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VERBATIM RECORD OF THE SIX HUNDRED AND SIXTY-THIRD MEETING

Held at Headquarters, New York,
on Monday, 20 February 1956, at 2 p.m.

President:

Mr. SEARS

(United States of America)

1. Examination of conditions in Ruanda-Urundi [3b, 4] (continued)
2. Examination of petitions: statement by the Under-Secretary
3. Examination of conditions in Togoland under French administration [3e, 4, 5] (continued)

Note:

The Official Record of this meeting, i.e., the summary record, will appear in mimeographed form under the symbol T/SR.663. Delegations may submit corrections to the summary record for incorporation in the final version which will appear in a printed volume.

EXAMINATION OF CONDITIONS IN RUANDA-URUNDI:

- (a) ANNUAL REPORT OF THE ADMINISTERING AUTHORITY FOR 1954 (T/1197, 1201 and 1223) [Agenda item 3 b]
- (b) PETITIONS CIRCULATED UNDER RULE 85, PARAGRAPH 2, OF THE RULES OF PROCEDURE OF THE TRUSTEESHIP COUNCIL (T/PET.3/L.5 and 6) [Agenda item 4]

At the invitation of the President, Mr. Leroy, special representative for Ruanda-Urundi under Belgian administration, took a place at the Trusteeship Council table.

General debate (concluded)

Mr. RYCKMANS (Belgium) (interpretation from French): I thank the representatives on the Trusteeship Council for the objectivity and the understanding with which most of them appraised the policy of Belgium in Ruanda-Urundi. From the debate I derive the impression that only the delegation of the Soviet Union disputes the good faith of the Administering Authority. The observations of other delegations were made with a desire to serve the interests of the population and not with a desire to discover in all the actions of the Administering Authority motives that might be condemned. I am gratified by this state of mind, which alone allows the Council to perform a useful task. The suggestions which have been made without an undercurrent of systematic criticism will be studied, of course, with more attention than a priori condemnation. We know that our policy in Ruanda-Urundi is disinterested. One can scarcely attach great importance to the opinions of those who dispute this good faith.

The special representative will comment on certain suggestions which have been made. For my part, I shall confine myself to a few remarks of a general character.

It is sufficient to analyse in the light of common sense the information provided in the report in order to realize that Belgium is not seeking material benefits in Ruanda-Urundi. The benefits which the Belgian nationals can derive from their presence in Ruanda-Urundi are negligible as compared to the burdens imposed by the Trusteeship.

(Mr. Ryckmans, Belgium)

The over-all amount of trade of Belgium with Ruanda-Urundi, including import and export, amounts to 585 million francs, or less than \$12 million. Ruanda-Urundi's trade with the United States alone is 87 per cent of this amount.

There are 3,000 adult Belgians in Ruanda-Urundi, one third of whom are officials of the State, or else missionaries.

The total value of agricultural production of the indigenous inhabitants amounts to about 7.5 milliard francs, of which 91 per cent consists of food products. Most of the food products are consumed directly by the producers. The industrial products of the indigenous inhabitants amount to approximately \$10 million; mining products, \$4 million.

What benefits can be derived by European participation in these activities? In that connexion Belgium supplies annually to Ruanda-Urundi an advance of 400 million francs, or \$8 million, more than one third of the total budget, which amounts to less than 1,200 million francs or \$24 million. To these 400 million francs, advanced without interest, one must add 72 million francs, or about \$1.5 million, to the so-called dons gratuits du Fonds du bien-être indigène.

Considerable progress has been achieved in the matter of exports, but in absolute figures, this cannot be termed "exploitation". Ruanda-Urundi is a very poor country. We are doing all that we can to raise the standard of living of the population, but the circumstances are such that we would have no hope of achieving this, barring improbable mining discoveries, let alone making substantial profits, even if that were our objective.

The future of agriculture is limited because of the poor quality of the soil, on account of erosion, and because of the extreme density of the population which is constantly increasing. Every year there are 100,000 more mouths to feed.

(Mr. Ryckmans, Belgium)

Of the 1,200,000 hectares of land that are cultivated, 1,350 are devoted to the growing of food crops. This ensures sufficient food for the population, but there is no surplus. Large areas of land have been reclaimed but, nevertheless, the total cultivated acreage amounts to only one hectare for each adult person, or one acre for each inhabitant. Even if we were to mechanize agriculture, increased productivity could hardly be obtained. The mechanization of agriculture, as was wisely pointed out by the representative of India who knows of the same problems in his own country, would not be an unmitigated benefit in an area with so great a population. It would free human arms, but what would they do otherwise? In other countries, virgin land can be reclaimed by the mechanization of agriculture, but when there is no such land, as is the case in Ruanda-Urundi, the only result of the mechanization of agriculture would be complaints from those who had been freed from agriculture, only to become unemployed. That is why the Administration's Ten Year Plan includes the progressive industrialization of the country, and several representatives have insisted on the same thing. The representative of Syria even reproached the Administration for devoting too little attention to this problem. Here, again, I would point out that it is easy to criticize, and it is even easier to propose industrialization than it is to achieve it. An objective study has brought us to the conclusion that the prospects for the near future are hardly encouraging.

Prospecting for minerals has been more intensively promoted than in most other areas of Africa, but no considerable resources have been found. The country has few raw materials. No natural fuel was discovered. Theoretically, there are possibilities of developing hydroelectric power, but the special representative told the Council that the plans for the Ruzizi power plant had to be restudied because of technical objections. Cheap energy could be produced if there were industries to consume it, but if that consumption cannot be ensured, it would be a ruinous enterprise. And what raw materials are there to supply a large industry?

The processing of coffee has been developed as far as possible, and we are obtaining the best possible prices. We were reproached for exporting cotton and importing textiles, but that reproach no longer has any foundation. A textile plant has just been established at Usumbura, but even before that there was a textile plant at Albertville, which is 200 kilometres away from Usumbura, to which

(Mr. Ryckmans, Belgium)

cotton could be brought by river without having to cross a customs boundary and without having to be reshipped. Are there any other possibilities? Have our economists and businessmen neglected these possibilities? A mission of the International Bank visited the country in 1955, and their report is expected shortly. This report will surely enlighten us about this.

We envisage an emigration trend in order that excess manpower can be absorbed. Some consider that this is an admission of failure, but these are movements that occur everywhere in the world, and elsewhere they are considered to be desirable. In Ruanda-Urundi this movement is referred to as emigration merely because the country is a small one. If it were a large country, one would then speak of the free movement of manpower, and that is one of the objectives of the integration of Europe, to allow workers to go freely from one country to another in order that they may seek employment outside their national boundaries. The regions to which the indigenous inhabitants of Ruanda-Urundi emigrate are far closer to their birth place than are many industrial centres in the United States or the Soviet Union to which the inhabitants go for employment.

Nearly all the measures which we were invited to adopt in the social and in the educational field are highly desirable, and this has been recognized by the Administration for a long time. We know full well that the medical services are inadequate if we adopt as criteria those which are adopted in the United States or in Europe, in that all persons who are sick do not enjoy the care of trained doctors and that, in the absence of such medical officers, indigenous medical assistants have to give such care. Yet, the number of hospitals and dispensaries where sick persons can receive care is more dense than in most, if not all, of the other African territories. Eleven million consultations were given during the past year.

We know that many children do not attend school and that many who do attend school receive a very elementary training, yet illiteracy is less general than anywhere else in Black Africa. These figures may perhaps be doubted, yet this can easily be explained. Half the population is Christian, and it is very rarely that the missions will baptize children who cannot read the bible.

(Mr. Ryckmans, Belgium)

Prejudice against European medicine and European schools, which had previously prevented progress being made, has now been dispelled. Almost everywhere the population is now asking for hospitals, for dispensaries and for schools of every kind. The population is asking for more schools and hospitals than the economy of the country can sustain. That is the cruel truth, but it is a truth that must be faced with realism.

In most advanced countries, there is one doctor for every thousand inhabitants, and even more doctors in certain privileged areas. There is one teacher for every twenty or thirty children. If the average income is \$1,500 per inhabitant, then 1,000 patients would have a total income of \$1,500,000. This income permits a doctor to receive an annual income of \$10,000 and also enables the population to keep the families of half a dozen teachers.

But how many native clients would be required to have a one and one-half million dollar income, since nine-tenths of the agricultural production is consumed by the producer? The national income of Ruanda-Urundi is thirty times less than in the United States. The interest-free advances that are offered by Belgium pay for investment costs, the construction of hospitals, and the construction of schools. For these advances the Territory pays no interest. It is Belgium which pays these expenses and these costs. Yet every investment entails recurrent operational expenses and personnel expenses. These expenses cannot go beyond what the economy of the country can sustain.

Will it be said that since Belgium has accepted this trusteeship, it must also accept the burden, submit budgets that will be constantly in deficit, and pay for this deficit? This would mean that we would have to place the standard of living in the country on a level which it cannot maintain through its own resources. As soon as our generosity came to an end, it would be forced to renounce the standard of living, and this would mean compromising its opportunity to achieve independence or self-government, which is the final objective of the trusteeship system.

I could elaborate on these problems which have been of vital concern to the Administering Power over a period of many years. I would merely urge my colleagues not to lose sight of them, to consider the budgetary repercussions of their own recommendations and, when they propose measures which entail expenditure, to think also of the means of facing these expenditures. The economic progress must pay the cost of social progress, and the economic and social development of a country must rest on a sound basis, if one wishes to avoid political independence being followed by a step back in other fields.

I have only one more word to say about a subject which is of most vital concern to the Council, namely the progress of the Territory towards self-government or independence. The representatives of India and Syria, in their comments, have emphasized political problems.

The representative of Syria believes that political progress is very slow; he is not in agreement with the policy of the Administering Authority in this sense. He believes that as long as the tribal institutions are retained, the situation is hopeless. I would remind him that the Charter imposes upon us the obligation to respect the culture of the trust populations, to take into account their aspirations, and not to overthrow or upset their customs unless they have

been convinced of the need for reform. A statesman of world scope, Mr. Nehru, the Prime Minister of India, when speaking of the national aspirations of the Naga people, stated the following last August:

"There is no change in our policy of non-interference with their social customs and tribal structure."

