

UNITED NATIONS
TRUSTEESHIP
COUNCIL



GENERAL
T/PV.298
23 June 1950

ENGLISH

MASTER

26 JUN 1950

Seventh session

TRUSTEESHIP COUNCIL

Seventh Session

VERBATIM RECORD OF THE FIFTEENTH MEETING

Held at Lake Success, New York,
on Friday, 23 June 1950, at 2 p.m.

President: Mr. Max HENRIQUEZ URENA (Dominican Republic)

Note: The Official Record of this meeting, i.e. the summary record, will appear in provisional mimeographed form under the symbol T/SR.298 and will be subject to representatives' corrections. It will appear in final form in a printed volume.

EXAMINATION OF THE ANNUAL REPORT ON THE ADMINISTRATION OF THE TRUST TERRITORY OF TOGOLAND UNDER BRITISH ADMINISTRATION, 1948 (T/357, T/442, T/439, T/L.61)

At the invitation of the President, Mr. D.G. Sutherland, Special Representative for the Trust Territory of Togoland under United Kingdom administration, took his place at the Council table.

Mr. FLETCHER-COOKE (United Kingdom): It is hardly necessary for me to introduce to members of this Council the Special Representative from Togoland under United Kingdom trusteeship, Mr. D.G. Sutherland. He was with us last year, and he also came to Geneva. As members of the Council will be aware, he has had some twenty-three years experience in the Gold Coast and in Togoland.

I do not propose, at this stage, to take up much of the Council's time as we have submitted very full documentation on all the matters relating to British Togoland in our replies to the written questions, in our observations on a very large number of petitions and in our observations on the Visiting Mission's Report. Moreover, Mr. Sutherland, in his opening statement, will be referring to a number of the more important features described in the 1948 Report. I would, however, like to draw attention to one or two matters of more recent development. In that connexion, I should like to remind members of the Council that the Report with which it is now faced refers to a period which began some two and a half years ago, namely, 1 January 1948. It is, of course, no fault of the Administering Authority that this Report has not been considered earlier by the Council nor, indeed, do I think it is any fault of the Council. It is due to the fact that we had a number of extra tasks entrusted to us at the last session in Geneva which made it inevitable that this matter, which we were to have discussed in Geneva, had to be deferred until this session.

The most important of the more recent developments in British Togoland is undoubtedly the election this year of a member of the Legislative Council of the Gold Coast to represent Southern Togoland. The electoral body is the newly formed Southern Togoland Council, composed of three members from each of the five South Togoland native Authorities. This Council is not only an electoral

body, that is, for the election of this member of the Legislative Council, but it also holds meetings as a deliberative and advisory body in respect of general matters affecting Southern Togoland. The formation of this Council and the amendment of the Gold Coast Legislative Council Order in Council to enable a member for Southern Togoland to sit on the Legislative Council mark a very definite political advance in the Territory. There is now a representative of Southern Togoland on the Cocoa Marketing Board, the Agricultural Development Corporation, the Agricultural Produce Marketing Board, the Library Advisory Board and the Central Advisory Committee on Education, and representation on other similar committees is also being arranged. The experience gained by the representatives on these Gold Coast boards and committees should soon have a beneficial effect on the internal affairs especially of Southern Togoland.

The Council will also be interested to know that the 1948 Report -- that is, the Report which is now before it -- was summarized and that some 6,000 copies were circulated, free of charge, throughout the Trust Territory and the Gold Coast, the majority of the copies going to schools. Any member of the Council who is interested will find copies of this summary in the United Nations Library.

In this and in other ways the aims and objectives of the Trusteeship Agreement and the Trusteeship System generally and the progress that the Administering Authority is making in achieving these aims and objectives are being kept before the people of Togoland under United Kingdom Trusteeship.

I would suggest that Mr. Sutherland should be permitted to make his statement and that we should then proceed, in accordance with our usual procedure, to an examination of the Report.

Mr. SUTHERLAND (Special Representative): I should like, in the first place, if I may be permitted, to speak on a personal note to express to the President and the members of this Council my pleasure at renewing my acquaintance with them and also with the members of the Visiting Mission whom the Gold Coast Government and the people of British Togoland were delighted to welcome last December. The Council will also forgive me if I refer to this visit.

I was privileged to accompany the Mission, and I look back to my association with the members and the Secretariat with most pleasant memories. Their short stay we should have liked to prolong, but we appreciated the demands upon their timetable and endeavoured within its compass to provide them with all the facilities available to enable the Mission to see spontaneously and freely as much of the country, its peoples, institutions and conditions as was possible, bearing in mind also that their visit to British Togoland was the last stage of an intensive survey of the four West African Trust Territories. The Mission's general report bears witness to the wide scope of its survey of Togoland under United Kingdom Trusteeship, and the Gold Coast Government has already given a summary of the report the fullest publicity, both in the Gold Coast and in the Trust Territory. The Mission, as members of this Council are aware, has also presented an objective study with its findings on the Ewe question. These findings have also been published in toto and freely circulated in the Gold Coast and ⁱⁿ Togoland. The two documents issued by the Mission have evoked the

interest and attention which they merit, and the Gold Coast Government is grateful to the Mission for a reasoned exposition of the principal features of general administration in British Togoland.

In my opening statement last year, I gave a comparative account of certain developments between 1941 and 1947, and I propose to outline briefly figures illustrating further development during 1948.

In the sphere of education, to which primary importance is rightly attached, the enrollment of pupils showed a large increase, there being a total of 25,792 for 1948 as against 21,985 in 1947. The total estimated school-going population -- that is, between the ages of 6 and 15 years -- was 76,500 and the percentage of the whole Territory of children of school-going age actually attending school was 33.7. For the Southern Section, in fact, the percentage was 72.5. The total enrollment of 25,792 for 1948 compares with 7,564 in 1938 and 19,837 in 1946. In 1948, there were 77 boys and girls from the Trust Territory enrolled in secondary schools in the Gold Coast, and eleven pupils from the Territory at technical schools in the Gold Coast. One student from Togoland under United Kingdom Trusteeship was admitted to the Gold Coast University College in the first intake of students in 1948. The opening of this College constitutes another outstanding feature in the history of the educational progress of the Gold Coast, and the Trust Territory is naturally bound to benefit from this development.

Teacher-training facilities were expanded in the Territory during the year. There were 145 students at the two teacher-training colleges in the Southern Section. In addition, 21 students were enrolled in Gold Coast institutions. The College at Amedzofe, now completed, is one of the best in the Gold Coast, and the new one, at Hohoe, at present in course of construction, will be its equal.

The number of teachers in 1948 was 890, of whom 862 were in the Southern Section, as increase in that Section of 78 over 1947. As I pointed out last year, in 1939 the number of teachers in the Southern Section was 295, and in 1941, there were 321. The figure for 1948 illustrates the remarkable expansion of educational demand and the provision of facilities to meet this demand. Mass Education Courses for adults have been undertaken in the Territory, and have been enthusiastically welcomed by the inhabitants. This aspect of practical social development has attracted widespread interest, not only in the Gold Coast, and in an appendix to the answers to the written questions submitted to me by members of this Council a detailed account has been given of the main features of this scheme.

The Territory, - in the main the Southern Section -, benefited from the high price of cocoa, and this is reflected for example in the increased total of Post Office Savings Bank Deposits, which showed a total of £46,000 as against £38,000 in 1947. In 1939 deposits were just over £3,000, but by 1943 and 1944 this figure had increased to £8,000; it jumped to £19,000 in 1945 and £25,000 in 1946. There was an ample supply in the Territory of imported consumer goods for the demands of the people.

In general, the health of the inhabitants has been good, and it had been possible, in 1949, despite an overall shortage of senior medical staff, to post a doctor at each of the three hospitals in the Territory. Water supplies are receiving concentrated attention from expert personnel, both in the Northern and Southern Section, and the Gold Coast Government attaches the greatest importance to an intensification of the provisions for increased and more widespread water supplies.

In what one might term the political field, reference has been made in the Foreword of the 1948 Report to the discussions with the people of Southern Togoland regarding the formation of a Southern Togoland Council which would, amongst other things, be the body for electing a member to the Gold Coast Legislative Council. The United Kingdom representative has already mentioned this, but it may not be out of place if I mention again and emphasize that this Council has in fact been established, and that in February this year a member was elected to the Legislative Council specifically to represent the Southern Section of the Trust Territory and

duly attended the Budget Session of the Council held at the end of that month. I was present at this legislative meeting of the Council, and I can personally testify to the warmth of the meeting he received from all members of the Legislative Council when he was sworn in. The formation of the Southern Togoland Council gives local authorities in the Southern Section of the Territory the fullest opportunity of frequent and free discussion of all matters affecting the interests and welfare of the people and of putting forward constructive suggestions to that end. I shall not delay this Council's deliberations with further details affecting the 1948 Report which I shall deal with when the actual examination of the Report is being undertaken by members, but I again claim, as I did last year, that the Report proves the practical steps which are being undertaken by the Administering Authority and the Gold Coast Government to build upon the foundations already laid for the development of the inhabitants of the Trust Territory in all spheres. Much must be done especially in the political sphere, and every encouragement will be, as it has been in the past, given to them to initiate, and themselves take part in, their own political, social, and economic advancement.

The PRESIDENT (Interpretation from French): I should like to thank the Special Representative. We shall now proceed to questions which the delegations might wish to ask in regard, first of all, to progress in the political field.

Mr. INGLES (Philippines): Before we take up progress in the political field, my delegation has a question concerning the section on general conditions which prefaces the advancement in the political, economic, social, and educational fields. In other words, it is on the first section of the Report which is not embraced in the political section.

The PRESIDENT (Interpretation from French): We shall take up general questions.

Mr. RYCHMANS (Belgium) (Interpretation from French): I also have a question to put on the introduction, just as has been stated by the

representative of the Philippines. I should like to take up the introduction before proceeding to political questions.

Mr. INGLES (Philippines): In our written question submitted at the last session, we requested information as to whether the Special Representative would be in a position to give some indication of the action taken by the Administering Authority on the recommendations of the Council arising out of its examination of the Report on the Territory for the year 1947. At the last session of the Council in March of this year, the Special Representative made an answer to the effect that some of the recommendations and suggestions, together with the views expressed by the Administering Authority, are indirectly mentioned in the Report of the Visiting Mission and that detailed comments will be sent out in the 1949 Report for the Territory. While we concede that the recommendations and suggestions of the Council arising from its examination of the 1947 Report were not formulated until 1949, it was not to be expected that an account of the action taken would be included in the 1948 Report which is now under consideration. But the suggested inclusion of the information requested in the Report for 1949 has the result of the Council being placed in a position not to find out what action has been taken on its recommendations arising out of its examination of the 1947 Report until next year, that is, 1951. Therefore, it would seem to my delegation that, if this Council is to maintain its resolution passed at the last session, a special section on the implementation of Trusteeship Council recommendations and General Assembly resolutions should be included in the Report of this Council to the Next General Assembly, and information on the action taken by the Administering Authority would appear to be necessary, if not advisable, at least at this session. We are faced with a situation here where, because of our altered time table, we find ourselves in the middle of 1950 with no information available on the action taken on recommendations based on the Report in 1947.

We should like to ask the Special Representative or the representative of the Administering Authority whether this information could be made available to the Council at this time.

Mr. SUTHERLAND (Special Representative): The information which the representative of the Philippines requires has been incorporated in the 1949 Report, which has not yet been printed and is not in the hands of the Council. However, I can secure a copy of the information he requires and circulate it, if necessary, before the Council receives the 1949 Report.

