; let us discuss on the basis of this draft resolution. Those who do not agree with it can propose amendments to it and we can finish this matter in five or ten minutes.

But if we are going to start discussing what happened two or three meetings ago I do not think we are going to derive any advantage or go ahead at all.

/ I formally

I formally propose that the draft resolution be discussed.

Mr. RYCKMANS (Belgium) (Interpretation from French): We do not have before us a draft resolution; we have a draft presented by the Secretariat on the decision of the Council, and all we have to decide is whether the Secretariat correctly reflects the decisions of the Council.

The PRESIDENT (Interpretation from French): I put this draft resolution to the vote. Those who are in favour of the adoption of the draft resolution on page 2 of document T/W.3 in reply to the Is-Hak Community.

A vote was taken by show of hands.

The resolution was adopted by 7 votes to 1.

The PRESIDENT (Interpretation from French): We will go on to page 3: Petition from Mrs. Kate Salzman, concerning Tanganyika, and the reply thereto.

Mr. RYCKMANS (Belgium) (Interpretation from French): I am sorry that I have to raise a question of procedure, but I think that we cannot put a resolution to a vote a second time.

Let us imagine that the Council should take a different decision; vote differently from the results of the other day. This would mean changing a previously accepted decision. We do not have to vote for or against a decision -- we have already done so at a previous meeting. The only question that is raised to-day is to find out whether the Secretariat properly reflected the decisions of the Council.

Let us imagine that to-day a majority would vote otherwise, yet there was no decision to reverse the previous decision.

/ The PRESIDENT:

The PRESIDENT (Interpretation from French): The Belgian suggestion is quite correct and, therefore, all we have to do is find out whether the draft resolution prepared by the Secretariat exactly reflects the ideas expressed in the Council at our last meeting but as you have before you draft resolutions I must, nevertheless put them to the vote.

Mr. RYCKMANS (Belgium) (Interpretation from French): I shall give you a concrete example. Let us imagine that we have here the petition of Mrs. Kate Salzmann. The majority of the Council were in agreement that no action by the Council is called for by this petition. Were I to say now: "Not only can the Council not take action, the Council has no authority to consider this petition"; then I shall say that the Secretariat did not correctly reflect the intentions of the Council. Then I shall vote against it although I voted for the previous decision, the decision not to consider the petition.

Therefore, one can vote against the formula suggested by the Secretariat although one voted for the decision of the Council.

The PRESIDENT (Interpretation from French): Before we listen to the other two speakers on the list I should like to tell the Council that I think it might be possible to overcome this difficulty; that is, that we have draft resolutions before us. We could review each one of them, we could go through these draft replies, the members would make known their views, we would make any modifications which we consider useful and then by vote accept the entirety of the draft resolutions as a whole. In other words, we shall take one vote on the entire document after having examined each answer separately. This will permit the members of the Council to present their views.

Mr. RYCKMANS (Belgium) (Interpretation from French): But we discuss whether the draft corresponds to the decision of the Council previously taken. This is the only matter that we are to consider. Members should not be asked whether they have any observations. If not, the whole thing will be adopted as a formula of the Secretariat.

/Mr. SOLDATOV

Mr. SOLDATOV (Union of Soviet Socialist Republics) (Interpretation from Russian): It seems to me that we can waste quite a lot of time considering a matter already once decided at the fourth session of the Council after a lengthy discussion and after having really wasted a lot of time. We then decided on a more or less similar document of the Secretariat to consider each petition and then vote upon the draft.

When the opinion in principle of the Trusteeship Council was clarified here the President told us that when the Secretariat prepared the documents we would be in a position to vote on a text. I raised this question and I think that there will be no difficulty in voting upon the draft suggested to us so that each member of the Council could express his definite views with regard to the decision of the Council and I think it will take not more than ten minutes at the maximum.

Therefore I will request that we should stick to the procedure once established at the fourth session although, even then, the representative of Belgium objected but the majority of the Council adopted this procedure, which is the same procedure explained by the President at this session, and which coincides fully with the procedure adopted at the fourth session.

The PRESIDENT (Interpretation from French): Mr. Aleksander will read to you the decision to which Mr. Soldatov of the Soviet Union referred.