Our policy is less conservative than that. We have intervened, and at the beginning of our occupation of the Territory we intervened with arbitrary measures in order to put an end to the arbitrary abuses of the powerful.

Political education has made sufficient progress for us to be able to act through persuasion, and we have been able to leave to the Native Councils the task of adopting reform measures that are needed. Absolute power is something that belongs to the past. Feudalism is on the way out. The people have their say in the administration of their own affairs and everybody accepts the fact that this evolution should continue and be speeded up. Within a few years, the transformation of the institutions under Belgian administration will seem really revolutionary. I am speaking about this on the basis of my own experience. I know this country for forty years and nobody could have ever predicted the changes which have come about when we first came here.

I wish to thank the representative of India for his remarkable statement. I may surprise him somewhat -- and in saying so I wonder whether I should not rather say the opposite, namely that I believe I am not going to surprise him -- by saying that most of his proposals figure on the programme of the Administering Authority. Disagreement, therefore, bears merely on the rhythm, the speed, with which we believe the reforms can be carried out without entailing unfortunate upheavals. The recommendations which the representative of India made regarding the possibility of emphasizing the democratization of the lower councils deserve further study.

It is, of course, these councils which are most vitally linked with the needs of the population and it is there perhaps that suffrage should be extended; perhaps we will go even further than the representative of India suggested.

I must, however, point out to him that the so-called sub-chiefdoms, with rare exceptions, do not dispose of autonomous budgets. The average population is 3,500 inhabitants per sub-chiefdom; in other words, approximately 800 taxpayers. When one bears in mind the indigenous rate of tax, the average contribution per sub-chiefdom to the native budget varies from \$400 to \$1,000, which must pay for the treasuries of the countries and of the sub-chiefdoms.

What one could take from these sums in order to pay for autonomous budgets of the sub-chiefdom would really be very small. One has to face reality constantly as regards the extreme poverty of the country. A statement of the Governor announcing his intention to adhere to the views of the Advisory Councils, namely the higher councils of the Territory and of the Government, would, in my belief, be regrettable and in fact impossible at this stage, because it is precisely the concern of the Government not to create discontent in public opinion and it is the concern of the councils not to expose themselves to a disavowal, since they wish the value of their advice to be high. The right of veto only has meaning if it is clearly understood that it would be used only in case of need.

The idea of envisaging deadlines for reform is of course a rather attractive one. Nevertheless, it is important to give the authorities the time to assess, on the basis of experience, the operation of an institutional reform before giving their plans for future evolution.

I shall conclude by saying that I will warmly recommend to my Government the suggestion made by the representative of India to send a competent mission to study the methods adopted by UNESCO in Egypt and Mexico in order to promote basic education. According to some reports which have been published, I have the impression that we are far more advanced. But, as the representative of India pointed out, it could only be beneficial to study what is done elsewhere so as to adopt what is best in the methods that have been followed.

In conclusion, I can assure my colleagues that their suggestions will all be studied in complete good faith. All of us have only one desire and that is to promote, in every field, the well-being and progress of the populations which are enjoying the benefits of the trusteeship regime.

Mr. LEROY (Special representative) (interpretation from French): I should like to express my gratitude to the many representatives who have properly appreciated the efforts undertaken by the Belgian Administration to bring about the advancement and development of Ruanda-Urundi, and who have expressed their satisfaction at the results achieved by the Administering Authority with the co-operation and assistance of the population, and who have also voiced their trust in the future.

(Mr. Leroy, Special
representative)

Before perusing the observations advanced by various delegations, I would like to take up some of the suggestions which have been made by the representative of Syria with regard to the formal presentation of the report as a document and the presentation by the special representative. The representative of Syria told us that the document was too voluminous and that all too often the questions put by the representative and the replies given by the special representative were repetitious from one year to the next.

(Mr. Leroy, Special representative)

The representative of Syria also complained that replies to questions were frequently too general in scope. This is unfortunately all too true. But I fear that the remedy suggested to redress the situation by the representative of Syria may prove ineffective, at least as far as the role of the Administering Authority is concerned. He suggested that, each year, the Administering Authority should supply an additional report relating to the year which had just elapsed and the effort undertaken by the Administering Authority to implement the recommendations of the Council and of the General Assembly. It is quite impossible for the Administering Authority to follow this suggestion, which would in practice be tantamount to having each annual report preceded by a preliminary annual report. This procedure would only increase the papers before the representatives and complicate the task of each representative.

For my part, however, I can advance two suggestions which I believe would effectively facilitate the work both of the Secretariat and of the representatives and would also serve to facilitate the work of the Council and the Administering Authority.

The first such suggestion is that the questionnaire should be reviewed with a view to simplifying it. If the report is as voluminous as it is at present, it is because the Administering Authority endeavours to reply fully and in detail to the questionnaire, the various parts of which have been divided and sub-divided in what may perhaps be considered as a somewhat excessive fashion.

There are entire parts of the report which have never been the subject of a question or a suggestion. The enumeration of customs duties is a case in point.

Statistics could also well be simplified. If the report is obsolete by the time the Council takes it up, it is because the Council has decided to consider the report in February when the new annual report is being prepared.

A second suggestion is that representatives might look through the report before the opening of the Council's work, and that they might informally and in writing request any clarification which they might want from the

(Mr. Leroy, Special representative)

Administering Authority. In this way, delegations would have precise, clear-cut data, often figures, before them in lieu of the replies given in the Council by the special representative, which are perforce sometimes extemporary and very general in nature. This would be advantageous to all. For the special representative, there would be the additional advantage that he would not have to reply to the most unforeseen and unexpected questions out of a clear blue sky, with the consequence that he would have to return to the questions in order to revise or correct his replies or to supply additional information.

I shall now take up the various observations of the members of the Council. At the head of my list with regard to the observations concerning political advancement, I should like to refer to some of my earlier statements the meaning of which seems to have been somewhat distorted in the course of our proceedings. I said earlier that the economic progress of the Territory came before its political progress in the chronological order, and that the economic progress did serve to condition the political progress. I still believe this. I am strengthened in my conviction by the remarkable statement made last Friday before the Council by the representative of Australia. My earlier statement meant that the most urgent steps to be taken in the Territory were steps in the economic field. But I would not like this statement to be construed as a determination to bring about economic advancement while allowing political advancement and progress to be brought about in a rather haphazard or chance manner.

The Administering Authority has shown its concern for the political progress of these populations. In the past, experience has taught us -- and this was recalled by several representatives -- that various forms of progress are interconnected and interdependent, and that each one acts as a spur on the other. In many aspects of political development, members of the Council on the whole were sufficiently in agreement with the programme followed by the Administering Authority to spare me the necessity of dwelling on these various points such as the reform of the Vice-Government General's Council, the broadening of the electoral body through the establishment of the Sub-Chiefdom Councils and so on. There are several points where progress will not be so easy and where it may take longer.

(Mr. Leroy, Special representative)

As regard the rapprochement of Ruanda and Urundi, the Belgian Administration has from the very outset endeavoured to provide the two Territories with joint legislation and to bring them together in every possible way. Every effort to bring together the influential Africans of the two Territories has in fact been made. As the representative of Australia pointed out, however, it is difficult through recommendations from the external world to settle problems which stem from tradition and the deep-seated feeling of a people. It may be somewhat illusory to feel that such steps will actually provide a solution. Moreover, I have some misgivings when I view a more general factor. The Council has recommended that the Administering Authority should foster the union of Ruanda with Urundi, and the Council seems to be in favour of a dissolution of the administrative union which exists between Ruanda-Urundi and the Belgian Congo. I wonder whether, in making these recommendations, many may not overlook the terms of Article 76, which sets forth as one of the essential purposes of the Trusteeship System the evolution towards independence, bearing in mind the freely expressed wishes of the peoples concerned.

Certain representatives have contended that the political progress was unquestionable but that it was too slow, and many insisted anew that the Administering Authority should set a date at which the Territory of Ruanda-Urundi would attain self-government. In point of fact, political evolution in the Territory is rapid. The Banyarwanda and the Barundi may come to the conclusion in the future that this evolution was too rapid. Most nations have taken centuries to attain their aspirations; and if they have come to independence and self-government, it is still a fact that many of these nations have not yet fulfilled the ideals set forth in the United Nations Charter. This, as a matter of fact, is the core of the problem.

The populations of Ruanda-Urundi are certainly capable of administering themselves, but this means that the Batutsi are capable of administering them. How would this be done? It would be an unpardonably utopian thing to hope that the Declaration of Human Rights would be the foundation stone for this new Government. Let us assume that the Belgian Government were to withdraw

(Mr. Leroy, Special representative)

from the Territory. There would immediately be set up two states, with Usumbura as the first element of discord. The Bahutu would immediately come under the burdensome protection of the Batutsi, and the Batutsi, with redoubtable energy, would assume control of the administration of the two states in the Territory. Anything taking place at present as an expression of indigenous aspirations and as an indigenous movement emanates primarily from the Batutsi, and the Muhutu population, which represents 84 per cent of the total population, participates only to a very small degree. When a Muhutu is elected as a member of the Council, he immediately takes the title of a Mututsi. He becomes a member of the aristocracy and, in general, is adopted by this aristocracy.

(Mr. Leroy, special representative)

The representative of Guatemala properly assessed this problem when he expressed the hope that the progress should not be progress absorbed by one single class in the population. The present grant of autonomy to the population of Ruanda-Urundi would bring about the establishment and constitution of two States that would be prepared to enter into conflict with one another, and it would bring about the establishment of an administration on a basis quite different than that sought by the Council and by the Administering Authority. This is not a pessimistic hypothesis on my part. It is a matter of certainty for all those who are acquainted with the Territory.

One of the most attractive suggestions was that advanced by the representative of India, and it was that partial time limits for certain concrete achievements should be set. This is a very tempting suggestion, but I do not think that it is feasible and I think that in fact it is dangerous. The achievement within set time limits of economic and social programmes has already proved very uncertain. These plans and programmes are only directives and the time limits are only tentative.