Mr. INGLES (Philippines): My delegation would appreciate the furnishing to the Council of a copy of this particular section of the 1949 Report by the Special Representative.

Mr. SUTHERLAND (Special Representative): It certainly could be done within the course of the next few days.

Mr. RYCKMANS (Belgium) (Interpretation from French): I should like to ask for clarification from the Special Representative concerning the situation of indigenous inhabitants who do not originate in Togoland. Paragraph 11 on page 15 of the Report reads as follows:

"In law, members of immigrant communities, by which are meant non-natives of Togoland, have the same status as the indigenous inhabitants, except that they are specifically prohibited by the provisions of the Administration (Togoland) Ordinance, Cap. 96, from acquiring land unless the permission of the Governor of the Gold Coast is previously obtained."

On page 72 under paragraph 42 the following is stated: "Most cocoa growers in the Krachi district are also non-indigenous Africans."

On page 70 under paragraph 37 the following is stated: "The pre-war years saw a great increase in the areas cleared for cocoa, many of the farmers concerned being immigrants from the Gold Coast."

On page 91, it is stated that certificates of occupancy have been delivered in the north part for a total of 22.613 square miles. I presume that reference is made here to 22 square miles. Two lines further along,

reference is made to 12,000 acres. Is it 22.613 square miles and 12.095 acres or is it 22 square miles and 12,000 acres?

I should also like to have some explanation concerning the situation of natives not originating in Togoland who have settled in the country. Have all these people had to receive special authorizations from the Governor? Does the native who comes from the Gold Coast to settle in the Trust Territory and start a plantation of cocoa have to obtain a right of occupancy from the Governor of the Gold Coast before he can start his exploitation? In other words, what is the situation of the immigrant indigenous inhabitants?

Mr. SUTHERLAND (Special Representative): The situation is that the main cocoa areas are in the southern section of the Territory. However, a farmer from a country outside of the Trust Territory can come into it, but he cannot buy land except with the previous consent of the Governor. On the other hand, there is nothing to prevent him from entering into a lease on the land which he requires for, say, farming cocoa from the landowners of the Territory.

Mr. RYCKMANS (Belgium): Yes, but the following is stated on page 90, "non-indigenous occupiers who pay rent to the Government of the Gold Coast, two-thirds of which is eventually paid to the Native Authorities." Does that apply to natives from the Gold Coast or is that only for Europeans?

Mr. SUTHERLAND (Special Representative): It applied to non-natives^{of} the Northern Territories. This particular provision is in respect of the Northern section. It does not apply to the Southern section at all.

In actual practice, it is to prevent the indiscriminate parting with land, to which the Government and the people themselves attach great importance. In the Southern section, there is no impediment on any non-native at all. If he cares to, he can enter into a lease and practice farming, but in very few cases is a request granted for the outright sale of land.

Mr. RYCKMANS (Belgium): If I understand it rightly, in the Southern section the non-natives can lease land from any native; and in the Northern section he can only lease land from the Government.

Mr. SUTHERLAND (Special Representative): All rights affecting land in the Northern Territories, including the Northern section, are vested in the Government.

Mr. RYCKMANS (Belgium): How many non-natives are cocoa farmers in the Southern section?

Mr. SUTHERLAND (Special Representative): I do not have the exact number. It would be impossible to say.

Mr. RYCKMANS (Belgium): Is it a large part?

Mr. SUTHERLAND (Special Representative): I should say they are definitely in the minority. Recently there have been more going up to the Southern section of the Trust Territory because of the effects of the Swollen Shoot disease in the Gold Coast itself.

The Gold Coast Government considers that this ban on the sale of land is absolutely to the benefit of the inhabitants of the Trust Territory.

Mr. RYCKMANS (Belgium) (Interpretation from French): I did not receive a reply to my question concerning page 91. 22.613 square miles is stated there, and then 12.095 acres. Is there a period in both cases or is there a period in one and a comma in the other?

Mr. SUTHERLAND (Special Representative): I think that in both cases it is a "point".

Mr. RYCKMANS (Belgium): Therefore, it would be "12.095" acres?

Mr. SUTHERLAND (Special Representative): Yes.

The PRESIDENT (Interpretation from French): We can now proceed to consider the political field. The representative of the Philippines said that he had some questions to ask in this field.

Mr. INGLES (Philippines): In our written question 3 we ask whether there are essential differences between the legislation applied to the southern portion of the territory and the northern section of the territory, and why separate legislative processes are required for each territory. The reply states that there are no essential differences, but legislation may require to be enacted specifically for the Northern Territories, as for any other part of the Gold Coast, because of local circumstances, and that these separate legislative processes are a matter of historical growth.

I should like to ask the Special Representative if by this reference to "historical growth" he has in mind the developments since the Trust Territory was placed under British Mandate?

Mr. SUTHERLAND (Special Representative): I am afraid that I do not quite fully follow the question. The separate processes required do not necessarily spring from the time when the Mandate, in regard to the Northern Section or in regard to Togoland, was originally given to the British Government. The processes were in vogue at that time. You had legislation in respect of the Northern Territories of the Gold Coast, and in respect of Ashanti, and in respect of the Colony, by virtue of the fact that the Northern Territories were a protectorate and the Ashanti had been conquered by the Crown, by the British Government, and the constitutional laws demanded that separate legislative processes should be applied. And when the northern section of the Trust Territory is allied with the Northern Territories, the same processes apply there.

Mr. INGLES (Philippines): My delegation has in mind the fact that before the Trust Territory became a Mandate, there was a unity of administration, both of the northern and southern sections, under the unified German Administration, and that the Trust Territory, when it was under German Administration, was under a unified administration. Therefore, ^{it} might ^{not} be said that the separation of the two sections of the territory was the result of historical growth antedating the grant of Mandate under British Administration. However, after looking over the reply of the Special Representative to the next question that we propounded, there are, in addition to historical reasons, other reasons advanced for the separation of the two sections of the Trust Territory, which are considered as obstacles to the development of a sense of unity among the people of Togoland; and among these are geographical and ethnical reasons. The written reply states that it is only along the lines of natural association between all parts of the Gold Coast, and that it is only within this larger framework that a sense of unity could be achieved between the northern and southern sections of the Territory.

Having in mind the fact that before this Trust Territory was given to the United Kingdom it was part of a colony under German Administration, which was subsequently partitioned between France and the United Kingdom, after the First World War, I should like to ask the Special Representative if it would not be more correct to say that unity could be achieved not only within the framework of unity between the Gold Coast and the British Togoland, but also in the still larger framework, including French Togoland?

Mr. SUTHERLAND (Special Representative): It is correct that Togoland was administered as one unit by the Germans, but that does not mean to say that it was correctly administered. When the Mandate was given to the British Government, the British Government took into account tribal, language and other affinities, and the separation of British Togoland into two parts, the northern and southern sections, was based on definite tribal and ethnographic grounds, and was, in the opinion of the British Government, the only feasible way of dealing with this matter.

The question which the representative of the Philippines has now asked differs from the previous one, because in the second one it is not a question now of legislative processes but of expediency, and it is the opinion of the Gold Coast Government and the Administering Authority that the present system is the best system, and I think that the Visiting Mission's Report bears this out. In regard to whether Togoland should now be administered, or its development encouraged, in one large unit, that, I am afraid, is not a matter on which I could speak, because it is a matter of high policy.

Mr. INGLES (Philippines): In the foreword to the annual report dealing with the Government of the Territory, there is a reference to the fact that the administration of Togoland is not a financially self-supporting proposition and that out of approximately 625,000 pounds spent in the Territory in 1948 by the Gold Coast Administration only approximately 363,000 pounds were contributed from the Trust Territory. We ask in written question 5 whether there was:

"...any apparent resentment on the part of the people of the Gold Coast that their budget has to carry the Trust Territory?"

The reply is that:

"There has been no noticeable resentment on the part of the people of the Gold Coast".

In connexion with this particular part of the reply, because we shall deal with other parts of the reply later, we should like to ask the Special Representative whether the financial position of the Trust Territory is actually known in the Gold Coast or whether the separation of accounts between the Trust Territory and the Gold Coast is carried out only for the benefit of the Trusteeship Council, and whether the separation of accounts is placed before the Gold Coast Council when it discusses the budget.

Mr. SUTHERLAND (Special Representative): No separate accounts are kept ordinarily for Togoland. That has been emphasized on many occasions. The separate accounts which we have now incorporated in the reports would not ordinarily be known to the people of the Gold Coast as such, except by their reading of the 1948 report, but as the representative of the United Kingdom mentioned in his introductory statement today, a summary of the 1948 Togoland Report has been freely circulated not only in the Trust Territory but in many parts of the Gold Coast, so to that extent it may be that the separate figures which have only been made for the purposes of the information required by this Council may now be known to the members of the Gold Coast Legislative Council; but they will certainly be known to the members of the Legislative Council.

Mr. INGLES (Philippines): Continuing the reply of the Special Representative to the written questions, it says that:

"...there are signs that the excessive and the unreasonable demands of certain elements in the Territory may lead to the closest scrutiny by the people of the Gold Coast of the Funds spent in the Territory".

We should like to ask the Special Representative if he would care to elaborate further and inform the Council as to what are these "signs", who are these "certain elements" and in what way their demands may be considered excessive and unreasonable.

Mr. SUTHERLAND (Special Representative): In regard to the term ^{and} "certain elements", this covers a type of person who has been very vocal ^{and} in his demands for expenditures on the Territory he is totally unreasonable to the extent of damaging his own cause. They make demands to the extent of saying that there should be ^a university for the Trust Territory itself, and they ask for a million pounds for this ^{and that without any} consideration of the finances of the Gold Coast proper.

In regard to the signs of "excessive and unreasonable demands" of these people that "...may lead to a closer scrutiny", one ^{or} ^{by} two members of the Legislative Council have remarked upon these demands / these more or less agitators and have said that if this goes on they will certainly inquire into the amount of money which is being spent in Togoland.

Mr. INGLES (Philippines): I gather from the remarks of the Special Representative that these demands of certain elements in the Trust Territory are considered excessive or unreasonable by a member of the Legislative Council who is from the Gold Coast. I am wondering whether it might not be a fact that these demands might be considered unreasonable from ^{the} point of view of the Gold Coast but not from the point of view of the Trust Territory, considering its peculiar position as a Trust Territory as to which there are definite responsibilities of the Administering Authority different from its responsibilities with respect to the adjoining colony of the Gold Coast.

Mr. SUTHERLAND (Special Representative): No objection whatsoever has been taken by the members of the Legislative Council to reasonable expenditures in respect of the Trust Territory. In fact, the Trust Territory has, in the

past few years, benefitted considerably in proportion, and in fact it has had more money spent on developments than the Gold Coast itself has had. No member of the Legislative Council objects to reasonable expenditures, but what he does object to is the excessive and outrageous demands of certain agitators who, I can say, are quite in the minority. We do not take them in any way as representative of the Togoland people themselves, but the fact that they are vocal and rather obstreperous in some ways does do their cause a lot of harm.

Mr. INGLES (Philippines): Referring again to one of our questions under Question 5 and the reply thereto, that is, the particular question as to whether colonial welfare grants are made specifically to Togoland or whether they are allocated only to and through the Gold Coast Government, the reply is to the effect that these colonial welfare grants are "allocated by His Majesty's Government to the Gold Coast, and in planning their expenditure the Gold Coast Government takes full account of the needs of the Trust Territory."