Mr. ALEKSANDER (Secretary of the Trusteeship Council): The discussion took place during the forty-eighth meeting on 25 March 1949.

"The PRESIDENT said that, as requested by the Council, the Secretariat had prepared draft resolutions on the basis of decisions taken by the Council, which were contained in document T/W.7. He now submitted the document for the Council's consideration.

"Mr. RYCKMANS (Belgium) asked for further information on the nature of that document. It dealt with "draft resolutions on petitions" although the necessary decisions had already been taken.

"Mr. SAYRE (United States of America) stated that the

/document was



document was a record of the decisions taken by the Council and that, consequently, there was no need to vote on each one of those decisions. He asked that document T/W.7 should be put to the vote as a whole.

"Mr. SOLDATOV (Union of Soviet Socialist Republics) pointed out that while he had voted in favour of some of the resolutions contained in the document, he had abstained in the case of others and had voted against several of the proposals. He failed to see how he could vote for the document as a whole.

"Mr. RYCKMANS (Belgium) would vote in favour of the document which accurately reproduced the decisions taken by the Council, but his vote would not mean that he supported every resolution contained in it.

"The PRESIDENT emphasized that the vote in favour of the adoption of the document as a whole would not mean that the members voting thus accepted all the decisions it contained. It would simply mean that the Council considered the document to be a faithful record of its decisions."

Mr. NORIEGA (Mexico) (Interpretation from Spanish):

We recall quite clearly how we proceeded when we voted on decisions on the petitions themselves. Some were adopted by a certain number of votes, others by less etc. but the specific situation is the following:

Now we have a written text before us. It is the obligation of the Council to decide as to whether the text agrees with the decisions adopted. To affirm with a new vote on this same text might appear superfluous. What we have to do is to examine each of these draft resolutions to see whether it really agrees with our decisions and only upon those on which we have made amendments do we have to vote. The rest have already been adopted as they are.

Mr. SOLDATOV (Union of Soviet Socialist Republics)

(Interpretation from Russian): I would like to recall that at the fourth session we voted a decision on each separate petition according to a similar document. If the Secretariat will look up the appropriate papers which reflect the decisions of our Council they will see that as a result of my request to vote upon each decision on each petition it was accepted and such a vote really

/took place.



took place. It seems to me that it will take very little time to conduct such a vote, for one cannot take a decision in the Council without a text. Now we have the text and we can vote upon it and finish the question.

I repeat and reiterate my request that a vote be taken separately on each petition.

Sir Alan BURNS (United Kingdom): I suggest that you put each of these to the vote in order to ascertain whether the Council approves of the text which has been put out by the Secretariat as representing the decisions we have already arrived at. It does not matter what the position is now. We want to know whether this is what we have already agreed to. Let us put each to the test and finish the business.

The PRESIDENT (Interpretation from French): We have already voted on the first of these draft resolutions, that on page 2. Let us go on to page 3.

To hurry matters I shall ask if there are any amendments and if the Council agrees with the text. If the Council agrees with the text that will be tantamount to taking a vote. Otherwise we can take a vote and ask everyone to raise their hands but I do not think we need raise our hands and vote on each of the resolutions separately.

Mr. SOLDATOV (Union of Soviet Socialist Republics) (Interpretation from Russian): If you put this draft resolution to a vote I will abstain. I think that instead of formulating an attitude on each resolution it is better to put it to a vote directly; it will take less time.

/The PRESIDENT.

The PRESIDENT (Interpretation from French): Very well, we will adopt that procedure, which may be the quickest because it will avoid any prolonged discussion.

We are still on page 3, the reply to Mrs. Kate Salzmann. I would explain that the vote means that the Council considers the drafting presented to us by the Secretariat exactly corresponds to the decision on principle taken in the Council and that the Council agrees with the drafting. It is only a vote on the drafting; the principle has already been voted on.

A vote was taken by show of hands.

The draft resolution was adopted by 7 votes to none.

The PRESIDENT (Interpretation from French): Page 4, the petition from Mr. Hans Schneider.

A vote was taken by show of hands.

The draft resolution was adopted by 10 votes to none.