In the political field where human passions come into play, the role of unforeseen and unexpected occurrences is even more important. Evolution may prove more speedy than our forecasts. When I came before this Council for the first time in 1950 to be questioned by the Council, I was far from thinking that six years later it would be possible for us seriously to discuss an indigenous electoral system based on universal suffrage. But, on the other hand, it happens that reforms take more time than was anticipated. The 1952 decree, which came into force in 1953 was discussed for five years, while everyone was determined to have this decree implemented. Nothing can be more irritating for a population, nothing can generate more disorders than can constant postponement of the implementation of formal obligations and commitments.

I shall transmit to the Administering Authority the suggestions of the Indian representative, but for my part I would hope that Belgium will not undertake to make unwise promises and that it will wait to see the results of the political experiments which at present are taking place. The Council will certainly understand that the Administering Authority should refuse to assume such commitments. Its primary commitment is to have the Territory developed in an

(Mr. Leroy, Special representative)

atmosphere of order and peace in such a way that it cannot undertake commitments which might run counter to this primary commitment.

The accusation has been leveled that all responsible posts are in the hands of Belgians and reserved for Belgians. I must protest against this allegation. It is true that in the Belgian Administration Africans hold only those posts which are not highly responsible posts, but the Bamis, if you consider the Administration as a whole, have more responsibility than the Territorial Administrators. The chiefs have more responsibility than many of the European agents, and the indigenous judges have been given jurisdiction to settle disputes of an importance far greater than those coming within the jurisdiction of the Tribunal de parguet, which is presided over by a Belgian magistrate.

The admission of indigenous inhabitants to the higher echelons of the non-customary administration will be possible whenever university graduates will be present in the Territory.

As regards the administrative union with the Belgian Congo, I fear that criticisms which have once again been voiced in this regard are criticisms which stem from unjustified apprehension. Some representatives find it alarming that a Trust Territory should be administered united with a territory having another status. But no one can give a concrete case to prove that this union is unfavourable to Ruanda-Urundi. What is more, for 1955 alone, I would remind the Council that decrees making it possible to eliminate imprisonment with regard to breaches of labour contracts and new structures which are planned for the Council of the Vice-Government General are reforms which were taken at the initiative of the Governor-General of the Belgian Congo or by the services directly under his responsibility.

In the economic field the Belgian Administration hopes that the inhabitants will take an ever more active part in commercial and business activities. However, many of the Africans who are drawn to this form of endeavour conceive of business or trade only in its most primitive form. They purchase and sell somewhat at random, without calculating their expenses and without taking into account the necessity for amortizing debt. If they have a vehicle, they hope that some happy event in the future will allow them to replace it when it becomes worn out. They do not have a very definite idea of payment on time, and consequently they find it difficult to obtain credit. Co-operatives which are controlled and businesses under the control of Europeans are the only form of enterprises today in which results are obtained.

(Mr. Leroy, Special representative)

Several representatives have expressed the desire that the indigenous inhabitants should have access to private ownership of land as soon as possible. I shall not dwell on this point, for the Belgian Administration shares this concern, and warmly hopes that they will soon be able to attain this result.

This has been held up only because of the essential need of giving a thorough study of customary law so as not to harm legitimately acquired rights and so as not to create situations which will be difficult to resolve in the future. However, the problem is less arduous in the extra-customary centres, and it is there that an attempt at solution will first be made.

Various representatives have also spoken of the need of diversifying agricultural production. The Administering Authority has given much thought to this matter and has done a great deal in this field. The Visiting Mission has commended the research made by INEAC at Kisozi and Rubona. New experiments are made with crops every year. Besides the improvement, extension and diversification of food crops, the Administration has also fostered the development of cash crops. We have been successful with regard to coffee. The same holds true with cotton, but the possibility of extending its cultivation is limited. Various other products, due to the geographic situation of Ruanda-Urundi, cannot at the present time be given an outlet on other markets at a price which would make it competitive with other products.

We have also been interested in the production of quinine and insect powder, but so far the economic returns for such products would be limited.

I think it is sufficient to recall that since the beginning of the mandate the Administering Authority has not only encouraged and substantially improved the cultivation of traditional crops, but that it has also introduced the cultivation of new crops such as manioc, peanuts, soya, rice, barley, wheat, potatoes, tea, coffee, cotton, tobacco, quinine and sugar cane.

If any delegation has any suggestion to make as regards other types of crops to be introduced, the Administering Authority will give all such suggestions close and welcome study.

I was surprised to hear some delegations voice regret because there was no industrialization in the Territory and also because the Administering Authority has not given sufficient attention to this problem.

(Mr. Leroy, Special representative)

It seems to me that this reproach is unfounded. It is sufficient to peruse the ten-year plan to see to what extent the Administering Authority has concentrated on the industrialization of the Territory. There is virtually no aspect of industrial activity which has not been envisaged.

(Mr. Leroy,
Special representative)

The increase in industrial activity over the past ten years has been a very notable one. A study of the successive reports of the Administering Authority in statistical annex XIII will demonstrate the extension of industrial activity and the ever-growing participation of the indigenous inhabitants in that movement. The Administering Authority has the greatest hope that the electrification and industrialization of the Territory can be brought about as soon as possible.

In the field of economic advancement the representative of Guatemala submitted a new suggestion, namely that shorter plans and programmes should be adopted rather than ten-year plans. That is a possibility, but at first sight I do not know whether it would really represent substantial and genuine progress. The Administering Authority has always regarded these plans and programmes as projects which provide directives rather than as definite projects which must be carried out at all costs within a set period of time. Experience has borne out the wisdom of this concept of the ten-year plans. However, I shall certainly call the attention of the Administering Authority to this suggestion offered by the representative of Guatemala.

In the field of social advancement, I shall certainly request the Administering Authority to re-examine, with the assistance of the various councils, the questions of registration, curfew, residence, civic merit cards, movement rights of indigenous inhabitants, and so forth. However, I want to repeat to the members of the Council that these measures which are of great concern to them are of little importance in the daily life of the Territory and are in no way to be considered as a burden on the population.

At our meeting on Friday the representative of Australia pointed out quite accurately that we here are more susceptible to certain concepts than those directly concerned.

As regards internment in the Territory, it appears that the present situation has not been properly understood. Two representatives have expressed their regret that internment continues. The actual situation is that the decrees co-ordinated by the royal ordinance of 19 July 1954 provide for certain internment measures, but they provide that penal servitude will no longer apply as a primary penalty in areas decided upon by the Governor-General, bearing in mind of course the conditions of work and the evolution of the inhabitants.

(Mr. Leroy,
Special representative)

The Governor-General has decided that in Ruanda-Urundi as a whole, penal servitude will no longer apply. As penal sanctions for labour contractual difficulties, the only penalty which is applied is that of a fine, which may be applied both to the employer and to the employee.

In view of certain criticisms, I feel that I must again explain the reasons for the wage differentials in the Territory. The first is the question of competence. As I pointed out in reply to a question of the representative of the Soviet Union, simple common sense should indicate that no employer would wish to pay a high wage to a European or an Asian and bear the substantial travel and repatriation costs if he could secure the same services at a lower wage by hiring an African on the spot. As a matter of fact, it is frequently noted that skilled European labourers become replaced by Africans having the same skills or qualifications as soon as they are available. This situation might therefore be only a temporary one, a situation which will gradually disappear as the number of skilled African workers increases.

However, there is another more serious aspect of this same situation, an aspect which has already been brought up at previous meetings and one which has been clarified by the representative of Belgium. Employers at the present time undergo serious sacrifices and pay high salaries to ensure the services of foreign experts who, without such inducements, would not come to the Territory. But the economic situation in Ruanda-Urundi will not make it possible for a considerable time to grant these high wages to locally recruited personnel. The problem seems difficult to solve: either the salaries of the small group of Europeans has to be reduced, and the Territory will be deprived of the needed experts, or the same high wage has to be granted to the indigenous workers, and a wage system will be set up which the resources of the Territory could not support.

Many representatives have expressed the wish that workers should be represented, or should be better represented, in the professional organizations. These views can only stem from some misunderstanding of the existing professional organizations. As a matter of fact, the indigenous councils in various enterprises include the employer or his representative and three to twelve members of the indigenous staff, half of whom are appointed by the employer and half by the workers. The formation of these councils is

(Mr. Leroy,
Special representative)

compulsory in all enterprises of any importance. The local workers' councils are presided over by the Administrator of the Territory and are composed of five to twelve workers or employees, all of whom are Africans appointed by the Resident, in order to represent the local working people and to consider the proposals made by the conseils indigènes d'entreprises and the syndicats professionnels.

As regards the commissions de travail et du progrès social indigènes, the regional commissions in Ruanda-Urundi are composed of the Resident, a magistrate, a physician, three to five persons who represent the employers and three to five persons who represent the workers. The Commission of Ruanda-Urundi at Usumbura is composed of the Commissaire provincial, the Procureur du Roi, a physician, the two Residents and an equal number of representatives of the employers and the workers.

In all these bodies the interests of the workers are more extensively represented than in groups in which they would be given strictly parity representation. The conseils indigènes d'entreprises and the comités locaux de travailleurs are made up almost exclusively of Africans. The commissions du travail et du progrès social indigènes are made up of equal representation, but the officials and the magistrates who are added to its membership are duty bound first and foremost to provide for the protection of the workers.

In the medical field, the Administration would like as soon as possible to be able to enlist the assistance of African physicians. However, such progress is connected with the progress in the field of higher education, and we cannot hope to have African physicians graduate from universities on a regular basis before ten years.

The representative of Guatemala expressed the wish that the Administration should study means of preventing delinquency. It does not seem to me to be necessary to study any new methods, as the action undertaken by schools and by the Christian missions has proved to be extremely effective. There is a very low rate of crime in the Territory. The crime rate is very low because of the isolation in which families live, but it is feared that this rate may increase as the people are brought together in social groups and in large centres. This is the price that we must pay for that development.

(Mr. Leroy,
Special representative)

In the field of education, the Administration hopes that the Territory at some time will have its own university, but this is a matter for the future. In the pre-university institute at Usumbura, there are only sixteen students. It is only in the coming years that students will be graduated from the secondary schools who will be qualified to undertake higher education on a European level. We cannot contemplate opening at this time faculties with fifteen or sixteen professors for four or five students.

(Mr. Leroy, Special
representative)

It is evident that, if our targets are not met, we will have to close certain classes and we will have to continue to provide education with the means at our disposal pending the graduation of qualified teachers.