Further, in reply to our question 10, it is stated that among the Territories administered by the Gold Coast Government is the Trust Territory of Togoland. It will be seen that it is the Gold Coast Government and not the Administering Authority which directly plans expenditures for the Trust Territory and that this matter is left to the Gold Coast Government. We should like to ask the Special Representative if there is any way by which the Trusteeship Council may supervise the functions of the Gold Coast Government in so far as they affect the Trust Territory, considering that the Gold Coast is not a Trust Territory.

Mr. SUTHERLAND (Special Representative): In regard to the expenditure on the Gold Coast, including the Trust Territory, made by the Gold Coast Government, the estimates of expenditure are drawn up and submitted to the Legislative Council of the Gold Coast. They are sent to the Administering Authority and they are scrutinized by the Administering Authority.

In 1948 in regard to grants under the Colonial Development and Welfare Act, Togoland received £17,000 out of a total of £150,000 for the Gold Coast. In other words, it received more than ten per cent on the basis of population, so it cannot be said that the Territory is suffering in any way by the present system. The present system is perfectly fair, reasonable and, as I say, the Trust Territory has no reason at all to feel that it is in any way neglected in favour of the Gold Coast itself.

Mr. INGLES (Philippines): In reply to our Question 8 it is stated in reply to our particular question as to whether there is any movement in favour of a territorial council for Togoland as a whole, that an "element in the South

has advocated a separate territorial council for Togoland but has received little support from the people." My delegation is wondering whether there is not an apparent contradiction in the statement appearing on the bottom of page 54 of the Report, where it is said that the Chiefs and the people have asked for a separate territorial council to be established for the Southern Section, or whether the reference to a territorial council refers to an entirely different matter.

Mr. SUTHERLAND (Special Representative): The reference here in the answer given to Question 8 was taken to mean an administrative or legislative territorial council. The reference on page 54 of the Report, which is in paragraph 21, to the territorial council refers to an advisory and deliberative body which has no legislative or budgetary powers. The functions of this Southern Togoland Council have been set out, I think, in the answer to Question 8. It is not a legislative or a budgetary body. It is an advisory and deliberative body, so to that extent there is no contradiction in the answers given.

Mr. INGLES (Philippines): With regard to the statement that this Southern Togoland Council is a purely deliberative body with no legislative, administrative or budgetary powers, as appears in the replies to Questions 8 and 9, we should like to ask if it is intended that this Council should remain, as such, a purely deliberative body, or whether its development into a legislative organ is contemplated.

Mr. SUTHERLAND (Special Representative): This is a matter which, in respect of local government, is now being considered by a select committee of the Legislative Council of the Gold Coast in regard to and in respect of the recommendations made by the Coussey Report. I have no doubt that that Committee will take into consideration the question as to whether there should be a regional council for the Southern Togoland and, if so, whether it should have legislative powers or whether there should be a regional council at all for Southern Togoland. Thus, all I can say is that the future of this Council naturally

depends on the recommendations and the confirmation of any such recommendations of the Committee inquiring into the present system of local government in the Gold Coast including the Trust Territory.

Mr. INGLES (Philippines): In the Report of the Visiting Mission, it was the impression of the Mission that the establishment of this new Council, together with its power to elect or appoint Togoland members to the Gold Coast Legislature and certain other bodies "has failed so far to satisfy the wishes of the majority of the leaders of the native authorities concerned, who are among the signatories to the memorandum asking for a considerably more advanced constitutional structure for Togoland as a whole, as well as for the unification of the two Togolands."

We should like to ask the Special Representative if the dissatisfaction of the leaders of the native authorities still continues at this time since the Mission visited the Trust Territory.

Mr. SUTHERLAND (Special Representative): In regard to that particular point, I am not quite in a position to reply because I myself left the Gold Coast shortly after the Visiting Mission left it. But, so far as I am aware, there has been no increase in their number at all. The point is that the Mission quite rightly expressed that opinion of what they saw. On the other hand, there is the extract from the report of a legal committee on constitutional reform in the Gold Coast, the Coussey Commission, which is appended to the questions and answers as Annex 2. So there are really two points; there is a conflict of opinion in the Southern Section of the Trust Territory in regard to whether there should be a regional council or whether the Southern Section should, as in the case of the Northern Section, come into the Regional Council for the whole of the Gold Coast. That is under examination at the present moment by the Select Committee of the Gold Coast Legislative Council.

Mr. FLETCHER-COOKE (United Kingdom): Those members of the Council who are also members of the Committee on Administrative Unions will recall that the other day I drew particular attention to two documents which had been circulated last month. One document relates to certain proposals which have been submitted jointly by France and the United Kingdom in relation to a subsequent item on our agenda, and the other relates to our comprehensive memorandum on certain petitions. In the course of that statement, I made it quite clear that in our view the whole of the administration and constitutional structure of Togoland as a whole will be one of the matters upon which the members of the proposed enlarged consultative commission will be asked to express their views. The present situation, as we discovered when we considered it in the Committee, is a very complicated one in the sense that there are a large number of things going on at once. We have had petitions representing all points of view some expressing a desire for one thing and others opposing very vigorously exactly the same proposal. Therefore, I should like the Council to bear in mind that in addition to the official consideration which, as the Special Representative has mentioned, is being given to this by the Select Committee, it is also envisaged that this and allied questions will fall within the purview of the large consultative commission.

Mr. INGLES (Philippines): In the opening statement of the Special Representative, reference was made to the fact that the Southern Togoland Council has in fact been established and that in February of this year a member was elected to the Legislative Council to represent the Southern Section of the Trust Territory. We should like to have confirmed the impression obtained from this statement that it is in fact a Togolander who has been elected to the Legislative Council, and if so, if the Special Representative could give us his name, his position or standing in the community, possibly his tribal affiliation. Perhaps he is an Ewe.

Mr. SUTHERLAND (Special Representative): The person elected as a member of the Legislative Council for the Southern Section is a Togolander and a native of the Southern Section. He is an Ewe. He was the State Secretary of the Abutia Native Authority. His name is Mr. Dogoe and he used to be employed in the Public Information Department of the Gold Coast Government.

Mr. INGLES (Philippines): My delegation would also appreciate information as to whether the Legislative Council has already appointed a Togoland representative to the other Gold Coast bodies like the Cocoa Marketing Board, the Agricultural Development Corporation, the Agricultural Produce Marketing Board, and the Library Advisory Board.

Mr. FLETCHER-COCKE (United Kingdom): I referred specifically to these particular bodies in my opening remarks, which perhaps the representative of the Philippines did not hear.

Mr. INGLES (Philippines): We were engaged in a meeting of a committee and we arrived late.

Mr. FLETCHER-COCKE (United Kingdom): As the representative of the Philippines will see when he has occasion to read the verbatim record, several appointments have in fact been made during the past year on a number of these bodies.

Mr. INGLES (Philippines): There is one particular question on which we should like clarification, and this is in connexion with the integration of Togoland with the Gold Coast. This arises in the Report of the Visiting Mission and in the observations of the Administering Authority thereon. At the top of page 20 in the Mission's Report, the Mission quotes a statement previously made by the Administering Authority that:

"... the only practical means to self-government for the peoples of British Togoland is to remain closely associated with the Gold Coast, which is generally acknowledged to be politically one of the most advanced Territories in tropical Africa."

Then the Mission goes on to say that:

"... with this latter appraisal of the political development of the Gold Coast as a whole, the Mission is inclined to agree."

Our own impression from this comment of the Visiting Mission was that the Mission agreed that the Gold Coast was politically one of the most advanced Territories, but that the Mission did not necessarily agree to the first part of the statement of the Administering Authority to the effect that:

"... the only practical means to self-government for the peoples of British Togoland is to remain closely associated with the Gold Coast."

As a matter of fact, the Mission had previously referred to alternative possibilities of association with Togoland under French Administration or with both that Territory and the Gold Coast. In the observations of the Administering Authority, however -- document T/638 -- we find, at the top of page 2, that the Administering Authority interpreted the Mission's statement as meaning that the Mission agreed with the statement that association with the Gold Coast was "the only practical means to self-government", thereby committing the Mission to the present amalgamation of Togoland with the Gold Coast.

We believe it might be useful to ask the representative of Iraq, as former Chairman of the Mission, to clarify the Mission's intentions in this respect. We should have thought that the Mission's intentions were perfectly clear, were it not for the observation of the Administering Authority. We should therefore like at this time to interrupt our questioning of the Special Representative to ask whether the representative of Iraq might be able, if he is so inclined, to clear up the misunderstanding which we have pointed out.

Mr. RYCKMANS (Belgium) (Interpretation from French): I should simply like to suggest to the representative of the Philippines that he should put the question he has just asked when we discuss the Administrative Union between Togoland and the Gold Coast. The Council will have to discuss that matter. If we start this discussion at the present time, I think that we shall run the risk of having an interminable discussion which will only have to be taken up again when the Committee on Administrative Union has made its report.

The PRESIDENT (Interpretation from French): What the representative of Belgium has just said is quite true, but perhaps the representative of Iraq would like to speak now.

Mr. KHALIDY (Iraq): On the question of procedure, I am entirely in the President's hands; I shall follow whatever rule he wishes.

I should like, however, to conform to the wish of the representative of the Philippines and answer his question to the best of my ability.

I do remember that a rather lengthy discussion took place in Geneva when the Visiting Mission was preparing its report. Unless my memory grossly fails me, the quotation which Mr. Ingles read was somewhat fuller than the statement which actually appears in the report, which was cut down as being somewhat irrelevant to the subject.

The question is of fundamental importance and is closely connected with the administrative union, which is now the subject of a special report by a committee. I would want to do nothing just now to prejudice a decision. I should like, however, with the President's permission, to place before the Council one or two observations, as the result of a humble experience in the field.

I have always taken the view, personally, that quite apart from the political philosophy of the question of the administrative union, there are two sides to any association between two Territories in Africa. If a Territory is less advanced than the adjacent one to which it is associated, then I have no hesitation in saying that it stands to gain from such an association. That is to say, if Territory "A" is less advanced than Territory "B" to which it is affiliated, then there is gain in all fields -- especially educationally, but also economically and socially, and perhaps lastly politically; in some cases, perhaps, one could say least of all politically, for obvious reasons. If, however, Territory "A" is more advanced than Territory "B" to which it is affiliated, then there is certainly no gain, to say the least.

To take the specific case before us -- Togoland and the Gold Coast -- there is no question but that the Gold Coast is one of the most advanced Territories in West Africa, and that Togoland is less advanced. The Council has before it the benefit not only of the 1948 report but of the previous one and the rich knowledge of the Special Representative, indicating that the people of Togoland profit from the educational, economic and social facilities of the Gold Coast. Indeed, when the Mission was there, we gained the impression that the Gold Coast Government was doing its best to afford the people of Togoland those facilities.

The question -- and this is the kernel of the matter -- whether this association is of paramount benefit in the political field, in the sense that it is expediting the people's development toward self-government more than if they were disassociated from the Gold Coast, is a matter not

only of policy but indeed of deeper substance for the Council to pronounce itself upon. It is not for me to say whether such a thing is possible. Certainly, the Council must take all relevant elements into account and must have before it, ultimately, the report of the special committee working on administrative unions. I should be prejudicing the issue if I said anything about that now.