The PRESIDENT (Interpretation from French): Page 5, the reply to the petition from Messrs. Ermanno and Everardo Burg.

A vote was taken by show of hands.

The draft resolution was adopted by 9 votes to none.

The PRESIDENT (Interpretation from French): Page 6, the reply to the petition of Mr. August Feyer.

A vote was taken by show of hands.

The draft resolution was adopted by 9 votes to none.

The PRESIDENT (Interpretation from French): Page 7, the reply to the petition from Mr. A. J. Siggins.

A vote was taken by show of hands.

The draft resolution was adopted by 9 votes to 1.

The PRESIDENT (Interpretation from French): Page 8, the reply to the petition from Mr. Jean Mouen.

A vote was taken by show of hands.

The draft resolution was adopted by 8 votes to none.

/The PRESIDENT:

The PRESIDENT (Interpretation from French): Page 9, the reply to the petition from Mr. W. K. Amegbe.

Sir Alan BURNS (United Kingdom): The penultimate paragraph on page 9 of T/W.8 does not directly express what was decided in the Council. That is the paragraph reading:

"DECIDES to suggest to the Administering Authority to investigate..."

and I suggest that as an amendment to that, the correct drafting would be:

"DECIDES to suggest to the Administering Authority that it should inform the petitioner of such facilities as may be available to him if he decides to seek redress in the local courts."

I think that is a more correct expression of what was decided in the Council. The President will remember that I undertook to inform the Administering Authority of the view of the Council that such assistance as was possible should be given, and that is being done; but I think the formula I suggest is a better expression of what was decided in the Council than what appears on page 9 of document T/W.8.

The PRESIDENT (Interpretation from French): Does the Council accept the amendment proposed by the representative of the United Kingdom.

As there are no objections, that modification is adopted.

A vote was taken by show of hands.

The draft resolution, as amended, was adopted by 8 votes to none.

The PRESIDENT (Interpretation from French): Page 10, the reply to the petition from the State Council of the Krachi Native Authority.

A vote was taken by show of hands.

The draft resolution was adopted by 11 votes.

The PRESIDENT (Interpretation from French): Page 11, the reply to the petition from the Conference of Farmers of Togoland.

A vote was taken by show of hands.

The draft resolution was adopted by 11 votes to none.

/The PRESIDENT:

The PRESIDENT (Interpretation from French): Page 12, the reply to the petition from the External Teachers' Union, concerning Togoland under British Administration.

Mr. SAYRE (United States of America): I always have a good deal of sympathy with these petitioners and I wonder whether we could not advantageously add at the end of the last paragraph the words: "and to transmit to the petitioners for their information a copy of document T/362."

The Council will remember that document T/362 was the document which explained at considerable length the reasons taken for the unsatisfactory nature of their demand and it seems to me only fair to give them those reasons.

Also, if I remember correctly, I think it was I who made the original suggestion and that was included in my suggestion.

The PRESIDENT (Interpretation from French): I think the Council will accept the addition proposed by Mr. Sayre; it is quite consistent with the practice we have followed with petitions. It is usual for the Council to transmit to the petitioners all the information concerning their petition and the treatment given that petition by the Council.

Mr. NORIEGA (Mexico) (Interpretation from Spanish): I think the entire Council will recall the way in which this petition was discussed and also that some members of the Council had the fundamental idea that it was not possible to give a favourable reply to the petitioners because there had been a directive from the Commission of the Administering Authority which had considered this matter.

It will be recalled that this was the petition in which members of the Council referred to "passing the dead man" to the Visiting Mission, and so on; and I said that these petitioners would turn to the Visiting Mission and place their case before them again.

In this penultimate paragraph which says:

"DECIDES that it is unable to recommend that the

Administering Authority reconsider its policy on this question;"

I think that the Council is establishing a very serious precedent

/inssofar

insofar as petitions are concerned and especially in this type of petition. I understand quite well that the Council may be unable to recommend something regarding the unification of say Ruanda-Urundi and a Trust Territory under British Administration -- I do not think we are allowed to do that -- but we must never feel that we cannot make recommendations to the Administering Authority on questions of salary simply because a commission of the Administering Authority is considering the question.