Many suggestions were made to have us increase the number of school inspectors. This is in line with the wishes of the Administering Authority. Other suggestions made by various delegations in the field of education will also be communicated to my Government.

The representative of Syria made a very significant statement last Friday as to the work which has been carried out in the Territory by the Administering Authority with the assistance of the population. In any different era, he stated, such results might well have been considered monumental. I want to thank the representative of Syria for this tribute. Of course, he did add that in Africa, swollen with dynamic forces, this progress seemed too slow. The Administering Authority has undertaken to foster and promote the evolution of the Territory towards self-government or independence. But the Administering Authority has also undertaken to strengthen international peace and security, to foster economic and social progress, to encourage respect for and observance of fundamental human rights and freedoms. All these purposes have their individual value and significance, all of them must be attained, and it would be to betray our trust to sacrifice certain purposes in order to attain other purposes. The Administering Authority will be satisfied if, even in the middle of an Africa in which evolution at times is brought about by bloodshed, we achieve these results in peace and in growing prosperity, albeit more slowly than might be hoped.

In conclusion, I should like once again to express my thanks to the Council. I also wish to thank the Secretariat, the interpreters and verbatim reporters, whose professional ability I may have unwittingly taxed.

Mr. ASHA (Syria): I should like to take two minutes of the time of the Council to make a short statement with respect to what the special representative has said. I am not going to deal with Ruanda-Urundi, but I should like to refer to the observations made by the Syrian delegation on

(Mr. Asha, Syria)

the question of procedure. In the first place, I want to assure the representative of Belgium and the special representative that the remarks that were made were not directed solely to Belgium. It was our feeling that the discussion of all the Territories must undergo some kind of change.

The Council will recall that my delegation had the honour of presenting a draft resolution which was adopted on 4 June 1954 and which bears the number 997 (XIV). In that resolution, the Administering Authorities were invited to be kind enough to supply the Council, about one month before a session at which particular Territories are to be discussed, with "written statements outlining such of the more important events and developments as have occurred in the Trust Territories in the intervening period and as may not have been otherwise reported to the Council by that time".

It was in that spirit that the Syrian representative spoke. Of course, he added a new idea -- that is to say, a supplementary statement with regard to the implementation of the recommendations and resolutions adopted both by the Council and by the General Assembly.

Moreover, we have made no concrete suggestions. All we have asked is that the matter be studied by the Secretariat, and perhaps the Secretariat can give us the benefit of its experience as to how we can improve our work.

It is for this purpose that we have made these observations, and I hope the representative of Belgium and the special representative will understand our motive.

The PRESIDENT: We have now concluded the general debate on conditions in Ruanda-Urundi. Our next business is to constitute the Drafting Committee on that Territory. In that connexion, I should like to nominate the following members: France, Haiti, Guatemala and the United Kingdom. If there is no objection, it will be so ordered.

It was so decided.

Mr. Leroy withdrew.

EXAMINATION OF PETITIONS: STATEMENT BY THE UNDER-SECRETARY

Mr. COHEN (Under-Secretary, Department of Trusteeship): I wish to refer once again to the question of the communications relating to the Cameroons under French administration which have recently arrived at Headquarters. The Council will recall that at its 654th meeting, on 8 February 1956, I informed it that in the preceding few weeks more than 20,000 such communications had arrived at Headquarters and that, if the normal procedure were to be followed, the Secretariat would be confronted with very great difficulties in the processing and distribution of these communications. Following my statement, the Council held an exchange of views on the problem raised but decided to postpone further discussion thereof until a later meeting.

In the meantime, the Secretary-General thought it desirable to provide the Council with more detailed information concerning the difficulties with which the Secretariat would be confronted if the normal procedure for the distribution of communications and petitions were to be followed. This information was circulated to members of the Council in document T/1229. In this connexion, I wish to inform the Council that the requirements for translation of these communications have been somewhat underestimated. In paragraph 5 of that document, the phrase "or the output of twenty translators for the whole year" should read "or the output of thirty translators for the whole year".

However, since the date of the memorandum by the Secretary-General, from 10,000 to 15,000 more communications have arrived at Headquarters. The estimates set forth in document T/1229 have thus become obsolete. All the costs and difficulties involved have now increased by at least 50 to 75 per cent.

I wish also to inform the Council that a number of non-governmental organizations have written to the Secretary-General on the matter of these communications and have generously offered to assist the Secretariat in the screening and classification of the communications received. While the

(Mr. Cohen, Under-Secretary)

Secretary-General sincerely appreciates these kind offers, he does not consider that the question of screening and classification of communications and petitions can be solved with outside voluntary help. The Secretary-General, however, considers it his duty to bring these offers to the attention of the Council.

Sir Alan BURNS (United Kingdom): This additional number of petitions of which we have just heard will, of course, still further complicate an extremely difficult question, and the Trusteeship Council will have to do some hard thinking if it is to find a solution to this problem. I am not prepared at the moment to offer any such suggestion, but I should like just to make this observation: The previous estimate -- which, of course, is now obsolete -- gave us a figure of \$500,000, I think, for the processing of 20,000 documents, and a further \$200,000 for the further expenses that would be involved. That was in respect of 20,000 petitions. We now understand that there are something like 30,000 to 35,000 petitions. It is therefore easy to work out that the total cost of this would be well over \$1 million. I am left wondering how many new schools and how many additional hospital beds could be provided in the Trust Territory for a sum of money of that size.

Mr. JAIPAL (India): The other day, my delegation suggested that a sample survey might be made of these 20,000-odd petitions. We are now told by the Under-Secretary that some few thousand more petitions have reached the United Nations. There are obviously many practical and financial difficulties in the application of the normal procedures to these petitions. Those difficulties are clearly set out in document T/1229.

In our opinion, it is undesirable to spend thousands of dollars in processing these petitions and then find that we will not be able to deal with the petitions for another three or four years. In the circumstances, we would propose for the consideration of the Council the appointment of a small committee of two or four members of this Council, preferably two members, to go through these voluminous petitions with the help of the Secretariat and draw up a report on them. The report would contain a summary of the complaints and the allegations in the petitions.

I realize that it may not be possible for such a committee to have this report prepared by the end of the current session of the Council, but I do think that it might make an attempt to present its report to the next session of the Council.

After such a report has been circulated to the members of the Council, we think that we would be in a better position to decide how to dispose of these thousands of petitions. We are not at the moment suggesting any method for disposing of them, nor are we suggesting that we do not apply the established procedure to them. We are simply making a proposal, which is in the nature of an intermediary measure for the setting up of a committee of two members. It is quite likely that, after the report of the committee is available, the Council may decide to circulate that report and not the 20,000 or 35,000 petitions, and perhaps the Council may then decide to refer the report of that committee to the Petitions Committee for suitable examination. Undoubtedly, the Petitions Committee will have the original petitions made available to it.

Mr. RYCKMANS (Belgium) (interpretation from French): I should like to ask the representative of India whether he would be prepared to serve on this committee of two members. The Secretariat has stated that it cannot summarize the petitions in question. Hence, the committee would have to read all 35,000. Even if 100 of them were read each day, that would mean that the two members of the committee would have to work for 350 days. I am afraid it would turn out that they were members of a slave labour committee. Personally, I should certainly refuse to become a member of the committee, and I am sure that none of the other members of my delegation would have the necessary time to serve on it.

Mr. JAIPAL (India): I should be quite happy to serve on the committee, but I cannot make any commitments in that respect just now. India has not even been elected to the committee, and my movements are entirely at my delegation's disposal.

Before we go any further, however, I should like to ask the Secretariat representatives here what they think of the idea I have submitted. Is that idea practicable? My impression is that the Secretariat has read a fair proportion of the petitions. It is on the basis of that reading that the Secretariat has prepared document T/1229. I believe that there is a great deal of repetition in the petitions, and a small committee should be able to sort them out rather quickly.

Mr. COHEN (Under Secretary, Department of Trusteeship): We have indeed examined a rather large number of these documents. A simple reading has shown that, eventually, the petitions will have to be processed if the existing procedure is to be applied. Even if mere communications were involved, the reproduction would be a gigantic task.

So far as the procedure suggested by the representative of India is concerned, I would say that it is not for me to express an opinion: it is for the Council to decide whether it wishes to adopt the suggestion. Of course, the Secretariat will always be at the disposal of members, in order to make the task as light as possible.

Mr. WALKER (Australia): I agree that the Council is faced with a very serious problem. I have not, of course, seen any of these 35,000 documents, so I am speaking only in general terms. It seems to me, however, that these documents constitute, not a series of 35,000 individual, spontaneous petitions in the ordinary sense of the term, but, rather, something in the nature of an organized demonstration undertaken to bring certain pressure to bear on the Council and to bring forward certain views regarding the state of affairs in the Territory in question. This demonstration has taken advantage of the form of petitions and our existing procedure for dealing with them. I very much fear, however, that if we attempt to put these 35,000 documents through the normal procedure for petitions, we shall be not only disorganizing our method of dealing with petitions, but even endangering that method seriously as regards the future. This may become a precedent for future actions of a similar nature. If it were to become a precedent, the whole machinery which has been developed -- and which, I think, has worked reasonably well -- for the systematic examination of petitions would in fact be destroyed, and a genuine petition from some individual with a serious grievance would be likely to be lost in the mass of papers, which, in the present case, as I have said, seem to form, taken together, an organized demonstration.

I am open to conviction on this matter, but I very much doubt whether we should envisage an attempt to force into our existing machinery and procedures a flood of documents of the present kind. I do think that the Council should take steps to inform itself regarding the general nature of the allegations or representations which this organized campaign is endeavouring to bring to its attention. I think that we should take due account of this demonstration, along with other elements of the situation in the Territory in question. The problem, however, is the practical one of how that should be done.

While not taking a final position on the matter, I am inclined to go rather further than the representative of India, who has said that at this stage he would not like to suggest any departure from the normal method of considering these petitions. I understand that what the representative of India suggests is that a small committee -- made up perhaps of two members, including, presumably, one administering and one non-administering representative, if somebody could be found to serve -- should have a look at this material and attempt to give the Council

(Mr. Walker, Australia)

a report on its general nature. I think that there is a good deal of merit in that suggestion, but I should like to make a further one.