I do not know if the President wishes me to say more. There is, however, one further remark which I ought to make, I believe, in connexion with the quotation which has just been read. I do not know in how many ways one can interpret a quotation -- especially one from a Mission. Sometimes the fact that a quotation can be interpreted in more ways than one is a very happy process. The Mission did agree, however, that the Gold Coast was one of the most advanced Territories in West Africa; that is true.

The PRESIDENT (Interpretation from French): In any case, Mr. Khalidy, the Committee on Administrative Unions is considering each administrative union separately, and it will make an individual report on each one. This matter will be discussed quite fully in due time. Perhaps the Council would prefer to have a special discussion now on the case of Togoland, but it does seem to me that we should not discuss the same matter twice. This does not mean that no reference can be made to the administrative union in this case, since it is one of the problems in connexion with the Territory. I am merely trying to organize the discussion in an orderly manner. I would say that reference to the union can be made, but the substance of the matter should be left until such time as we discuss the report of the Committee on Administrative Unions.

Has the representative of the Philippines any further questions?

Mr. INGLES (Philippines): I have other questions, but I would prefer to ask them after other members have asked theirs.

Mr. RYCKMANS (Belgium) (Interpretation from French): I have only one question on political and judicial matters.

On page 67 of the Report, it is stated that Native Tribunals in the Southern Section are only competent in crimes not provided for in European legislation in certain cases determined by the Governor. One of these cases determined by the Governor as being within the competence of Native Tribunals is "putting persons into fetish".

I should like to know what that consists of in indigenous custom. This is not simply curiosity on my part; I should like to be re-assured as to the fact that the accusation of "putting persons into fetish" is not an impossible accusation and that the actual punishment under the custom is not a penalty inflicted on a so-called sorcerer or sorceress. If persons could be accused of being witches when they had done nothing and if they could be punished owing to that fact, that, of course, would be an accusation which, in my opinion, the European authorities would not be able to tolerate.

I should therefore like to know what "putting persons into fetish" consists of in the Territory.

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Mr. SUTHERLAND (Special Representative): This is one of these questions which I am sure the representative of Belgium knows it is impossible to answer in a few words, because books and books have been written about the fetishes and what fetishism is; but strictly speaking it means harmful. There can be a beneficial element in certain fetish practices, and these are not banned in any way. But in many cases a person may put another into fetish by means of certain practices. He may, for example, take what he intends to appear as a small replica of a person whom he does not like, and he performs on that replica certain functions and designs to do harm to the person whom he does not like. In some cases it has not the slightest effect. In other cases it has, because the person against whom this fetish is aimed suffers from fever, and eventually the whole matter gets on his nerves and he is definitely done harm. So in that case -- I am only quoting a particular case -- the person is put in fetish and the actual process can be seen. It is not just a guess that has been made. It has to be recognized and is recognized as a specific offence in order to abolish it. There is no such thing as witchcraft. Trial for witchcraft -- or witchcraft as a crime -- does not exist before the native court.

Mr. RYCKMANS (Belgium): What I want to know is this: suppose a person becomes sick and his family went to a witch doctor, and the witch doctor told them, "It is Ryckmans who has put the sick person into fetish." Could I be prosecuted before a native court and punished?

Mr. SUTHERLAND (Special Representative): No. I think what would happen in that case is that they would follow ordinary reasonable methods of trying to find whether there is any truth in such an allegation. I do not think they would at once go and arrest you, and say that this allegation has been made against you; now prove you are innocent. I am quite certain that that does not happen.

Mr. RYCKMANS (Belgium): At any rate, the situation is under constant review by the European authorities.

Mr. SUTHERLAND (Special Representative): Quite so.

Mr. KHALIDY (Iraq): I have a question, but I would like to make one remark first. As far as I myself am concerned, if I do not ask questions, it is not because I do not want to draw more information, but it is because I believe the Visiting Mission and the Report have both brought all the information that there is. As a matter of fact, we are discussing now the 1948 Report and the Visiting Mission is a little more up-to-date. Therefore, I hope my silence will not be interpreted in any adverse way. I have personally all the information I need.

The PRESIDENT: We will proceed to the Visiting Mission's Reports very soon.

Mr. KHALIDY (Iraq): It is an excellent Report.

The PRESIDENT: It is on the agenda for today.

Mr. LIU (China): Reference has been made more than once to the select committee appointed by the Gold Coast Legislative Assembly to study the question of political reform. I realize that it must be a tremendous job. I am interested in knowing how soon this job can be completed, and can the Special Representative give us a rough idea on this matter? Is it possible to do that?

Mr. SUTHERLAND (Special Representative): I regret very much that I cannot give the representative of China a definite date. But the Committees themselves are working as quickly as possible. However, there is an enormous amount of detail, as I am sure he realizes, to be gone into, and I very much doubt whether these Committees -- there are several -- will be able to submit concrete and full recommendations much before September or October, if then, and then in turn further examination has to take place. But if the general recommendations are accepted and the details, such as can be worked out

and agreed to, are soon made out, I imagine that the reforms should be in by 1951.

Mr. de MARCHENA (Dominican Republic)(Interpretation from Spanish): Our delegation would be interested in having the Special Representative clarify a point in the Report. On page 11, regarding the political organization of the Southern Section, it is stated that until 1948 there were four territorial divisions or states organized in the Southern Section. It is likewise stated that eight divisions are outside the system among which were Gbi, Likpe and Ve. Our delegation would like to know what steps are being taken by the Administration to persuade the inhabitants who are in these eight divisions of the political convenience for them to be amalgamated with the others, or adopt the same system as the other four divisions that have been previously organized. Does the Administration encourage the organization of such divisions into states?

Mr. SUTHERLAND (Special Representative): In point of fact, at the present time there are only three divisions which are outside the local authority systems. The three, which were quoted, were Gbi, Likpe and Ve. They actually now form a separate native authority called the Kpandu native authority, and there are only three. These cannot yet make up their minds whether they should form one separate native authority or whether each or all should join an existing native authority. It has been the policy of the British Administration to allow these people to make their own choice. However, if they cannot make up their minds, under the constitutional reforms in respect of local Government which will be carried out they will be incorporated either into existing native authorities or form a special local authority -- not as native authorities, but rather as local authorities.

Mr. SAYRE (United States of America): I should like to comment for a moment on the remarks of the representative of Iraq. I hope that none of us need apologize for failing to ask oral questions.

It is perfectly understood that our report to the General Assembly will be based on three separate sources of information. The first is this Report of the Administering Authority; the second is the Report of the Visiting Mission, as the representative of Iraq has suggested; and the third is petitions. Surely we draw on all three sources of information for our report to the General Assembly. The mere failure to ask oral questions is a very normal procedure. At best, we have such a mass of information.

Nevertheless there are two questions about which I should like clarification.

They are with respect to the basis on which Togoland is represented in the Legislative Council of the Gold Coast and also in the Territorial Council of the Northern Territories. Now, as he said in his opening remarks, so far as Southern Togoland is concerned, it is now sending a representative to the Gold Coast Legislative Council. I wonder whether the Northern section is similarly engaged or whether plans are afoot for it to send a representative. I should like to ask him for a little more information about the basis of representation of Togoland in the Gold Coast Legislative Council.

Mr. SUTHERLAND (Special Representative): The representation of Togoland on the Legislative Council is at present confined to the Southern section. The reason for this is that the Southern section is regarded as more politically advanced than the Northern section. It was under consideration for considerable time because the amendments to the Imperial legislation and local legislation to give effect to such change in the composition of the Legislative Council took some time.

In regard to the Northern section, there has been no demand that a person should be specifically elected to represent it or the Northern Territories. In fact, under the present Constitution, the Northern Territories as a whole, not only the Northern section, is not represented on the Legislative Council except by way of the Chief Commissioner of the Northern Territories. There is no specific representation of the Northern Territories at all.

Under the proposed constitutional reforms, the Northern Territories, which will include the Northern section, will be fully represented on the Legislative Council.

Mr. SAYRE (United States of America): Is Togoland represented on the Territorial Council of the Northern Territories?

Mr. SUTHERLAND (Special Representative): Yes. The native authorities of the Northern section of the Trust Territory, for example, the Dagombas, the Gonjas and others, are definitely represented on the Northern Territorial Council. In fact, most of these Trust Territory tribes are also actually in the Gold Coast and Northern Territories proper at the same time. The only one which is not represented on the Northern Territories Council from the Northern section is the Krachi; and I think the Council is aware that it has deliberately refused ^{to attend} the Northern Territorial Council because it wishes to be incorporated in the Southern section of the Trust Territory.

Mr. SAYRE (United States of America): The opening sentence of paragraph 24 on page 61 reads as follows: "The law does not provide for suffrage on European lines." I have compared that statement with various statements on pages 11 and 12, for instance, which give examples of elections. Down near the bottom of page 11, you see an instance of the election of the sub-chiefs of the Dagomba by a system of secret ballot. Then again, you see other instances in the report of similar elections on pages 54 and 55.

I was happy to read of the growth of those practices. I am wondering whether the recently adopted Native Authority Ordinance does give legal status to such procedures. In other words, has the statement on page 61, namely, "The law does not provide for suffrage on European lines," been altered since by the recently adopted Native Authority Ordinance?

Mr. SUTHERLAND (Special Representative): The answer is that no alteration has been made in the matter of election procedure. In a sense, the procedure is still by nomination, by obtaining the views of the people and not through modern lines of suffrage, as we may describe them.

Again I am sorry to make so frequent reference to the proposals for constitutional reform. However, one of the very questions which is being considered is the matter of the form of ballot, whether or not it will take the modern suffrage line or take the line of a compromise between the old and present system. That is a matter upon which I cannot comment.

Mr. INGLES (Philippines): With respect to the native courts in the Northern Territories, reported on page 65 of the report, which have civil and criminal jurisdiction, we noticed that there are appeals in civil cases as well as appeals in matters relating to land, which are also covered by civil cases. But we were unable to find any reference to appeals in criminal cases. We should like to be enlightened on the matter by the Special Representative.

Mr. SUTHERLAND (Special Representative): In all criminal cases, in the northern and southern sections, there is the right of appeal and there are courts authorized to hear such appeals.

Mr. INGLES (Philippines): We also notice, on page 68 of the report on Togoland, that "No barrister, solicitor, proctor or attorney may be employed in any cause brought before a Native Tribunal or Court." We should like to be informed as to the reasons for this prohibition.

Mr. SUTHERLAND (Special Representative): This is a matter which has been the subject of much discussion and recently -- when I say recently, I mean within the last ten years -- when there was a Committee of Inquiry into the Native Courts' system, generally, in the Colony, this very matter was discussed, and it was considered at that time that the introduction of professional lawyers into native courts would not be a step which should be encouraged and, in fact, it has been banned. One reason for it is that if a barrister appeared for one party, the other party would inevitably be at a disadvantage if he did not employ a barrister or did not have the means to employ a barrister; in any case, the matters in question before Native Courts were relatively so simple that it was felt that a professional lawyer was not required. That is mainly the reason. It would also, of course, tend to increase greatly the cost of litigation. But I believe that this particular point will again be considered. The question of courts is also under review and this particular point, I believe, is ^{again} coming to the forefront for consideration. But while the present system of simple cases exists and, as far as possible, cheap litigation, I think that the present system can be defended as feasible and in the interests of the people.