I know that the representative of Belgium has a point of order; I know that Mr. Ryckmans will say that we are not discussing the substance of the matter, but we could see in accordance with this discussion whether or not the fourth paragraph could be changed. I understood -- and I think the representative of the United States said something in the same tenor -- that we could not avoid the petitioners referring this matter again to the Visiting Mission and I want to see if it is possible to change the fourth paragraph so as to avoid that danger.

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

The Council has already expressed itself in very concrete terms and the Secretariat has reproduced these concrete terms. We agreed here in general terms on a text which was read by myself, and the Secretary has strictly reflected and reproduced the terms used and accepted here. The only question we have to decide, therefore, is whether the Secretariat has reproduced correctly the decision taken here.

/Up to now



Up to now, we have humiliated the Secretariat on several occasions without any reason. There were cases where there were eight members of the Council who thought that the Secretariat correctly reflected it, and three members who thought that it did not, and this is a completely undeserved humiliation, for it is obvious that all these texts are established conscientiously in accordance with the previous decisions of the Council. The members who voted against voted not on the work prepared by the Secretariat, but on the substance of the matter.

The PRESIDENT (Interpretation from French): The representative of Mexico has proposed an amendment on the substance of this petition. Obviously this amendment is not receivable, because a decision has been taken on this matter and I must consider the representative of Belgium

The addition proposed by the representative of the United States, I think, would cover the idea expressed by the representative of Mexico, because the petitioners will receive more documentation and will understand exactly why the Trusteeship Council felt that it could not renew a recommendation to the Administering Authority to re-open the matter.

I know that this does not entirely satisfy the representative of Mexico, but for the moment the only question that we have before us, as I said before, is to know whether this draft entirely agrees with the decisions taken in the Council when we discussed the petition.

I feel that we might accept the addition of the representative of the United States. If there are no remarks, it will be so decided. The representative of the United States's suggestion will be added to the reply.

Mr. NORIEGA (Mexico) (Interpretation from Spanish): We are not "humiliating" anybody. I do not think the Secretariat will take it as a humiliating experience to have any amendments submitted to this document. I do not know if the French meaning of the word "humiliate" is different from the Spanish one, but in Spanish when we say that somebody has been humiliated, there is an implied insult, and I have, I must admit, not tried to insult anybody -- nothing could be farther from my mind.

I should like to know what the word "unable" means in English? Does it mean the Council cannot recommend to the Administering Authority to reconsider its policy? If "unable" means that it cannot manage to do so, in Spanish and in English, then I say that this is a mistake -- that  
/we are adopting



we are adopting an error.

Sir Alan BURNS (United Kingdom): The word "unable" here may be open to misconstruction; it may be taken as meaning that it is not within the power of the Trusteeship Council, and I am sure that that is not intended. If it will meet the Mexican representative's view, we could say "is not prepared to recommend." That would be clearer and express the same meaning.

The PRESIDENT (Interpretation from French): In French I think the text would be that it "is not in a position to recommend," and there should be a correct translation into English.

Mr. RYCKMANS (Belgium) (Interpretation from French): I said <sup>is of the opinion</sup> that the Council/~~is of the opinion~~ that it cannot recommend.

The PRESIDENT (Interpretation from French): But estime ne pouvoir in French might cover the question -- "considers it cannot." Would the Council like to find the exact English translation of the French expression estime ne pouvoir.

Sir Alan BURNS (United Kingdom): I do not know what the translation would be, but I am quite sure that in English the correct expression there would be that "it is not prepared to recommend," which means that it is not willing to recommend.

Mr. NORIEGA (Mexico) (Interpretation from Spanish): I think the suggestion of the representative of the United Kingdom is the correct one. We have seen how people can correct things without humiliating anybody. Besides that, the text is a good text, because it means that the Council might, later on, feel prepared to reconsider this matter after the Visiting Mission has considered it.

The PRESIDENT (Interpretation from French): I think then that the Council can adopt this new wording.

Mr. SOLDATOV (Union of Soviet Socialist Republics) (Interpretation from Russian): Would the President read once more in English the new draft?