This practical problem, as the representative of Belgium has said, of going through 35,000 petitions is almost insoluble, if one thinks of it in terms of going through all the petitions. It is, however, a problem which continually faces investigators in different branches of the social and natural sciences -- I refer to the problem of dealing with an enormous number of cases which in some way or other must be studied and from which general consequences must be drawn.

(Mr. Walker, Australia)

The method that is generally used in the social and natural sciences today is the method of sample studies. I understand that the Statistical Office of the United Nations has made serious studies of the problem of sampling. One is faced with 35,000 documents: the question is whether one should read thirty-five or 20,000 in order to have a clear idea of their general nature, and how the particular selection should be made. Should one take the first packing case that arrives on the Secretary-General's doorstep, or is there some more systematic method of going about it? Those are statistical questions that have been studied very seriously by the statistical experts of the United Nations and their colleagues in the science of statistics, and it would seem to be essential that before the committee is established and sits down to this mountain of material it should be guided by some expert advice, which we have readily available, I understand, through the Office of Statistics, as to what sort of sample might be regarded as an appropriate one, having in mind the first purpose of making a preliminary appraisal of what all this material means.

I think that if a committee is established it should, preferably, consist of delegations that have some practical experience of the work of the Standing Committee on Petitions -- not because I think that this material could ever be put through the Standing Committee on Petitions, but in order that the special committee can decide what form its report should take, for the Council should be guided by the background knowledge of what it is practicable and possible to do in the framework of the normal procedure.

As I have said, my feeling is that we may simply have to consider some sort of assessment of the general direction and the general nature of the viewpoint, the pretensions or the allegations which this organized demonstration is intended to convey to the Council, and that then we may have to take that into account, along with the other material that will be placed before the Council relating to the state of affairs in this Territory. Therefore, I think that the suggestion of the representative of India is a good one, but I would make a plea for approaching the problem in a scientific way by suggesting that a good deal of technical analysis must be done by the Secretary-General and the resources at his disposal to assist any committee of the Council. It is only in some such way that a committee could hope to do a reasonable job on such an extremely difficult task.

Mr. ASHA (Syria): In the light of document T/1229 and of the statement we have heard today, it would appear that I was a little too optimistic when I addressed myself to the Under-Secretary at a previous meeting with a request that he study ways and means of coping with the problem before us. But two courses of action remain open to us. Either we have to throw these communications away without looking at them because we do not have sufficient time, or the means or the delegations to serve on this or that committee, or else we must take some kind of action. I feel that the first course is out of the question, because it is the duty of this Council to look into the matter. There are ways and means of dealing with these communications, whether they number 35,000, 50,000 or even 100,000.

The representative of India made a very modest suggestion, and I am glad to learn that the representative of Australia would not find it objectionable if we ironed out some of the details. In the meantime, we are to discuss this Trust Territory very soon. In the course of the discussion, and as the result of the questions that will be put to the special representative, a number of facts will come to light. I think that we shall be in a better position then to judge the nature of these communications, and I should like to make this suggestion to the Secretariat, namely, that it should prepare for the Council as soon as possible -- that is to say, before we begin our examination of conditions in the Cameroons under French Administration -- one classification showing how many of these petitions have come from individuals and how many from organizations and/or political parties. This is not a very big task. All that the Secretariat would have to do would be to count the petitions, and I suppose that to count 35,000 of them would not take more than a week.

Furthermore, we shall ask at the proper time, when the Council takes up the subject of the Cameroons under French Administration, the views of the Administering Authority -- and perhaps also the view of the Chairman of the Visiting Mission, since I understand that some of these petitions were addressed to that Mission, although they were not accepted at the time -- as to whether there is any particular reason for this large quantity of documents. I am not very clear on this point. But certainly we cannot throw these petitions away: we must devise a system whereby we can at least satisfy our own conscience.

Mr. RYCKMANS (Belgium) (interpretation from French): The situation with which we are confronted has its comical aspects, although it is at the same time very serious. Supposing that there are 35,000 of these petitions, I am convinced, for my part, that 34,950 of them are of no interest whatsoever for this Council but comprise a repetition of statements of which the members of the Council have been aware for a long time. On the other hand, it is possible that of these 35,000 documents there may be fifty which are genuine petitions emanating from persons who, as the representative of Australia has said, may have a real grievance and the right to ask the Trusteeship Council to consider their cases and to make the necessary recommendations to the Administering Authorities.

I should regret it very much if, as the result of the adoption of some form of sampling, some of these genuine petitions were to be lost sight of. But, before the matter comes before the Council, I would ask my colleagues to be good enough to reread the record of the debates of seven or eight years ago, when we considered this whole problem of the petitions from the point of view of principle. At that time I told the Council, on more than one occasion, that it was putting itself in the position of the sorcerer's apprentice, who turned on a tap which he was later unable to turn off. The situation with which we are faced today is the situation which I foresaw and which I prophesied to the Council, which at that time refused to heed me. If we have received 35,000 communications, the authors of which claim that they are bona fide petitions, it is because the Council has always accepted as petitions documents which were not petitions in fact. Had we been wiser in the matter of the exercise of the right to send communications to the Council and to receive replies thereto, and in the matter of documentation, we should not have prejudiced in any way the genuine petitioners who had grievances to put forward, and we should have spared ourselves the somewhat ridiculous situation in which we find ourselves today. It is not merely a question of deciding what to do in the case of these 35,000 petitions. I do not know whether members of the Council read, in a petition received recently, that the representative of one political organization had said to his compatriots: "There have been 100,000 petitions from Togoland; very well, we for our part must send at least 800,000". Well, when we receive 800,000 petitions the time will have come to ponder what we are going to do about them.

(Mr. Ryckmans, Belgium)

It is the whole system of petitions and their definition which must be re-examined. At the time when the Trusteeship Council was discussing this question seven or eight years ago, the representatives of the Administering Powers -- because it was believed that we had taken the attitude which we had taken because we were afraid to have the right of petition exercised -- said to the representatives of non-Administering Powers: "When you yourselves realize that the Council is being submerged, and that it is impossible for it to examine seriously communications which are considered as petitions although they are not petitions in fact, then you will propose adequate measures".

For my part, I am not prepared to propose any procedure because I do not wish to be suspected by our colleagues from the non-Administering Powers. I shall await reasonable proposals from them, and whenever they make such reasonable proposals they will find me always ready to meet them.

Mr. JAIPAL (India): We think that it is somewhat difficult to decide now, when we know nothing at all about the petitions, whether or not to apply the usual procedure to them. That is why I suggested a committee, first of all, to explore the dimensions of the problem, and we could take a decision later on when the committee's report is before us.

Speaking for my delegation, we are not pessimistic about the problem itself. The petitions, I am told, are not very long. According to my own calculations, it appears that if 50 persons read every day, each of them, ten petitions, then in about 70 days, which is approximately two months, these 50 persons would have read all the petitions. So it is not really as enormous a problem as it looks at first sight, and I do think that the Secretariat should be able to make available fifty persons just to read ten petitions each day.

Mr. CERIG (United States of America): After listening to the suggestions that have been made by the representatives of India, Australia and Syria, and the comments of the representative of Belgium, it seems to me that the Council might perhaps consider a slight variant of the proposal made by the representative of India, namely, that a kind of sampling be carried out, but that it would be done with the help of the statistical office in the Secretariat, who would know more, perhaps, than anyone else as to the methods of statistical sampling, and also with the assistance of one or two members of the staff of the Department of Trusteeship, who would have a great deal of knowledge as to the nature of such communications and petitions. Those two elements in the Secretariat could supply us with most of what the representative of India is suggesting. I do not know whether this idea would appeal to him: that, instead of asking some representatives on the Council to undertake this, we would have, in the first instance, the sampling job done by persons who are expert in the field of sampling. Then, after they supply us with some indication as to the general tenor of these petitions and communications, perhaps we would take the next step later.

It is obvious that we cannot apply for some time to come, if ever, the established procedure, and I thought that possibly this suggestion would commend itself to all those who have spoken previously. It contains, I think, the elements of all the suggestions that have been made and would not overtax either the members of the Council or the Secretariat. Therefore, I should like to throw this out as a concrete proposal.

Mr. GRUBYAKOV (Union of Soviet Socialist Republics) (interpretation from Russian): The problem which we face is, of course, a serious one since such a large number of petitions have come from the Trust Territory. However, it seems to me that the Council would find it difficult, if not impossible, to decide now whether or not we should consider these petitions. Since it is the duty of the Council to consider the petitions in one way or another, the only aspect which we can ponder now is the technical one, namely, how best to consider them. Nevertheless, I must warn representatives of one thing. Whether it is a committee of two, as the representative of India suggests, or a larger committee, or if it is part of the statistical section of the Secretariat, the fact remains that in assessing the merits of a petition, many different opinions will arise. When the last report was discussed by the Council, it was obvious that there was no unanimous view -- seven in favour, four against, or four in favour and seven against, or something of that nature. I do not think that a committee of two, or even the statistical section of the Secretariat, could satisfy all of us in submitting their findings.

Another problem arises, namely, the selective or sampling procedure. The representative of Australia seems to have made a rather contradictory proposal. He said, on the one hand, that among these 30,000 petitions, some might be lost which were of great importance to the Council and to the Territory. Thus, with the sampling method, we have the dangerous possibility to which the representative of Belgium drew attention, namely, that a number of important petitions would be lost in the course of the sampling. Therefore, the sampling method would scarcely meet the purposes of the Council and would not bring the result to which the representative of Syria referred, namely, the satisfaction of our conscience. If a sampling procedure were applied it would be difficult to satisfy our conscience if a number of important petitions were overlooked.

This is the negative aspect of the problem. What can be done?

In the first place, the Secretariat has quoted a figure of half a million dollars. I think that that is a rather pessimistic figure since, as the Secretariat itself points out, there are petitions containing only one word: "Freedom", or "Independence", or both. Therefore, one can hardly think that each petition will cover two or three pages. Mention is made of 20,000 petitions -- in other words, 60,000 pages, which means three pages per petition. There, I think, the Secretariat has been a little too demanding

(Mr. Grubyakov, USSR)

as to the number of translators, typists and dollars. I agree with the representative of India that the situation may not be as hopeless as it appears on the surface if the Secretariat duly prepares this work. What can we do?