Mr. INGLES (Philippines): I should like to ask a further question about the Report of the Committee under the Chairmanship of Mr. Justice Coussey. I do not know if this was referred to in the statement of the representative of the United Kingdom, before my arrival. The main thing that we would like to find out is whether the Special Representative could give us a general outline of the major points of this agreement between the Coussey Report and the United Kingdom Government.

the fact that these and other proposals will undoubtedly come within the purview of the proposed enlarged Consultative Commission. I think, therefore, that we can safely say that the wishes and the interests of the inhabitants will be fully taken into account before any conclusions are reached by the Administering Authority or any final decisions taken. But at this stage it will be impossible to indicate exactly what those wishes are. That is why machinery is being established to ascertain them.

Mr. QUESADA (Argentina) (Interpretation from Spanish): In the field of political advancement, in respect of general advancement, reference is made to the necessary qualifications to enter the administration as an official in the Trust Territory of the United Kingdom. A plan of study of 15 months is set up. I would like to ask the Special Representative if one contemplates in this plan the study of any given language as used in the Territory where the new official will be sent.

Mr. SUTHERLAND (Special Representative): I would be very grateful if the representative of Argentina could give me the exact page of the report.

Mr. QUESADA (Argentina): It appears on page 63 of the report, and reads as follows:

"Officers appointed to the administrative service are not required to possess a University degree ... Selected candidates undergo a 15 months course of training in the United Kingdom in colonial subjects before taking up appointment in the Gold Coast."

I would like to know whether, during those 15 months of training, they study some of the native languages to facilitate their work in the Territory under trusteeship where they are going to do their work?

Mr. SUTHERLAND (Special Representative): The answer is "yes". They do take certain languages, the most used languages in the Territory. One is certainly the Ewe, which is the general language of the southern section of the Territory, and the other two or three languages which they take affect more the Gold Coast proper. But Ewe is one of the languages which they study. Unfortunately, it cannot be guaranteed that because an officer learns Ewe, he will be posted in an Ewe section. But, as far as possible, if he showed an aptitude for the language, and considerations dictated it, he would be posted to Togoland and he would therefore have quite a good start.

Mr. SUTHERLAND (Special Representative): I gathered the representative of the Philippines to say that there were points of difference between the Coussey Report and the views of the United Kingdom. If this is in regard to Togoland, which I think is all that is necessary, I believe that the matter in regard to the Regional Council has formed an annex to the written questions and answers. It is contained in annex II, which sets out the views of the Coussey Committee and of the United Kingdom Government. In local government and general principles, I do not think there is any conflict of view at all.

Mr. INGLES (Philippines): With respect to legislative and executive organs of the Government?

Mr. SUTHERLAND (Special Representative): No sir, I do not think there is any difference at all. The only question that has been mentioned specifically in the published correspondence or statements is that affecting the proposed Regional Council for Southern Togoland; and that is the only matter which I can recall as under discussion at all.

Mr. FLETCHER-COOKE (United Kingdom): I was only going to observe that this very point cropped up the other day in the Committee on Administrative Unions, and I referred the Committee to the documents which are annexed as Annex II to the replies to the written questions, and explained there the most important item which is, as the Special Representative has said, this Regional administration for the Trans-Volta, Southern Togoland, as was stated in the dispatch from the Secretary of State to the Governor, quoted on page 34 of TL/61. The Secretary of State said:

"The decision to be taken" -- that is, on the recommendation -- "on it must clearly depend on the interests of the people concerned, and in determining where these interests lie I have no doubt that you will consider, in consultation with the accredited representatives of the people, what arrangement is likely to be most effective in promoting the political, economic, and social development of the area."

As I understand it, these views are, in a sense, going to be manifested in two ways: one, the Select Committees which are already undertaking a study of this question -- that is, of the Gold Coast, -- the legislature, and also

I do not think that anyone will say that his learning of the language during the taking of a course would be as good as his learning of the language actually on the spot.

Mr. QUESADA (Argentina): I did put that question because in accordance with the resolution of the General Assembly the implementation of vernacular languages had to be considered by the Administering Authority and because I see that the judicial organization uses English as the court language. I think that for people under trusteeship it would be easier in the long run to have the less people learn the language of the most people in order to facilitate matters. That was the motive of my question.

The PRESIDENT (Interpretation from French): Are there any other questions concerning political advancement? As there are no such questions, we may proceed to study the economic field. Are there any questions on economic advancement?

Mr. RYCKMANS (Belgium)(Interpretation from French): In Question 35 on page 68, reference is made to 21,000 tons of cocoa which is the cocoa which comes from Togoland.

Mr. SUTHERLAND (Special Representative): That is so. The reference is to 21,000 tons of cocoa actually produced in British Togoland.

Mr. RYCKMANS (Belgium)(Interpretation from French): In paragraph 56 on page 77 reference is made to legislation limiting the interests of money dealers, and in paragraph 167 on page 115 reference is made to debts. I would like to know whether money lenders are restricted to fifteen per cent on secured loans and thirty per cent on unsecured loans. I should like to know what are these loans. Are these loans on crops or what is the guarantee that is given? I should like to know, moreover, whether the Administration does not consider that thirty per cent is rather a dangerous percentage and, finally, whether there is no control

on the amount of loans which may be accepted by any member of the indigenous population on the loans which may be taken by indigenous inhabitants.

Mr. SUTHERLAND (Special Representative): In the matter of indebtedness the question of security, for example, is a very risky matter in Africa and particularly in West Africa. At the present time, particularly in the Gold Coast this is so because the main matter of security, apart from land is building. As building in itself is also a very risky security because of the fact that there is no registration of title to lands. A house may be given as security. The person who tries to close ^{on} a mortgage or a loan finds that he cannot sell the house because the house itself is on land that is not owned by the person who has the house. I do think that in regard to secured loans the security may be in the form of gold or ordinary possessions like silver or household valuables; for example, thirty per cent on unsecured loans, to the extent that even land is not regarded nowadays as security; the crop which grows on the land may be a certain amount of security, but even then the risk the money-lender takes is extremely high. In practice, however, we find that there are very, very few /^{registered} money-lenders in the whole of the Gold Coast, and people prefer, especially at the present time, to rely on friends or known people for such loans. I do think that in the present state of affairs fifteen per cent on secured loans and thirty per cent on unsecured loans is not an unfavourable or unreasonable rate of interest, considering the great risk which is attached to these loans.

Mr. RYCKMANS (Belgium): But is it not dangerous to permit the natives to go into debt with thirty per cent interest to be paid?

Mr. SUTHERLAND (Special Representative): I could ^{not} agree with the representative of Belgium more, that it is very dangerous in a sense, but at the present time the danger, of course, is not as great as it has been in the past because of the high price of cocoa and the general level of prosperity at the present time. But I do not think that if this thirty per cent rate were not laid down the rate of interest charge would be much higher. In fact, I believe

that there are cases, quite frankly, where the rate of interest is indeed higher than this. It has always been the practice for a very high rate to be charged, and the only reason for this is to cut down the rates of interest which were as much as one hundred per cent. In fact, the conditions of loans were such that a person lost his property entirely because of the acts of unregistered money-lenders.

Mr. RYCKMANS (Belgium)(Interpretation from French): I should like to know on page 78; where reference is made to dividing of taxes among the Chiefs: does this allocation with reference to taxes and the Chiefs decide how it shall be allocated among the people? Is a control exercised by the Administration over this allocation which is made by the Chiefs? Does this procedure not give rise to certain abuses?

Mr. SUTHERLAND (Special Representative): I agree that in theory and in fact this could be a very dangerous matter, but in practice the actual allocation made by the Chiefs is known to the District Commissioner and is known to the Chief Commissioner and is subject to his knowledge all the time. I do not think in practice that there are any abuses. Any abuses which did take place would quickly come to light and would be dealt with at once. This applies of course only to the Northern Sections.

Mr. RYCKMANS (Belgium): On page 81 it is said that the other products exported out of West Africa are coffee and negligible quantities of palm kernels. I should like to know why the quantity is negligible. Are there few palm trees? Why is the quantity negligible and is there no export of palm oil at all?

Mr. SUTHERLAND (Special Representative): There is quite a fair acreage of palm kernels in the Gold Coast, but in the Trust Territory itself there is not very much and like other places the main concentration of the farmers has been on cocoa to the detriment of other crops.

I do not think the agricultural experts of the Gold Coast Government think that in the Trust Territory itself there is an export market for palm kernels or palm oil at all. In the whole of the Gold Coast the export of palm oil is negligible. Recently, in fact, the Gold Coast has taken up practically all palm oil made in the Gold Coast.

Mr. RYCKMANS (Belgium) (Interpretation from French): My next question is one which, I think, I have already asked previously. On page 93 of the Report, the following is stated:

"In the Northern Section all minerals obtained are liable to such royalties as may be prescribed."

Does that mean that a person who starts mining research does not know in advance what conditions will be made to him to obtain a permit for such exploitation? Does that mean, therefore, that there is no regulation, and that such a person is subject to the arbitrary will of the administration?

Mr. SUTHERLAND (Special Representative): In practice, a person applying for a mining licence would already have known the extent to which he is going to work. He would also know and would draw up beforehand, as in the case of all mining leases in the Gold Coast itself, the rate of royalty which is prescribed in the agreement, in the option or in the concession lease itself. I do not think he would be under any doubts that he would not suddenly be able to mine, and then have a royalty imposed on him which he might find would be ruining his business. As stated here, the rate of royalties would normally be fixed by "negotiations", which in most cases would be by prior negotiation. In practice, of course, this has not arisen in the Trust Territory because no mineral of any kind has yet been discovered.

Mr. RYCKMANS (Belgium) (Interpretation from French): Is not this uncertainty with regard to the mining system invoked as a reason for which research has not been undertaken? I presume that I, for instance, as a Belgian citizen, might ask for permission to conduct research. Another person, a British citizen, would ask permission to conduct research. Do I run the risk, as a non-British subject, of having different conditions made to me from those which would be made to a British subject? If there is no regulation and if ^{there} is

no definite provision which I may consult in advance, I may always fear that I shall not have as good conditions, since it speaks here in the Report of "such royalties as may be prescribed". I might say, of course, that since I am not a British subject, I am going to have to pay much higher royalties than those which would be required of a British subject. Is there, therefore, no possibility of any abuse in this field?

Mr. SUTHERLAND (Special Representative): In my opinion, there is no scope at all for any restriction or for any suffering on the part of any person. You have the same position in the Northern Territory or in the Northern Section as you have when any person in the Gold Coast goes to a land-owner who may be a chief, for instance, to negotiate for a lease or option to a mining land or timber land. The leases are the subject of negotiations and the terms are the subject of negotiation. In the Colony and Ashanti, for example, you have the Concessions Ordinance where every concession has to be the subject of a concession inquiry before the Concessions Court. The royalties are therein disclosed. If a person does not want to pay an excessive royalty he does not take up the option. The person or the chief concerned or the land-owner loses.

Mr. RYCKMANS (Belgium): That is exactly what I wanted to ask: suppose I ask for a concession and they make me such conditions that I give it up, and they make him pay half of it, and he takes it up.-- that is what I wanted to know.

Mr. SUTHERLAND (Special Representative): No such discrimination exists in practice. It does not exist in practice or in theory in any way whatsoever. There is no question of nationality making any difference.

Mr. RYCKMANS (Belgium): I hope so and I am sure that there is not in fact. Would it not, however, be more normal for them to say that the "royalty will be so much per cent" or "the royalty will be so much for a profit up to so much per cent and something more for a profit higher than that"? In that way, every one would know exactly what the conditions are going to be.