/The PRESIDENT

The PRESIDENT (Interpretation from French): The new draft would be the following: "DECIDES that it is not prepared to recommend that the Administering Authority reconsider its policy on this question." The change is: "DECIDES that it is not prepared to recommend."

If there are no objections to this change, it will be adopted.

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, we will put this change to the vote.

Mr. SOLDATOV (Union of Soviet Socialist Republics) (Interpretation from Russian): I wanted, not the amendment, but the whole resolution put to a vote.

The PRESIDENT (Interpretation from French): The entire resolution will be put to a vote. I shall put to the vote the entire reply with the two amendments which have been presented: the change in the fourth paragraph, "DECIDES that it is not prepared to recommend," and the additions which were suggested by the representative of the United States and which have been accepted by the Council.

Those who are in favour of this drafting as amended please raise their right hands.

A vote was taken by show of hands.

The draft resolution, as amended, was adopted by 8 votes to 1.

The PRESIDENT (Interpretation from French): Page 13, the reply to the petition from Mr. Augustino de Souza concerning Togoland under French Administration.

A vote was taken by show of hands.

The draft resolution was adopted by 11 votes to none.

The PRESIDENT (Interpretation from French): Page 14, the petition from Mrs. Jane T. Wallace concerning New Guinea.

Mr. SAYRE (United States of America): I wonder if it would  
/not be

not be better English in the penultimate paragraph to cross out the word "particular," so as to read: "DECIDES that no action by the Council is called for on this petition." It is only a matter of English.

The PRESIDENT (Interpretation from French): Does the Council agree with the deletion of the word "particular" from the penultimate paragraph? If there are no objections, we can decide upon it. It is so decided.

I will now put to the vote the drafting of this reply with the amendment, the deletion of the word "particular."

A vote was taken by show of hands.

The draft resolution, as amended, was adopted by 9 votes to none.

The PRESIDENT (Interpretation from French): Page 15, reply to the petition from Mr. D.M. Anjaria concerning Tanganyika.

A vote was taken by show of hands.

The draft resolution was adopted by 9 votes to 1.

The PRESIDENT (Interpretation from French): Page 16, the reply to the petition from twenty-two Shinyanga Township Africans concerning Tanganyika.

Mr. INGLES (Philippines): Perhaps it is only a typographical error; I refer to the fifth line of the last paragraph. It says that "a copy of the report on Tanganyika"; it should be "a copy of the report of the <sup>Visiting</sup> Mission to Tanganyika."

The PRESIDENT (Interpretation from French): Yes, "a copy of the report of the <sup>Visiting</sup> Mission to Tanganyika."

Mr. INGLES (Philippines): Also on pages 17, 19, 20, 21, 22 and 23.

/The PRESIDENT

The PRESIDENT (Interpretation from French): The text will be corrected accordingly. They are obviously typographical errors.

A vote was taken by show of hands.

The draft resolution was adopted by 10 votes to none.

The PRESIDENT (Interpretation from French): Page 17, the reply to the petition from the Tanganyika Bahaya Union concerning Tanganyika and Ruanda-Urundi.

A vote was taken by show of hands.

The draft resolution was adopted by 8 votes to none.

The PRESIDENT (Interpretation from French): Page 18, the reply to the petition from the Chaga Council concerning Tanganyika.

Sir Alan BURNS (United Kingdom): I think that here again the wording is not quite in accordance with the decision of the Council.

I do not think that the paragraph in the middle of the page:

"Decides to inform the petitioners that it will examine the question of land shortage in their tribal area....." exactly expresses what was decided in the Council, and I suggest an alternative form of words:

"Decides to postpone consideration of that part of the petition which relates to the land question until it has received further information from the Administering Authority as to the reactions of the petitioners to the action taken by the Administering Authority in this matter, subsequent to the date of the petition."

I think that was what we agreed to, and it would more correctly express what the Council decided.

The PRESIDENT (Interpretation from French): Does the Council accept that amendment to the drafting, as proposed by the representative of the United Kingdom? Since there are no objections, that amendment will be adopted.

/A vote was

A vote was taken by show of hands.

The draft resolution was adopted by 9 votes to none.

The PRESIDENT (Interpretation from French): Page 19, the reply to the petition from the Tanganyika African Association concerning Tanganyika.