It might be agreed that the usual procedure would demand that the petitions be printed, reproduced and circulated. Perhaps we could speed up the procedure. Perhaps we should not need to have a number for every petition if a petition is only two lines in length. Perhaps a sort of report could be issued which would contain the petitions one after the other under a joint code number, forming a single document. I agree with the representative of Australia that, obviously, there is a new problem in the Territory, and, without doubt, a serious one. One cannot, therefore, ignore it by using the sampling method.

I do not think that the Council can follow such a course, because if it did it would be acting quite unjustifiably. The Secretariat need not necessarily publish every petition as a separate document, as is usually done, but these petitions could be printed one after the other in a single document. With regard to the circulation in the official languages, in many cases at present we do not demand that the document be translated into an official language, but agree to study the document in French or in English. Therefore, the question arises whether this translation is absolutely necessary. Of course, I realize that the delegations using the official languages are entitled to demand that a document be so translated, but do they have to demand it? So far as I am concerned, the Soviet delegation does not demand that these petitions be translated into Russian, and perhaps, in a spirit of co-operation in order that it should not constitute a precedent, other representatives will agree not to demand that these petitions be translated into the respective official languages. However, in certain cases individual petitions may be translated. This would simplify the procedure and would not necessitate the expenditure of \$500,000.

I think that these are practical suggestions that should be studied. Of course, our study so far has been superficial, and I do not think we can take any decision now. Perhaps the Secretariat could survey the problem once again and consider the various possibilities, bearing in mind the suggestions that have been made this afternoon. Perhaps a more economical procedure could then be devised.

Of course, we should be obliged to study the document; the Council cannot shirk its responsibilities. As the representative of Belgium has pointed out, there may be very important petitions, and if they are important I do not think we can afford to let them escape our notice. And yet, whether or not they are important is a matter which the Council must decide.

Those are my preliminary views, and I would suggest that the Secretariat should ponder the problem once again, consider the proposals that have been made, and then submit to the Council a working paper in which the procedure would be simplified to the maximum extent.

Mr. THORP (New Zealand): I agree, of course, with the other representatives who have urged that the Council must find some solution which will do justice to the petitioners and to the people who have sent these messages to us. In the circumstances in which these 35,000 petitions or communications have been sent, it is certainly reasonable to assume that the schedule of grievances will be a fairly limited one, and, therefore, I am in favour of a simplified procedure which will present the Council with some kind of material on which to work.

The representative of the Soviet Union has suggested that we will find that there are some short messages, but when we open the bags we may find that there are some very lengthy messages. Therefore, we might take a decision after we have had a report on the magnitude of the problem, a report which will go a little further than the very useful preliminary report we have had from the Secretariat.

In a Territory like the Cameroons I could expect, for instance, to find that in 35,000 pieces of paper there were, for purely physical reasons, a lot of similarities. One could imagine shaking 35,000 pieces of paper into heaps of the same size and colour, as a preliminary kind of classification, but it is not for me to suggest now how this simplification may be brought about. That would be for whoever was faced with the physical job.

I am somewhat optimistic on this point because I remember that the Visiting Mission to Togoland somehow managed to survey not 35,000, but 200,000 communications. They were not petitions; they were for the information of the Mission and they were treated as such. The Council felt, without doing any injustice to these people who had written, that their views had been taken into account. I think we might bear that in mind when we think in future of the kind of procedure to apply to these 35,000, or a great number of them, which might equally well have fallen into the hands of the Visiting Mission.

I would be inclined to support the idea of the representative of Australia that we should have a very scientific sampling made and that we receive an interim report from the people who are willing to undertake that, and that we then decide whether we can proceed or whether we must devise some procedure other than a continuation of our study.

The PRESIDENT: I do not know whether I am being fair in calling upon the representative of Haiti, but he was the Chairman of the Visiting Mission and he may be in a position to throw some light on how these petitions came to the notice of the Mission when they were on the spot.

Mr. DORSINVILLE (Haiti) (interpretation from French): I can hardly fail to respond to the appeal of the President and to speak with regard to this problem. The Visiting Mission, of course, had to bear the brunt of these petitions in the first place. That question is dealt with in the report of the Visiting Mission. We suggested simply that the Secretariat has at its disposal a greater number of persons to handle, in accordance with established procedure, the communications which we have received. In considering the question, the Visiting Mission wished to respect the principle of the right of petition which is inscribed in the Charter. Even though we were faced with a very difficult situation, we never thought of recommending anything that would not respect this principle.

What sort of communications did we receive? They were of different kinds. On the one hand, some of them contained communications which the UPC and its affiliated parties wished to submit to the Visiting Mission. We could not receive them as a matter of principle and because of the situation of fact. The Council knows what is the status of these parties in regard to the Administering Authority. As we know, the parties have been dissolved and they are now illegal. The Visiting Mission had to face that situation, and it was obliged to issue a communique giving its position, and the Council will have seen the text of that communique.

(Mr. Dorsinville, Haiti)

We could not receive these communications and these petitions. Of course those concerned attempted time and again to submit these communications to us, and yet we had to refuse them. How did they come to us? Sometimes they were fairly thick envelopes, which seemed to imply that there were a number of communications in them; sometimes they were very thin envelopes, which implied that there was only one communication inside.

How can one evaluate the number of these communications? I cannot say and I do not think that any other member of the Visiting Mission can, for obvious reasons. There were other communications which, to some extent, we took into account. But were these communications petitions? Truthfully, I can hardly say so with certainty. Many of them were simple sheets of paper with one or two words on them, such as "Unification", "Independence" or "Long live the French Union" or "We want to remain within the French Union". These communications were sometimes not even signed. They were mere slogans. Some of them perhaps had signatures, but these signatures were illegible. The Secretariat has these documents and the Secretariat or the Chairman of the Visiting Mission will be able, if the Council requires it, to show the members of the Council this type of communication.

We received other communications. They were submitted to us by organizations or by individuals, and we had an opportunity to discuss some of the points they contained. We submitted to the Administering Authority, which was represented on the Visiting Mission, the information they contained. They were able to agree on information which was most useful to us when we were drawing up our report. These are the various communications which we received.

As I said earlier, we made one suggestion in our report, and that is to enlarge the Secretariat. I think that this is of importance so that we should be able to have proper service through this additional personnel. This is the only way, as we see it, to have all these communications channeled through the procedures that are foreseen, in order that the Trusteeship Council will be informed of the communications which were submitted to us.

I believe that I have thus described the situation adequately. I can add nothing else to what I have just said.

Mr. BARGUES (France)(interpretation from French): The Council will understand that I feel some scruples in taking part in this debate. The large number of petitions which places the Secretariat in a difficult position is one which comes, for the most part, from a Territory under French administration. I shall have an opportunity to speak on the substance of this problem when we consider the annual report of the Territory. However, I want to speak now unless my silence be misconstrued.

I would single out from the previous statements one observation which seems to me to be very valuable. If out of the large number of these petitions it can be felt that most of them are communications which deal with the same general subjects and can be given a single consideration, it remains a fact that there are a number of petitions, which we cannot ignore, which are genuine petitions and which under the terms of the Charter entitle their authors to submit complaints that must automatically be taken up by the Council. Without tackling the substance of the problem, my delegation will support any reasonable solution, our condition being that this solution should entirely safeguard the right of petitioners to have their requests and claims submitted to the Council as provided for under the Charter.

Mr. ARENALES CATALAN (Guatemala)(interpretation from Spanish): The last time this matter was discussed by the Council my delegation advanced some observations or rather thought outloud. I would like to follow the same course, in the light of this situation. This does not mean that my ideas are inflexible or hard and fast. I am trying to think in terms of a possible solution to this problem.

I have borne in mind the suggestion of the representative of India and the counter-proposal -- I think it is in part a counter-proposal -- of the representative of Australia, or perhaps it can be considered to complement the Indian proposal. It does, however, contemplate a system different from the one envisaged by the representative of India for the proposed study of these petitions. I am inclined to think that in point of fact the majority of these petitions deal with a single event or fact, possibly the dissolution of the UPC.

It may be that they deal with other matters, and the statements made by the representative of Haiti would give me the impression that these petitions do touch upon various subjects. But as the representative of New Zealand has pointed out, it should be possible to break these petitions down into a few groups.

It seems to me that we should distinguish two things in tackling this problem. First, what are the responsibilities of the Council and what are the corresponding needs at this session? Secondly, what might be the responsibilities of the Council and the corresponding requirements or needs of the Council with respect to petitions at the next session of the Council? As regards the suggestion by the representative of Australia that we should effect some sampling, it seems to me that for the time being the suggestion of the representative of Australia cannot really free the Council from this responsibility. I am inclined to agree with the representative of the USSR that we are committed to pass upon all these petitions. I am not saying that we have to read through all of them, but I do say that we have to pass upon each and every petition. This obligation is inescapable. But in the short run, it is impracticable, or at least it is impracticable without entailing very serious expenditures.

I think that perhaps we could try to resolve this problem along the following lines, and I would bring this informally before the members of the Council. We could take up the Indian suggestion and elaborate upon it; in other words, not set up only one committee of two members, one from the Administering end and one from the non-administering members, but to have seven committees of two members. Secondly, we would adopt the Australian suggestion and study the possibility of having some sort of a sampling, a preliminary classification -- and I would stress the words "a preliminary classification" -- of the petitions on the basis of the Australian suggestion.

This preliminary classification would serve a two-fold purpose; first, it would be possible at this session of the Council, when we discuss the relevant items of the agenda, to take up these petitions

(Mr. Arenales Catalan, Guatemala)

The survey would also make it possible for the Council to give a directive to the seven two-member committees which I have proposed, which committees would work between the two sessions of the Council. Of course, these seven two-member committees would not simply engage in a sampling survey but would classify these documents.

I want to make it clear that classifying a document does not necessarily mean that one has to read the document through. There are various bases for classification. Once these committees decide upon a basis for classification and report back to the next session of the Council on this point, then the Council will be in a position to pass on these petitions. If the Council so decided -- and I would not venture the suggestion on behalf of my delegation -- this judgement might be to pass on the various groups of petitions as classified.