Mr. SUTHERLAND (Special Representative): I am not an expert on leases in regard to mining, but it may be that the conditions would vary according to the mineral discovered: it might be uranium or gold or lead; it might be copper or it might be manganese. It might also be in connexion with the fact that the researchers of the Geological Department have found almost no minerals at all in the Northern Territories, as a whole, including the Northern Section. Gold has been discovered in one part in very small quantities.

Mr. RYCKMANS (Belgium): Is the law different in the Southern part, in the Colony?

Mr. SUTHERLAND (Special Representative): The law in regard to land is different. The terms of making a lease are different because in the Northern Section and in the Northern Territory the rights over land are governed by the land-owners.

Mr. RYCKMANS (Belgium): Does that mean that the rights with regard to mines are under the Government in the North and land-owners in the South?

Mr. SUTHERLAND (Special Representative): Yes, there is a Concessions Ordinance in regard to the Colony and to Ashanti. In the North you have the Land and Native Rights Ordinance plus the Minerals Ordinance. I think that any case must be treated on its merits. I do not think it has any disadvantages at the present time. Possibly in theory there is a disadvantage in not having known rates of royalties, but I am quite sure that in practice, if minerals were discovered, the rate of royalties would be such as not to interfere with the working of the mines by any person at all.

The PRESIDENT: (Interpretation from French): At this time we shall have a short recess and then continue with the economic aspect of the matter.

The meeting suspended at 4.20 p.m. and resumed at 4.40 p.m.

The PRESIDENT: If there are any questions which delegations wish to put in the economic field, they may do so now.

Mr. SAYRE (United States of America): I would appreciate a confirmation with regard to my understanding in respect to membership in the Gold Coast Cocoa Marketing Board. We observe on pages 83 and 84 of the Report the constitution of the Gold Coast Cocoa Marketing Board which one sees is not entirely based regionally. Membership is determined by various qualifications. If I correctly understood the opening remarks of the representative of the United Kingdom, there is now elected to the membership of that Gold Coast Cocoa Marketing Board a member representing Togoland, or a Togolander -- I am not quite sure. I would like to ask the Special Representative whether there is a special provision now requiring the election to that Board of a Togolander or a representative of Togoland, or just what is the present situation?

Mr. SUTHERLAND (Special Representative): It is a fact that at the session of the Legislative Council of the Gold Coast, which was held in February and March of this year, the ordinance dealing with the Cocoa Marketing Board was amended so as to allow representation from Southern Togoland, which produces the greater part of the cocoa in the Trust Territory. The Council was allowed to elect a member to represent the interests of Togoland farmers in the Cocoa Marketing Board. That actually has taken place.

Mr. SAYRE (United States of America): Is that a native of Togoland?

Mr. SUTHERLAND (Special Representative): The person nominated by the Togoland Council need not necessarily be a Togolander, but I should imagine that in practice he would be. It would naturally select the man whom it considered best fitted, though whether or not he would be a native of Togoland would be for the Togoland Council to consider in the light of securing the best possible representation on the Cocoa Marketing Board.

Mr. SAYRE (United States of America): If I correctly understand you, that is due to an ordinance which provides for such continuing representation. In other words, it is not merely a chance happening of this year but a continuing arrangement.

Mr. SUTHERLAND (Special Representative): The constitution of the Board is laid down by statute so it is not a temporary arrangement. It is definitely a legal arrangement. That is why we had to await the meeting of the Legislative Council in order to amend the ordinance.

Mr. SAYRE (United States of America): In paragraph 75 on page 86 of the report, the following is stated:

"The import licensing system has recently been operated in such a way as to provide an annually increasing share of import licenses for controlled goods to African importers and consumer's co-operatives."

I wonder whether the Special Representative would be kind enough to explain just what that means? I am rather vague in my understanding of just how that operates and what the situation is in practice.

Mr. SUTHERLAND (Special Representative): Of course, I must again emphasize that we are dealing with the 1948 Report and, in 1948, commercial conditions were rather different from what they are now. In certain cases, licenses to import goods were issued on the basis of what was known in the Gold Coast as "past performance". That obviously operated to the advantage of established firms.

Since this Report was written, the principle of past performance has been abolished and there is more or less a free market. Now, anyone can apply. In fact, he can order from agencies, whether they are African, European, Continental or American. The only consideration now affecting trade ~~mm~~ is currency, whether goods should come from hard currency areas. These areas are about the only ones on which there are restrictions as to imports. The applications of African traders are treated in the same way as for European established firms.

Mr. SAYRE (United States of America): I should like to pursue the matter of imports a little further. The report goes on to say, "No separate figures are available of the number of import licenses issued to inhabitants of Togoland." Then, reasons are given why that is true. I wonder if there is any practicable way of determining the amount of the participation of the inhabitants of Togoland in the import or export trade of the Gold Coast and the Trust Territory. In other words, if my understanding is correct, the export and import trade is through the Gold Coast ports and there seems to be no practicable way of determining what proportion of that trade goes to Togoland as distinct from the Gold Coast or Ashanti or the Northern Territories. If that be true, is there any practicable way of determining the participation of the inhabitants of Togoland in this import and export trade? That would be interesting in determining the commercial progress of Togoland.

Mr. SUTHERLAND (Special Representative): I am afraid that, at the present time, no machinery exists which could show the actual amount of imports especially into the Trust Territory because these come into the ports. The orders given for the imports may be placed with agencies in Accra and Takoradi, which are the two main ports. The only way of determining the actual flow of trade in respect of imports into the Trust Territory would be by means of road checks at the main trade entrances to the Trust Territory.

That in itself has not been considered at all. The other way would be to arrange for a system whereby African and European establishments in the Trust Territory could send a yearly return of their imports actually into the Trust Territory. That of course would mean more forms, which they themselves might not like at all. But these are the only two practicable ways that I would see. Whether the amount of trade would justify the institution of such measures is, of course, a matter for the Gold Coast Government and the Administering Authority. But if the basis of import trade and the extent of it is required in detail, these measures which I have outlined would be the only practical means of determining the flow of trade into the Territory.

In regard to exports, the position is much easier because cocoa can be determined quite easily. That is the main export. The internal export -- when I say internal, I mean the export of foodstuffs from the Trust Territory into the Gold Coast but not necessarily abroad -- is determined and examined by the Agriculture Department which can give a fairly accurate assessment of these exports. However, in regard to imports, as I say, the position is different and at present there exists no machinery which would give even a fairly accurate assessment of the flow of importations into the Trust Territory.

Mr. SAYRE (United States of America): That is exactly what I want to know and I appreciate the answer.

Mr. LIU (China): In answer to one of the questions put by my delegation in regard to the Cocoa Marketing Board of the Gold Coast, the Special Representative says, and I am quoting from page 20 of document T/L.61:

"No such development projects have yet been planned for Togoland.."

That is to say, no development projects have been planned for spending part of the surplus which has been accumulated by the Gold Coast Cocoa Marketing Board. Since that question was asked in Geneva, I have read the report of the Visiting Mission. On page 41 of document T/465, the report says:

"The Mission has already noted that the Board is now prepared to devote funds, outside of the necessary stabilization reserves, to development projects."

Do I understand correctly from the answer that has just been given by the Special Representative that in spite of the preparedness of the Board to devote funds

to such development sprojects, no plans have yet been made for these projects? If that is correct, can the Special Representative enlighten us as to when we can expect some plan to be made for these projects.

Mr. SUTHERLAND (Special Representative): It is quite correct that no development projects have yet been planned for Togoland, or, indeed, for the Gold Coast. The Ordinance which constitutes the Cocoa Marketing Board and sets out its powers, aims and functions, gives the Board power to apportion funds for development projects in cocoa areas. There is an unstable position in the cocoa market, and I think I also made this clear in the answer to question 30. I said there that in 1947/48 the Board had a net surplus on operations of some 24 million pounds, and the following year there was a net deficit. I believe I am not in a position to say definitely what the Board's intentions are, but I think it was in the mind of the Cocoa Marketing Board to await the result of the present year's operations, and to see then whether money could be set aside for development projects, as the Ordinance empowers it to do.

The cocoa marketing season -- that is, the 1949/50 season -- has now ended but I am not in a position to say what surplus has been made. That will not be known for some time yet. But I think I am right in saying that it was because of this uncertainty of the market that the Board had not proceeded to make any plans for development.

Mr. LIU (China): Further down, on page 41 of the report of the Visiting Mission, the following is stated:

"In regard to other projects on which the Board is prepared to spend some of its funds, it was explained that it is waiting for the Government to produce its revised Ten-Year Development Plan for the Gold Coast and Togoland..."

What further information can the Special Representative give the Council in regard to that observation?

Mr. SUTHERLAND (Special Representative): In regard to this Ten-Year Development Plan, conditions have changed so much from year to year -- not only in regard to actual development but in regard to ^{the} political field -- and I think it is now felt that we can go ahead in the Gold Coast with development plans.

However ⁱⁿ view of the impending changes in the constitution, it is not felt that we should go too far in regard to development, but ^{to} allow ^{them in} the new constitution, when it is established, to have a greater say than they have at present in regard to what should be the development of the Gold Coast. In regard to the ten-year plan I am afraid that, as far as I know, there are certain projects which have been undertaken. The idea of the Cocoa Marketing board was that ^{it} itself should not undertake that which it considered the Government itself should do, nor did it want to undertake something which the Government itself would do, and it endeavoured to avoid duplication. It has been concentrating on certain development projects in connexion with the eradication of the Swollen Shoot disease of cocoa; that is to say, by way of subsidizing the grants-in-aid for rehabilitation and also for opening up roads in the Swollen Shoot area to allow this disease, which might wipe out the whole of the cocoa industry, to be more effectively and intensively tackled.

Mr. INGLES (Philippines): In reply to our written Question 32 on page 21 of T/L.61, we note that the average income of the African cocoa farmer in 1947-1948 was estimated at £250 in one area and £150 in another. Yet these farmers who enjoy an assured market, a guaranteed price and an obviously much higher income than the great majority of their fellow citizens, pay no more tax than anyone else. In answer to our Question 29, there is an indication to the effect that the actual price paid to the grower will of course come into the reckoning of his personal income tax liability, if any. But the fact remains that he pays no income tax. This leads us to ask the question as to whether this is not an argument in favour of introducing a suitable form of income tax into the territory.

Mr. SUTHERLAND (Special Representative): In regard to income tax itself, general income tax does not, as the representative of the Philippines has said, cover these persons because the average income is such that they do not come within the scope of the general income tax laid down in the Gold Coast. However, in regard to the local taxation which is a few shillings per head, it is laid down and determined and collected by the local authorities, the native authorities themselves. It is not a matter for the Government, and no pressure is put on the native authorities to increase taxes or to have discriminatory taxes and as such the question of any increased payments being made by cocoa farmers by virtue of the fact that they have a high assured income -- at least at the present time -- must be a matter for the native authorities themselves and is not a matter for the central Government. I think it was mentioned somewhere else that under an advanced system of Government, such as is envisaged will come into being within a year or so, local authority taxation may take a different form from the present taxation, and it may be then that persons who have higher incomes will pay more, either directly or by way of rates. That is a matter for local governments themselves to decide, but at the present time I want to emphasize that the central Government can do nothing in this matter. Local taxation is left to the native authorities themselves to decide.