A vote was taken by show of hands.

The draft resolution was adopted by 9 votes to none.

The PRESIDENT (Interpretation from French): Page 20, the reply to the petition from Dr. R. Van Saceghem, concerning Ruanda-Urundi.

A vote was taken by show of hands.

The draft resolution was adopted by 8 votes to none.

The PRESIDENT (Interpretation from French): Page 21, the reply to the petition from Mr. Gassamunyiga Matthieu concerning Ruanda-Urundi.

A vote was taken by show of hands.

The draft resolution was adopted by 9 votes to none.

The PRESIDENT (Interpretation from French): Page 22, the reply to the petition from Mr. Francis Rukeba concerning Ruanda-Urundi.

A vote was taken by show of hands.

The draft resolution was adopted by 8 votes to none.

The PRESIDENT (Interpretation from French): Page 23, the reply to the petition from Mr. G. Clement Ntilempaga concerning Ruanda-Urundi.

A vote was taken by show of hands.

The draft resolution was adopted by 9 votes to none.

The PRESIDENT (Interpretation from French): We have finished with this document and with the petitions. We shall now go on to the next item on our agenda.



QUESTION OF THE RECONSIDERATION OF THE REPORT OF THE DRAFTING  
COMMITTEE ON TOGOLAND UNDER FRENCH ADMINISTRATION (T/278,  
T/278/Corr.1, T/278/Add.1)

The PRESIDENT (Interpretation from French): I notified the Council yesterday that the report on Togoland would be reconsidered. As you know, this report was held in abeyance as a result of a tie vote which was taken on it -- 6 votes to 6.

We have therefore to solve the problem, because it would be deplorable for the Council to find itself unable to present a report on Togoland under French Administration to the General Assembly. According to the Charter and according to the terms of reference of the Council we must be able to present a report before we close our session.

In order to facilitate the solution, the French delegation has sought a way of presenting a compromise solution by amending certain additions to Part III of the report, which have already been voted on affirmatively by the Council. I therefore call upon the representative of France to give the Council the reasons for which he has presented these new amendments.

I should like the Council to retake the entire vote, because we have no report. We shall therefore have to take up again the report on Togoland, vote quickly on the drafting, on Parts I and II, and examine Part III and the additions proposed thereto. We shall therefore take up again the report prepared by the Secretariat and, as usual, vote on each of the three parts and then on the entire report.

Mr. LAURENTIE (France) (Interpretation from French): Some time ago a number of the members of the Council sought me out to know what France's attitude would be if the question of the report on Togoland were re-examined by the Council.

I replied that the population of Togoland was very astonished when the news was sent that there <sup>was to</sup> be no report by the Trusteeship Council on that Territory. It wanted to know how, and by what artifice or subterfuge of procedure it had happened that the Council was unable to present a report on Togoland. After all, there have been reports on other Territories either at previous sessions or at this session.

/This astonishment



This astonishment which was caused by the lack of a report from the Trusteeship Council to the General Assembly did not last long, and I think that at present the population of the Territory of Togoland does not expect a reversal of the Council's decision taken at the last session.

I point out to the Council, as I pointed out to those members who spoke to me informally, that France is not particularly desirous that this report be today voted on by the Council. We do not attach very great importance to the matter, because after all no emotion was involved and no commotion was felt in the Territory after the report had been considered in March and April. On the other hand, those same members of the Trusteeship Council who spoke to me, pointed out that in the interests of the Council itself it was annoying that its report to the General Assembly should have a gap as far as Togoland is concerned. And this remark impressed me considerably.

It is difficult for the Council to present a report to the General Assembly at the next session, leaving out the report on Togoland and lacking any satisfactory explanation as to why there was no positive vote on the report on Togoland.

/Therefore, given the fact

Therefore, since it is the honour of the Council which is at stake, I have taken steps to facilitate matters. The Council will recall that the cause of the difficulties at the moment of the vote was the additions which the French delegation asked to have inserted in the report after the observations made by certain members of the Council, and especially the remarks of the representative of the USSR.