This is a complex procedure. I am not sure that I have clearly expressed it, but I have made the suggestion in an effort to combine the various suggestions which have been made.

The meeting was suspended at 4.10 p.m. and resumed at 4.40 p.m.

Mr. JAIPAL (India): There is a certain amount of merit in this idea of the statistical experts of the United Nations conducting a sampling survey. The only merit that I see is that the results of that sampling survey may be made available to this Council when it is discussing the annual report on the Trust Territory of the Cameroons under French administration. I do not know, however, whether the survey can be completed and the report prepared by the time the Council takes up the examination of conditions in that Territory. If that is not likely to be possible, then there is not much merit in this idea of conducting a sampling survey.

In this connexion, I should like to consult the Under-Secretary as to whether it will be possible to have a sampling survey taken and the result made available to us by the time we are seized of that particular item on the Trust Territory of the Cameroons under French administration.

Mr. COHEN (Under-Secretary, Department of Trusteeship): I think that the course of the debate this afternoon shows how dangerous, politically speaking, this matter is. We feel that a sampling -- not a comprehensive sampling but a fairly good one -- can be made, but we feel that it should be made by the representatives of the Council and not by the Secretariat. The Secretariat would be delighted to render every possible help. But the judgement on the political contents of those documents should not be placed as a burden on the shoulders of the Secretariat.

Mr. JAIPAL (India): In view of what has just been told to us by the Under-Secretary and also in view of the very relevant objections to this kind of survey which were pointed out by the representatives of Belgium and the USSR, we are not inclined to favour this idea.

Mr. ARENALES CATALAN (Guatemala) (interpretation from Spanish): First of all, I should like to apologize publicly to the interpreters for having doubted their professional capacity. I had some doubts as to the word muestreo. It is very good Spanish although very technical.

To take up the present problem, during the recess I was advised that perhaps the quantity of work before us does not call for the creation of more than one committee, as suggested by the representative of India. I think that this original suggestion made by the representative of India -- and I would ask him to correct me if I am wrong -- was that a committee should be named to take a general glance and make a rather cursory survey of the petitions and report on them at the next session of the Council. However, I think that by the next session of the Council we would have not only a rather superficial survey, but also a classification of the petitions, so that the Council could more easily pass on these petitions. I doubt that we here in the Council are going to approve or pass upon 35,000 separate draft resolutions or separate petitions.

If the data given us by the Secretariat is accurate, and certainly there is no reason to question this, then to make the classification I have suggested if the idea is adopted by the Council, perhaps we should have more than one committee which could work twice a week during the two sessions of the Council.

There is another point that I forgot to mention in my statement, but one which was present in my mind; that is whether the work, whether entrusted to one or several committees, should be based on the original documents. I do not know if all members of the Council would be prepared to agree to this, but I think that if the contrary is followed we would still be faced with the financial difficulties outlined in document T/1229.

The PRESIDENT: I am not trying to close off debate in the Council because this obviously is a very basic question. However, if there are no further comments, I am going to put the proposal of the representative of India to the vote. His proposal is this: that there be appointed a sub-committee of two, with the assistance of the Secretariat, to examine the petitions and to present a report to the next session of the Council.

(The President)

Speaking as the President, I should like to ask the representative of India whether he would have any objection to inserting in there "with the possibility of a preliminary report prior to the Cameroons debate of this session".

Mr. JAIPAL (India): I have no objection at all to that, Mr. President. If such a thing were possible, I should think it would be most useful.

Mr. ARENALES CATALAN (Guatemala)(interpretation from Spanish): Would the President be kind enough to ask the representative of India to read out again the text of his draft resolution?

Mr. JAIPAL (India): I made a proposal not in the form of a draft resolution, but it looks as if the President has reduced it to the proportions of a draft resolution, and if the President has no objection I suggest that the Council Secretary might read it out.

The PRESIDENT: The Secretary informs me that we do not need to have a draft resolution; merely a proposal of the Council will suffice, a decision of the Council will suffice.

Mr. ARENALES CATALAN (Guatemala)(interpretation from Spanish): Is this a draft resolution of the Standing Committee on Petitions or will it be a decision of the Council? I am not quite familiar with the usual procedure in such cases. I should like to know what we are going to vote on.

The PRESIDENT: Very simply, this will be a decision of the Council right here in this room. If the Council accepts the proposal, it will be a decision of the Council. Furthermore, if it will help the representative of Guatemala, I am prepared to read the proposal which the representative of India has just suggested to us.

Mr. GRUBYAKOV (Union of Soviet Socialist Republics) (interpretation from Russian): I do not wish to delay the Council, but I should like to point out that many views have been expressed about what this committee would do. Perhaps we could be told briefly what the functions of the committee would be. What will the nature of its report be, when will it submit its report and how will it conduct its activities? It would be interesting to know the actual functions of the committee before we vote on its establishment.

Mr. JAIPAL (India): I think that I suggested something along these lines: that the Council establish a committee of two members to examine, with the assistance of the Secretariat, the 35,000 petitions and make a report to the eighteenth session of the Trusteeship Council. The report will contain a summary of the contents of the petitions.

Mr. ARENALES CATAIAN (Guatemala) (interpretation from Spanish): I am not satisfied with the draft resolution or proposal outlined by the representative of India. Since this is not a question of voting as quickly as possible but of attempting to find the best solution of the problem, would the representative of India agree to postpone the vote on his proposal until tomorrow? We have discussed the matter at length but there are some aspects of the question which might stand some improvement after further discussion with the representative of India and with the Secretariat. This might assist us in obtaining a satisfactory solution of the problem.

Mr. RYCKMANS (Belgium) (interpretation from French): I believe that the suggestion of the representative of India goes a bit too far. To ask a committee of two to make a summary of the contents of the petitions is actually to ask the impossible. The committee of two would have to read all the petitions before making a summary. Without any prejudice to the decision which may be taken later, I believe that what the committee might be entrusted to do would be to consider the problem of these 35,000 petitions and to submit reasonable proposals to the Council on the best way of handling the question. To bring those thousands of petitions before a committee of two might perhaps help the committee ascertain whether a good part of these petitions are merely blank

(Mr. Ryckmans, Belgium)

papers which were handed out and then signed by the petitioner upon request of those who distributed them. We certainly cannot ask the committee to sum up 35,000 petitions.

The PRESIDENT: It is the opinion of the Chair that the Council is now confronted by a very minor and simple difficulty which we can overcome. If there is no objection, we shall follow the suggestion of the representative of Guatemala that we should postpone further consideration of this question until tomorrow.

It was so decided.

EXAMINATION OF CONDITIONS IN TOGOLAND UNDER FRENCH ADMINISTRATION (T/L.630):

- (a) ANNUAL REPORT OF THE ADMINISTERING AUTHORITY FOR 1954 (T/1202, 1202/Add.1 and 1223) [Agenda item 3 e/
- (b) PETITIONS CIRCULATED UNDER RULE 85, PARAGRAPH 2, OF THE RULES OF PROCEDURE OF THE TRUSTEESHIP COUNCIL (T/PET.7/L.10 to 13) [Agenda item 4/
- (c) REPORT OF THE UNITED NATIONS VISITING MISSION TO THE TRUST TERRITORIES OF TOGOLAND UNDER BRITISH ADMINISTRATION AND TOGOLAND UNDER FRENCH ADMINISTRATION, 1955 (T/1211 and 1228) [Agenda item 5/

At the invitation of the President, Mr. Tourot, special representative for Togoland under French administration, took a place at the Trusteeship Council table.

Political advancement

Mr. FLAJA (Italy) (interpretation from French): I followed closely the discussion which took place at our meeting on Friday on the functions and powers of the Territorial Assembly. Among the functions which devolve upon the Territorial Assembly under the new law is the one related to the codification of tribal customs. The codification of tribal customs is a very interesting subject which gives rise to many problems. I note in particular that in the field of tribal customs, the Administering Authority points out in its observations on the

(Mr. Plaja, Italy)

report of the Visiting Mission, in connexion with the appointment of chiefs, that while the codification would yield immediate advantages, it would also have the disadvantage of promoting a crystallization of custom in the matter of indigenous chiefdoms and thereby impede the later evolution of this type of traditional institution.

Perhaps the special representative could give us some information regarding this question? Has the Territorial Assembly already considered the question of the codification of tribal customs? Does the Territorial Assembly feel that much can be done in this field? What are the categories of customs to which the Administering Authority feels the Territorial Assembly should pay special attention?

Mr. TOURROT (Special representative) (interpretation from French): The Territorial Assembly has not considered the question of the codification of tribal customs. The Territorial Assembly must consider this question among the functions which it has recently been called upon to discharge, and it intends to consider it. I should like to add that among the advisers of the Government who have recently been appointed, there is one from the north who had been in charge of this question of traditions and customs. It is likely that in the very near future he will set up a general system of investigating these customs. Only after the customs have been investigated in detail -- one should not forget that these customs are very diversified and vary from area to area and from tribe to tribe -- will the question be considered by the Territorial Assembly. Therefore, first there will be a detailed investigation and then a general survey to determine the various approaches that can be taken. Once the spadework has been completed by a commission which is to be appointed, specific projects will be prepared. After the Government council has studied the question closely, the Territorial Assembly will be in a position to pass on its merits.

I should like to add that upon arrival in the African continent, many of these tribal customs were found to clash with our own juridical traditions. Yet they spring from the very foundations of native life. We felt that it was our duty at the beginning to do away only with those customs which ran directly counter to humanitarian principles and to retain those which were acceptable.

(Mr. Tourot, Special
representative)

Having sifted the customs which could be retained and those which could not be retained, we carried on this work throughout the Territory. One can see now how these customs have been sifted and how they have settled as a result of the impact of our own civilization on indigenous life. It is easier now to obtain a clearer picture of these customs and traditions. Some endeavour can be undertaken in order to harmonize them with our own way of life.

(Mr. Tourot, Special representative)

To answer the subsidiary question of the representative of Italy, the categories of customs to which the Administering Authority feels the Territorial Assembly should pay special attention are rather difficult to determine at present. It is only after the spadework has been done by the individuals and commissions which will be called upon to investigate the matter in detail that it will be possible to ascertain what are the most important sets of customs to which special attention should be urgently paid.