Mr. INGLES (Philippines): In answer to Question 28 on page 19 of document T/L.61, in reply to a question put by the United States, the answer says:

"The mention in the Report of 'fixed graduated rates of taxation by nearby Colony Native Authorities' may be misleading; no real graduation is made according to income, but some graduation is made according to position (e.g. for a Chief, Divisional Chief, Counsellor, Elder and so on)."

This, in the first place, confirms our view that the income of the African cocoa farmer is not taxed even by the Native Authorities, but on the basis of this statement that graduation is made according to position. We should like to ask information as to how this works in practice and whether the Chief pays more than the ordinary citizen and whether examples may be cited of actual amounts paid in accordance with this graduation of tax not according to income but according to position.

Mr. SUTHERLAND (Special Representative): The matter of this graduated tax according to position, as one can easily gather, is a matter of prestige. At the very beginning when they introduced this system of local taxation the policy was that everyone paid the same amount, but some of the Chiefs and Elders and so on felt that, according to their position and their status in the local hierarchy, they should pay more. They have in all cases in the Gold Coast and in the Trust Territory invariably paid more.

As regards the Southern Section, I can only speak from memory at the moment, but I would say that a paramount Chief might pay four or five pounds or even three pounds. A divisional Chief might pay two pounds; a Counsellor ^{and} Elder a matter of thirty shillings. That would be where the ordinary subjects would be paying six shillings. It is not a large amount at all in accordance with their own income, and there is no scientific basis of graduation. It is simply a matter which they have taken up themselves to confirm their status and prestige in their own authority.

Mr. INGLES (Philippines): With reference to the cocoa industry, it strikes my delegation as being somewhat abnormal that so few of the benefits of what is obviously a very rich industry, bringing ⁱⁿ some three million pounds a year, comes back to the Trust Territory. The actual farmer, of course, benefits because he gets his income free of tax. The Cocoa Marketing Board benefits to the extent of the millions of pounds in surplus profits; however, except for an export duty nothing comes back regularly to the Territory as a whole, as the Board pays no tax. We are wondering whether this situation has ever appealed to the Administering Authority as being somewhat unbalanced and calling for some modification by which the Territory as a whole would derive reasonable benefits from the rich cocoa industry.

Mr. SUTHERLAND (Special Representative): This is a matter of policy, but at the same time it is extremely difficult to give effect to the suggestions made by the representative of the Philippines. It is incorrect in a sense to say that the Territory itself does not benefit because the standard of living of the inhabitants increases. These persons who are making high incomes from cocoa, for example, spend quite a bit of it on improved buildings and on furnishings for their houses and also possibly for saving money to give higher education to their children.

So to a certain extent all the community can benefit if these persons are reasoned and are out to plan a better way of living. It must be remembered that the conditions to which he refers apply also to the Gold Coast generally. In other words, certain cocoa areas get in a certain amount of money. There is an increased flow of goods and the country benefits, not only from the export duty on cocoa, but from the import duties which are imposed on the goods which these persons are in a position to purchase.

It is utterly impossible, in my opinion, to devise at the present stage a method whereby the cocoa farmer will give more to the general development of his area. Any development must be dependent upon his own inclination, to improve his house or his standard of living, or to make preparations and provisions for the education of his family.

Mr. INGLES (Philippines): In my question I was, of course, referring to the direct return to the Territory in contrast to the indirect benefits to the Territory as a whole.

Mr. de MARCHENA (Dominican Republic) (Interpretation from Spanish): Our delegation would be interested in knowing whether the Special Representative could indicate the significance of the subsidy of £ 1,000,000. Does that come out of the funds from the benefits to the cocoa industry?

Mr. SUTHERLAND (Special Representative): Is the representative of the Dominican Republic referring to the grant given to the University College of the Gold Coast?

Mr. de MARCHENA (Dominican Republic): Yes.

Mr. SUTHERLAND (Special Representative): That comes out of the surplus funds of the Cocoa Marketing Board. In the current year's balance sheet under "Statement of Funds", it is put down as an allocated amount from reserves.

Mr. de MARCHENA (Dominican Republic) (Interpretation from Spanish): My delegation would likewise like to know, in order to arrive at a certain conclusion, the export duty, within the standard type, on cocoa in the Gold Coast.

Mr. SUTHERLAND (Special Representative): The export duty used to be £ 3/10 per ton, but it has been altered recently to a duty of eight and one-half per cent ad valorem. I could also, if required, give the definition of value, because arguments generally crop up as to what constitutes the value of cocoa. Is it the price given to the produce or is it the price set, for example, at New York? The actual definition of duty, in this connexion, says as follows:

"For the purpose of this item duty shall be charged on the value which the Controller of Customs and Excise is satisfied is the value f.o.b., excluding export duty payable under this part at which the Gold Coast Marketing Board has contracted to sell the cocoa to a purchaser outside the Gold Coast."

That is the definition of value.

Mr. RYCKMANS (Belgium) (Interpretation from French): I have a question on the social field. On page 119 of the Report, reference is made in paragraph 174 to the recruitment of medical personnel among displaced persons. I should like to know what is the present situation in this regard.

Mr. SUTHERLAND (Special Representative): In regard to this matter I cannot give the exact figures, but I am in a position to state that every endeavour is made by the Gold Coast Government and also by the Administering Authority through the Colonial Office to engage as many persons as possible. Difficulty is still being experienced, however, although a number of displaced persons have been contracted.

Mr. RYCKMANS (Belgium): None have been contracted recently?

Mr. SUTHERLAND (Special Representative): There have been several persons engaged in the Gold Coast. I do not think there is one person in the Trust Territory itself. The three hospitals have been staffed either by Africans or by Europeans. There are, however, several displaced persons, medical officers, in the Gold Coast Government at the present time.

Mr. QUESADO (Argentina) (Interpretation from Spanish): As regards the question just raised by the representative of Belgium, I made some inquiries and I have found that there were some difficulties in recruiting displaced persons in European camps, and there are difficulties on the part of the Administering Authority in revalidating the titles and degrees of these medical people. They have to take certain examinations before they can obtain a degree which is valid. They are often not able to prove their worth as doctors because the examinations must be given in the language of the country of the Administering Authority.

Such difficulties might be solved if there were some good will between the Administering Authority and the International Refugee Organization, which might give certain guarantees regarding the efficiency of persons recruited.

There are also difficulties regarding visas which should be solved in order to increase the number of doctors who can be engaged. At the present time, the country which has the highest proportion of doctors per capita is Israel, which proves that in the displaced persons camps there are numberless persons who would be willing to work in the Trust Territories if access to such territories were facilitated by solving the difficulties I have mentioned.

Mr. SUTHERLAND (Special Representative): I should like to ask the representative of the United Kingdom to comment on that.

Mr. FLETCHER-COOKE (United Kingdom): I cannot at the moment give the Council the full details of the arrangements that have been made for recruiting suitably qualified displaced persons for these posts. Such information could no doubt be obtained if it was required. On the question of language, however, it is quite obvious that, as the Trust Territory is staffed for the most part by persons coming from the United Kingdom and also by Africans who themselves have learned and are educated in English, it would be -- I shall not say "useless" -- but extremely difficult if medical persons who had no knowledge or not a sufficient knowledge of the English language were to attempt to perform their functions there.

Similarly, the Administering Authority is, we feel, under an obligation to satisfy itself that the medical qualifications of these practitioners are of the highest standard that we require, both as regards doctors coming from the United Kingdom and as regards locally trained Africans.

We shall no doubt, however, take into account the observations which were made by the representative of Argentina.

Mr. RYCKMANS (Belgium) (Interpretation from French): There is something very interesting in what has just been said by the representative of Argentina. I would point out the following from my personal experience:

I know that there are many emigrants who have declared that they lost their university diplomas and have alleged that they did follow university courses in former Russia or former Germany, but fled before the last war. Before fleeing, however, they had had very low functions as domestic workers in a hospital and, as such, had had an external experience of doctors, and so they presented themselves as doctors. When they were asked for their diplomas, they said: "I can't help it; my diplomas are in the hands of the Hitlerites, or somewhere else. I lost everything when I fled and I have not got my diplomas with me."

Obviously, after we had engaged as doctors certain persons who were not doctors, we had to become very prudent.

In all countries, there are regulations concerning the exercise of the medical arts. That right is granted only to those who have a degree of Doctor of Medicine, equivalent to those given by national universities. In the field of displaced persons, however, I believe that the World Health Organization could render us a very great service. It could exercise a form of control and

give a kind of guarantee to countries -- whether administering or sovereign -- where the number of doctors is insufficient. If the WHO could grant a world diploma, guaranteeing that the person who is its bearer really has the necessary knowledge to exercise the medical profession as a Doctor of Medicine, then the problem would be considerably facilitated, and those who really are Doctors of Medicine among the displaced persons would much more easily find employment and the rehabilitation which they cannot acquire at the present time. I think it would be up to the WHO to deal with this matter and to give the necessary guarantees to those who wish to recruit medical personnel from among displaced persons.

Mr. STIRLING (Australia): I was very much interested and glad to hear in the opening statement of the Special Representative that the health of the Territory had been good during the year under review. I think that statement is borne out by the figures on diseases in the Territory.

I was particularly interested to see that the incidence of tuberculosis in all forms was as low as 113 cases, which suggests that the incidence in the Territory is very low. I notice, too, in the Appendix that, of those 113 cases treated in hospital, there was only one death. The Report tells us that in the Gold Coast the incidence of tuberculosis is relatively high, and I know that further south in Africa it is very high indeed among the Africans.

I wonder whether Mr. Sutherland could tell us, as a matter of interest, what is the basis of the low incidence in the Territory. Does it arise from special climatic reasons or from a particularly high resistance among the indigenous inhabitants?

Mr. SUTHERLAND (Special Representative): I am afraid that that is rather a difficult question for a non-technical man to answer. I do wish, however, in fairness to the questioner, to point out that our statistics are in no way regarded as very general. They are taken only from what might be called hospital returns. As will be appreciated, there are very few hospitals.

It would therefore not be safe, I think, to say that there is really a low incidence. I am merely pointing this out in fairness -- probably it is a point against us, not in our favour.

The incidence refers only to figures for three medical stations. In many cases, of course, the disease may have fatalities outside of the hospitals, and there are no figures, except in one town, for the death rates, because we have no register of deaths throughout the Territory, as such.

With regard to a comparison between the Trust Territory and the Gold Coast, I think it has to be remembered that in the Gold Coast there is a large underground mining element, and many of these people are subject to tuberculosis and allied diseases.

I think that might explain in general terms the difference in the incidence of the disease. I cannot account, however, in general for the low incidence of tuberculosis. There is no reason to believe that it is very high. It can probably be taken that its incidence is no higher than in any other Territory in West Africa -- and is probably lower.

Mr. STIRLING (Australia): I had omitted any reference to the mining feature of the Gold Coast, which must no doubt account for quite a bit of it.

Mr. KHALIDY (Iraq): In reference to a question which was put by the representative of Australia, I have the same question in a somewhat different form. I wonder if Mr. Sutherland could draw any conclusions on the possibility of the difference in the incidence of diseases between the northern part of the country and the southern part of the country. I may help him by saying that the reason I put this question is, as he knows very well, that there is a somewhat entirely different social and cultural, not to say religious, cult in the north. The northern way of life, to say it broadly, is comprehensive, while in the southern way of life -- I am speaking now of the inherent cult of the people, mainly from the religious view -- there are many pagans, and this cult is quite different. Is there any conclusion to be drawn on the basis of statistics? I do not know if I made myself clear, but, Mr. Sutherland, I will try to pull and push until we get something out of it.