The tenor of those might have been felt to be rather strong and I should like to have them reduced to a quieter tone. As I said, the references were not presented; that is, the references to the discussion which was held in the Council and the references to all the documents presented by the delegation of France to the Council. I must say that in all truth these references were given and the representative of France had the opportunity of pointing out this fact at the last session of the Council.

I refer the Council to document T/P.V.164 of 25 March 1949, the representative of France said:

"The French delegation has turned over to the Secretariat a list of additions and, as regards each addition, there is a specific page reference. There is a specific reference either to the summary records of our meetings or to this or that section of the report of the Administering Authority which relate to the comments made by the representative of the USSR. I take it that this list has been distributed to all members of the Council." (T/P.V.164, page 91)

I presume there was not sufficient time to communicate this entire list, but the references were not included in the document itself, document T/289, and this might have given rise to certain doubts in the minds of some of the members of the Council regarding the fact that the observations presented by the representative of France were based on precise documentation and precise references.

The document distributed yesterday to the members of the Council therefore corrects the mistake in the previous drafting. On the one hand we do not support/<sup>too strongly</sup> what we consider to be the right to the truth, <sup>the other,</sup> on /for each of the observations we made we have included a reference either to the verbatim report of the Council or to the annual report or to any other document or paper upon which the French delegation based its remarks.

The French delegation feels that it is not incumbent upon it to ask the Council reopen the discussion on this matter, we do not attach a personal interest to the fact that the report would or would not be

/adopted

adopted by the Council, but we do feel that as a member of the Council we are sorry that the Council will have to present its report to the General Assembly without the report on Togoland under French Administration. That is why this document has been printed and distributed, and I think it might serve as a basis for discussion and ease the situation for the Council.

I think that, with all this, the Council will see its way clear to presenting a complete report on the administration of Togoland.

Mr. KHALIDY (Iraq): Of all the members around this table, I believe I am the only one who can speak on this particular subject without any inhibition having, unfortunately, been unable to come to the last session of the Trusteeship Council and therefore to have been unable to witness whatever differences centered around this subject -- to my utter personal regret. I therefore speak quite neutrally.

I was one -- and gladly, I confess -- who expressed the feeling that it would be indeed a pity for the Council's 1949 report to the General Assembly to be presented with this deficiency; that is, minus the Togoland report. It is an entirely unwarranted deficiency.

Certainly certain differences of opinion have arisen; some difficulties were encountered. But surely the members of this Council are sufficiently high-minded to overlook such minor differences as have arisen in the past. I believe the French delegation has painfully gone through corrections and reconsiderations, and I have no hesitation in saying that the paper presented to us is quite a happy one from many points of view. It has tried to overlook certain points which were made in the past, correct others and fill up some gaps. I believe that, with a few corrections here and there which certain members might undertake, this could be accepted and included in the report.

I repeat, my only concern is that the report of the Council -- and I certainly speak with no motive except the good work and prestige of this Council -- to the General Assembly this year should go with the report on Togoland under French Administration and should not go without it. I hope all members of the Council share my feelings.

Mr. SOLDATOV (Union of Soviet Socialist Republics) (Interpretation from Russian): The question of the preparation of the report to the Trusteeship Council on the Trust Territory of Togoland under French Administration has a long history behind it. It seems to me that the majority of the members of the Trusteeship Council remember this history

/end there

and there is no need for me to recall it -- although one could remind the representative of Iraq of this history so that he might clarify his position and take a more definite stand on this matter. Apparently, all questions raised in this connexion are clear to him. On the other hand, I am of the opinion that the representative of Iraq who attended the fourth session of the Trusteeship Council had the opportunity of informing the present representative of Iraq of the facts of the consideration of this matter and of the position of the delegation of Iraq on this matter. I believe that other members of the Trusteeship Council who did not participate at the fourth session are in the same position. Therefore I shall not dwell on how the matter was considered at the fourth session, although it is very important to the proper decision at this session where the question has again been raised.

The question of the observations of the French delegation--presented at the fourth session of the Trusteeship Council -- on the report to the Council on Togoland under French Administration presents itself in the following manner.

When considering the report of the Administering Authority on Togoland under French Administration, certain remarks were made in the Trusteeship Council by some of the members.