Mr. SUTHERLAND (Special Representative): Could the representative of Iraq mention any particular disease that he might be interested in?

Mr. KHALIDY (Iraq): Let us say tuberculosis.

Mr. SUTHERLAND (Special Representative): My own opinion is that the ways of life in themselves are not sufficient. We do not know the specific ratio between the north and the south from these figures, although they could quite easily be found. I think that often climatic conditions, or conditions of dust and soil, can possibly account for that particular disease. But I do not know if the ways of life actually are such an important factor in the incidence of disease. I do not think it could really be as important as might be made out by some persons. In the case of certain diseases, where you have polluted water streams, and in another area where there is almost no stream at all or clear water at all, you will find that certain diseases do not exist. Therefore, I do maintain that possibly climate and geographical conditions have in this particular instance more to do with the incidence of disease than different cults.

Mr. INGLES (Philippines): On page 108 of the Report it is stated in answer to question 136 that all elements of the population of the Territory are secured in the enjoyment of human rights and fundamental freedoms without any discrimination. When we speak of human rights and fundamental freedoms, we naturally think of the Universal Declaration of Human Rights approved by the General Assembly in 1948. Among the human rights and fundamental freedoms enumerated in the Declaration is the prohibition against torture or cruel, degrading, or humiliating punishment, which the General Assembly and the Council has interpreted to include corporal punishment. This Council, on its own initiative and with the full endorsement of the General Assembly, has recommended the abolishment of corporal punishment in all Trust Territories where it exists. We note that on page 65 of the Report corporal punishment may be inflicted by native courts. On page 113 it says that corporal punishment may be inflicted as a penalty for a prison offence. We are, of course, aware of the fact that this Report was submitted for the year 1948, and therefore, it was submitted before the promulgation of the Universal Declaration of Human Rights and before the resolution of this Council commending the abolition of corporal punishment in all Territories where they exist. I would like to ask the Special Representative the policy of the Administering Authority with respect to the abolition of corporal punishment in the Territory.

Mr. SUTHERLAND (Special Representative): On that matter of corporal punishment I might mention that the views of the Administering Authority are set out in details in the observations made by the Administering Authority on the resolutions and recommendations of the Trusteeship Council, which earlier I had promised I would circulate and would give to the representative of the Philippines. I have before me certain of these observations. If he cares that I should quote them now, or if he would prefer to wait until he gets the copy of the observations which I promised him earlier, is a matter for the representative of the Philippines to decide.

Mr. INGLES (Philippines): Perhaps those views could be circulated during this session of the Council at the convenience of the Special Representative.

Mr. de MARCHENA (Dominican Republic) (Interpretation from Spanish): On page 106 of the Report, there are some very interesting matters in the section referring to the status of women which we should like to have clarified.

On page 107, mention is made of the difference between the status of women in the Southern and in the Northern sections. We should like to know what efforts have been made by the Administering Authority in the Northern section to make known to women the possibility of being able to participate in the political activities of the community? That is to say, we should like to know specifically whether the Administering Authority is making efforts in order that women in the Northern section may participate in the political and administrative activities of the territory.

Mr. SUTHERLAND (Special Representative): I think I have mentioned several times that, in the Northern section, the people generally are less politically minded than in the Southern section. That applies both to men and women.

To divert for a moment, in the Southern section, I may say that women have been elected as members of several native authorities. That marks a definite advance in the general participation by women in political matters.

This would be premature in the Northern section. In fact, the women themselves would not display any interest in increased political activity. What we have succeeded in doing recently -- and it has also come from the people themselves in the Authority -- is to encourage in them a greater political interest. I think we are succeeding. In fact, several very promising political figures have recently emerged, both from the Northern Territories proper and from the Northern section of the Trust Territory.

I do not think we should push ~~the political~~ development of women in the Northern section too hard. We hope that they themselves will show an increasing interest in the political affairs of the territory and of the Gold Coast generally.

Mr. de MARCHENA (Dominican Republic). (Interpretation from Spanish):

On page 107, it is stated that in some parts of the Territory there are women's councils. Our delegation would be very happy if the Special Representative could tell us how these women's councils work, what their specific purpose is and what is their constitution.

Mr. SUTHERLAND (Special Representative): I must say that there are not very many of these women's councils. They are entirely formed spontaneously. Some of them may be in order to make representations regarding particular interests which may affect their welfare, for example, and I think I am right in saying this because I am sure that the Chairman of the Visiting Mission, the representative of Iraq, will remember that at Ho several women made representations there, as representing what one might call the local women's councils' interests, such as in midwifery, child welfare, and so forth. They are not statutory; they have no prescribed place in the political or economic development of the Territory. Although they may only be formed for specific purposes, the women do play a very important part in the welfare of the State and, on occasions, they do very much let the men know that they, the women, are a force to be reckoned with when it comes to both economic and political matters.

Mr. de MARCHENA (Dominican Republic) (Interpretation from Spanish): We agree entirely with the report, that the only means to achieve social progress is that given by education. However, on page 107 of the Togoland Report, we observe, with reference to paragraph 132, in connexion with the status of women, that it is only in the Krachi District that there has been a marked response to the efforts made by the administration for women to attend educational centres. It is stated that throughout the Northern section girls are in a considerable minority in the schools. I should like to know how the Administering Authority tries to counteract this apparent lack of interest of girls to attend school. What efforts are being made by the administration to achieve this end?

Mr. SUTHERLAND (Special Representative): The reference is, of course, only to the Northern section of the Territory and not to the Southern section. I think that is appreciated. But in point of fact every encouragement and propaganda is made to get parents to see the advantages of education for their girls. However, in the present state of political advancement in the north, I must admit that the parents are rather apt to think that a girl's education is possibly a waste of money, and they do not yet see the general advantages of training girls to have education commensurate with their brothers. But every effort is being made, and it is quite possible I should think that within the next ten years there will be a marked difference of outlook.

Mr. SAYRE (United States of America): I have only one brief question. On page 120 of the Togoland Report, in the third paragraph of section 180, mention is made of the fact that a doctor trained in leprosy control has recently been appointed and amongst his other work he has started a survey into the incidence and distribution of leprosy throughout the Gold Coast.

I was merely going to ask whether he would also cover Togoland in his survey and study.

Mr. SUTHERLAND (Special Representative): Most certainly he would cover Togoland. In fact, he has visited Togoland several times. He went to this settlement at Ho. But there is one thing to be remembered, that although the leper settlement at Ho, for example, which is the biggest one existing in the Gold Coast at the present time, shows a certain number of persons, these persons do not necessarily all come from the Trust Territory.

Many of the inmates of the settlements come from outside, but he certainly has covered in fact the Trust Territory as well as the Gold Coast. A start actually has been made on the construction of new leper settlements to be run on entirely different lines from the present one; it will be a very large one and will give the inmates the feeling that they are not entirely deprived of life or the hope of life and also give them something to do. It will be run on highly developed lines and a start has already been made in the construction of this new settlement.

Mr. SAYRE (United States of America): In the Trust Territory?

Mr. SUTHERLAND (Special Representative): Not in the Trust Territory proper but ⁱⁿ a very large central institution in the Gold Coast proper, but the existing settlement in the Trust Territory will not be disbanded.

Mr. KHALIDY (Iraq): The scarcity of water in the middle belt of the country and towards the south has been, I gather the impression, a very retarding element in the social development of the Territory. When we were there, we were told that the Administering Authority has been aware of this situation for some time. I believe they have some plan. Perhaps the Special Representative could enlighten the Council on this point which, I am sure you are aware, is an extremely important point. We certainly had the impression that it was an all-important matter there.

Mr. SUTHERLAND (Special Representative): I entirely agree that the question of water supply is of paramount importance, and I mentioned it of course in my opening statement; and in the observations of the Administering Authority on the Visiting Mission's Report, document T/638, the Administering Authority has devoted a considerable amount of space to setting up the position and also to emphasizing the prior importance of the development of water and of widespread sources of water. Progress has been retarded by the lack of staff, but I can assure the representative of Iraq that in the Trust Territory and in the Gold Coast itself this problem will be tackled and has been tackled as practically as possible because it is realized -- and I would once again emphasize this -- that

it is of paramount importance in the social development of the people.

Mr. LIU (China): With further regard to the question raised by the representative of the Philippines concerning human rights and fundamental freedoms, may I ask the Special Representative whether there is any differentiation in practice in the treatment accorded to hospital patients in the matter of accommodations, and also in the grouping of different races so far as their living quarters are concerned.

Mr. SUTHERLAND (Special Representative): In the hospitals there is no discrimination whatsoever in regard to treatment, entry or conditions generally. I do not know whether the representative of China was including Europeans. There are no European hospital accommodations in the Trust Territory. The number involved is so small that these people are either treated in their own homes or, if the disease is serious, they are taken, if possible, to the nearest hospital.

In regard to the indigenous races, however, whether they are inhabitants or natives of the Trust Territory or not, there is no discrimination whatsoever in regard to medical treatment.

Mr. LIU (China): What is the situation with regard to living quarters?

Mr. SUTHERLAND (Special Representative): With regard to living quarters I could quote one particular example of an officer. I assume the representative of China is referring to general living conditions. The post of District Magistrate was held by an African. He occupied the bungalow which is allocated to that position. Thus, it does not matter if he is an African or a European; he occupies the house which the position carries with it. Thus, there is no discrimination as regards housing.

Mr. INGLES (Philippines): It is stated in the report that all the details of the 1948 Census are not yet available, and, in reply to a question put by the representative of China, question 2, it was stated that further details were not yet available at the time the written replies were submitted on 15 March. We are wondering if the Special Representative is now in a position to tell us anything important or interesting in population trends. If he has no actual figures at hand, perhaps he knows some of the conclusions which have been drawn from the Census.

For example, has there been a greater increase than was estimated, and are there variations in the rates of increase between the Northern and Southern Sections of the Territory?

Mr. SUTHERLAND (Special Representative): When I arrived in New York yesterday, I received the first printed proof of the Census Report which, quite excusably, I have not been able to read as yet. If I may be allowed to have time, however, and possibly give an answer to this on Monday, I shall take the opportunity of reading ^{to} this proof and giving such information as I think would be interesting both to the representative of the Philippines and the representative of China who asked the original question. All I can say at the present time is that I have only the draft and it would probably be another month before the final Census Report is actually in free publication and circulation. I leave it to the individual representatives; if they would like the information I shall certainly do my best to have it for them on Monday.

Mr. INGLES (Philippines): My delegation would appreciate it if the information were furnished during the session of the Trusteeship Council at the convenience of the Special Representative, which he says could be on Monday.

The PRESIDENT (Interpretation from French): If there are no other questions in the social field, we shall start on Monday with education. We shall, at that time, perhaps have the information which the Special Representative has been kind enough to promise.

We shall have a meeting of the Petitions Committee Monday morning at the usual time in Conference Room 5, and a plenary meeting of the Trusteeship Council at 2 o'clock in the afternoon.

I should like to give members some information which might be useful. Having examined the programme for the next few days, we have decided that we can dispense with 3 July as a working day. That means that we shall have a long weekend, since we shall meet on Friday, 30 June, and have holidays on Saturday, Sunday, Monday and Tuesday, not meeting again until Wednesday, 5 July. This information applies not to this weekend but to the one after it. I just wanted to give representatives the happy news at this time.

The meeting rose at 5.55 p.m.