/These observations

These observations were made by the members of the Council during the consideration of the report of the Administering Authority, the French Government. To these observations by members of the Council, no replies were forthcoming from the representative of France to the Trusteeship Council during the consideration of the report. Later, when the drafting committee prepared the draft report on Togoland, including in it the observations of individual members of the Council in what is now Part II, the representative of France deemed it necessary to present to the drafting committee remarks which were not made in the Council and which were completely new.

The drafting committee, consisting of all the members of the Trusteeship Council, by 11 votes to 1 (the representative of France), rejected the inclusion of these observations by the representative of France which had not been made in the Council. This was natural; remarks which were not made in the meetings of the Council cannot be included in the report. These remarks concerned two Trust Territories, but I shall not now go into the substance of the observations of the French delegation on the Cameroons.

Subsequently, the representative of France presented his observations in the Council. These observations, which had not been made during the examination of the report on Togoland, were basically directed against the statements and observations of the representative of the Soviet Union in the Council when the report of the Administering Authority was under consideration.

It is natural that the Soviet delegation should request that, if the Council should consider it possible to include the French observations -- which were not made in the Council -- the replies of the Soviet delegation should also be included in the report. Had the French delegation made its observations during the consideration of the report of the Administering Authority in the Council, the Soviet delegation would have considered it desirable, and would have had the opportunity, to make certain clarifications and to state its position once more. Everything would then have been quite in order. But, as the French observations were <sup>later</sup> introduced in written form and the Soviet delegation was thus deprived of the opportunity of presenting its views, we had to request that the reply of the Soviet delegation to the French observations presented in written form should also be included.

This was the position, and when, on the report on the Cameroons, the representatives of the Administering Authorities voted for the

/inclusion



inclusion of the French observations which had not been made in the Council, and voted against the inclusion of the replies of the Soviet delegation, this rendered obvious and natural the attitude of the non-administering powers. When the report on Togoland came up. Since the representatives of the Administering Authorities had displayed unfairness with regard to the delegation of one of the non-administering powers, the representatives of the non-administering powers voted against the inclusion of the French observations in the report on Togoland.

As to the report on Togoland as a whole, the representative of the Administering Authorities voted against its approval.

Thus, after the representatives of the Administering Authorities voted against the inclusion of the remarks of the USSR delegation in the report on the Cameroons, the representatives of the non-administering powers could not <sup>vote to</sup> include the French remarks in the report on Togoland which demonstrated unfairness with regard to one non-administering power.

This is the position in brief. One could discuss the question of who is responsible for this position. The representative of France is now endeavouring to create the impression that the fact that the Trusteeship Council did not approve the report aroused no excitement in Togoland. This depends on whom one has in mind. If one really has in mind the native population which is really concerned with the fulfillment by the Trusteeship Council of its obligations under Article 76, I am sure that this population is affected by the fact that the French Government made it impossible for the Trusteeship Council to approve the report on Togoland. If, on the other hand, one takes those people who are not concerned with the interests of the Trust Territories nor with the welfare of the native population, such people may say whatever they wish; they do not represent the real interests of the native population and the Trusteeship Council cannot take their opinions into consideration.

This is how the matter stands with regard to the report on Togoland.

Now, after some consideration, the French delegation presents a new draft of their observations. I should like to say a few words with regard to the substance of this new draft of the French delegation.

The USSR delegation, as the Council will remember, expressed during the fourth session of the Trusteeship Council, a very clear attitude of principle, stating that in Part II of the reports --

/which



which now becomes Part III -- no observations should be included which were not made by the members of the Council while the report of the Administering Authority was being examined. This position is quite clear, and it seems to me that the majority of the Council cannot but agree with it. In any case, up to now this has been our attitude; the reports of the Trusteeship Council on the Pacific Islands, New Guinea and Nauru are all based precisely on this principle -- that in Part III, which was previously called Part II, only those observations, conclusions and recommendations which were introduced by the members of the Council while the report of the Administering Authority was being considered should be included.

At the present time the French delegation submits new proposals, new observations which it wishes included in Part II of the report on Togoland.-- if the decision of the Council is maintained this Part will become Part III; for the report on Togoland, as in the case of the other reports.

/I must say