Mr. PLAJA (Italy)(interpretation from French): My second question deals with the Government Council, the role of which in the administrative life of the Territory is particularly important. I would be happy to receive some information on this question from the special representative. Perhaps there is an answer to my question in some of the many documents available to the Council, but I have failed to find the answer there.

The Government Council is composed of ten persons, five of whom are elected. What is their tenure of office? Is the tenure of office of elected and appointed members equal? Is there provision for periodic rotation in the Council, which, in a way, would make the relationship between the Territorial Assembly and the Government Council more alive, as it were?

Mr. TOUROT (Special representative)(interpretation from French): As I had an opportunity to point out at the last session of the Trusteeship Council, the Government Council is indeed composed of ten members, including the chairman, who is the Commissioner of the Republic. The councillors are elected for two years, while the Territorial Assembly itself is elected for four years. In other words, they stand for re-election after two years -- or, rather, new elections are held every two years for the councillors. Thus, within a relatively short span of time, there is a change in the Government Council by re-election or by election of some new individual. There is therefore enough room for flexibility and change -- more flexibility and more room for change than in the Territorial Assembly.

Mr. PLAJA (Italy)(interpretation from French): I should like to ask whether the four members who are appointed by the Commissioner of the Republic are permanent or whether they, too, are changed every two years.

Mr. TOUROT (Special representative)(interpretation from French): The four members who are appointed by the Commissioner of the Republic are also renewable, like their colleagues elected by the Territorial Assembly. There is, however, one qualification which should be mentioned: When the Commissioner of the Republic is changed, when another person occupies the post of Commissioner of the Republic, he has a right to change any one of the four appointed by his predecessor.

Mr. PLAJA (Italy)(interpretation from French): In the annual report of the Administering Authority, there is a chart giving the composition of the administrative services of the Territory. According to the figures given, it appears that the percentage of African personnel has increased and there is therefore constant progress, which will make easier the introduction of reforms in this area. Would the special representative be prepared to give us some details about the composition of the African personnel in the administrative services of Togoland? From what areas of the Territory does the staff come? Furthermore, how are they viewed by the local population?

Mr. TOUROT (Special representative)(interpretation from French): I should say that indigenous officials are, in principle, all from Togoland. It has happened only in a few instances in the past that some people from Dahomey were recruited by the Administration of Togoland. That is why there are at present some individuals from Dahomey who, side by side with their colleagues from Togoland, participate effectively in the administration of the Territory.

This Africanization of the higher echelons of the civil service has been a matter of interest to the authorities for quite a while, and a great effort has been made in that field. To give a few specific instances, there have been in the higher cadres, for three years, heads of subdivisions and assistant area administrators who are from Togoland. There are doctors in charge of administrative medical units who are also from Togoland, who are indigenous inhabitants. I have already said that there are police commissioners in some areas who are indigenous. In the cabinet of the Governor-General, there is an indigenous councillor, there is a chef de bureau du cabinet, coming from the indigenous inhabitants. In the Treasury, there are heads of accounting services who are indigenous. This also applies to the railroad and public works administration.

(Mr. Tourot, Special representative)

All this shows the effort applied to increasing the number of Africans in the administrative cadres. This Africanization process will proceed at an ever-increasing pace when the bill at present before the National Assembly in Paris is passed, which we think will happen in the near future. By then you will have higher echelons directly under the control of the Territorial Assembly, manned by indigenous inhabitants. Thus, the door will be open wider to participation by indigenous elements in the administration of the Territory.

(Mr. Tourot, Special
representative)

In this respect, I should like to cite some figures. In the general cadres, there are 90 Europeans and 49 Africans; in the superior cadres, 63 Europeans and 185 Africans; in the local cadres, no Europeans and 2,263 Africans; in the category "agents under contract", 34 Europeans and 36 Africans. This makes a total of 187 Europeans as against 2,533 Africans, and demonstrates that a large part of the administrative machinery of Togoland is in the hands of indigenous inhabitants, who have the advice and supervision of the heads of the European services.

Mr. PLAJA (Italy) (interpretation from French): My last question concerns suffrage. The number of registered voters, as indicated in the figures contained in the Administering Authority's report, has substantially increased each year. During the recent elections, there was a total of more than 213,000 registered voters, which seems to me to be a really satisfactory result. I read with interest that the duties of the Commissions of Revision are not limited to studying individual requests for registration; the Commissions are actively encouraging the registration of the maximum number of persons fulfilling the conditions set by the law. I think that it would be useful to know if the Commissions have found that persons entitled to register are interested in so doing. In my opinion, the Commissions' findings in this respect would have a bearing on the establishment of the new electoral lists which will become necessary shortly, when the principle of universal suffrage is applied.

Mr. TOUROT (Special representative) (interpretation from French): Suffrage was granted to the inhabitants of Togoland so that they might participate as effectively as possible in the conduct of the Territory's public affairs. The basic principle of the French Government was to have universal suffrage so far as possible. The principle could not be fully applied because of certain local conditions; difficulties connected, for example, with civil registration; local traditions and customs which often clashed with the principle. At present, we are endeavouring to ensure the full application of universal suffrage. I would note here that universal suffrage is in fact in force in the communities where there are

fewer problems related to civil registration and where large parts of the population have already been detribalized. This is the case, for instance, in such urban centres as Lomé, Aného, Atakpamé and Sokodé. We are making a great effort in connexion with census work in order to extend the application of the principle of universal suffrage as much as possible during the next elections.

With the President's permission, I should now like to revert to a question on the judicial system which was put to me last Friday by the representative of India. Because of certain technical difficulties, I did not fully understand the question, and, in reading this morning the verbatim record of Friday afternoon's meeting (T/PV.662), I realized that my reply was not sufficiently precise. I do not wish to give the impression that I was trying to avoid answering a question which has an importance as regards Togoland's general political picture, and I should therefore like to give some further clarification at this time.

Referring to the judicial system, the representative of India said that the Visiting Mission had expressed the desire that the judicial system in Togoland should be improved, either by the unification of that system or by a reorganization of the customary courts which would ensure their independence in relation to the Administration. That is an important question, and it is for that reason that I wish to give a precise answer.

Unification of the judicial system has already been achieved in penal matters. In that respect, everyone -- Europeans as well as Africans -- comes under the complete jurisdiction of French penal courts; that is, the tribunal correctionnel, the Justices of the Peace with Extended Powers and the higher courts: the Court of Appeal, the Cour d'Assise and the Court of Cassation.

There is a duality in the judicial system when we come to the question of customary law and French civil law. The customary courts, which include the courts of first and second degree and the special customary courts established in 1944 and which are presided over by African chiefs or notables, hear only cases strictly concerned with local custom for indigenous inhabitants. As regards persons coming under the jurisdiction of French private law, there is a Court of First Instance at Lomé, the Justices of the Peace with Extended Powers, and the Court of Appeal and the Court of Cassation.

I turn now to the question of the independence of the judiciary vis-a-vis the Administration. I know that the criticism may be made that the customary courts of first and second degree, which in the bush are presided over by an official, do not have the necessary or desired independence.

(Mr. Touro, Special
representative)

I would reply that when an official is named president of a court he takes an oath which commits him to a certain code of behaviour throughout his tenure of office. He does benefit from a substantial degree of independence on the judicial level. But to avoid any misconstruction of this situation I should like to say that the Government has envisaged giving these Courts of First Instance and Courts of Second Instance within the not too distant future a career magistrate who could certainly in no way be taxed with dependence upon local authorities.

To show that this tendency to respect the separation of powers between the judiciary and the Administering Authority is a tendency which is being put into effect, I would refer to the Council for Administrative Disputes, which was presided over by an official of the Territory until recently. In order to make this court more independent a career magistrate has been appointed to preside over it instead of the Secretary-General of the Territory.

These details are, I think, significant, and I am sorry that I did not bring them up on Friday, but I did not then quite grasp the point of the question.

Mr. KAUL (India): I should like to thank the special representative for the explanation which he has very kindly given today.

Mr. GRUBYAKOV (Union of Soviet Socialist Republics)(interpretation from Russian): I have listened attentively to the questions asked by the representatives of India and Syria, and to the replies given by the representative of France and the special representative. These questions and answers have to a great extent facilitated the task of my own delegation, but I do not hold it against the representatives of India and Syria that their questions, which dealt with many aspects of political development, took the wind out of our sails. In fact, I am grateful to them. I have, however, a few questions to develop those which have already been asked. The first relates to the powers of the Territorial Assembly. In the report of the

Visiting Mission and in the observations of the representative of France the powers of the Territorial Assembly are enumerated. On page 19 of the Visiting Mission's report it is pointed out that political questions are not excluded from the competence of the Territorial Assembly. I should like to know whether the right to discuss political questions is included in the list of matters for which the Territorial Assembly is recognized as competent, or whether this right is merely implied. In the enumeration of the powers of the Territorial Assembly, is there a provision saying that the Territorial Assembly has the power to discuss political questions? In the observations we were told that it had this power, but I am interested in this technical, formal matter: is this recorded in the law, or is it implicit?

Mr. BARGUES (France) (interpretation from French): If we refer to the law of 16 April 1955 relating to the territorial and regional institutions of Togoland under French administration, we find an enumeration of the questions which the Territorial Assembly has power to discuss, together with an enumeration of questions in connexion with which it has merely the power to advise. But there is no explicit mention in either of these enumerations of power for the Assembly to discuss political matters.

However, we should agree on what is really meant by "political matters". I should like to say, first of all, that under article 37 of the law the Territorial Assembly may refer to the Commissioner of the Republic any request for information relating to any question of interest to the Territory. There are no restrictions there. Any question of interest to the Territory falls within the purview of the Assembly. The Assembly is further entitled to appoint any of its members to gather information throughout the Territory relevant to all questions under discussion. Again, the Assembly may, through its President, address to the Minister for Overseas Affairs in France any comment relating to the administration of the Territory, and this includes political, economic and social aspects. Finally, under article 39 of the law, the Assembly may express wishes. It has, therefore, the power to deal with political questions. Such questions may be topics for

(Mr. Bargues, France)

discussion and, therefore, for decisions to the extent to which these political questions fall within the terms of articles 52 and 53 of the law. The only limitation placed upon the political powers of the Territorial Assembly is that contained in article 72 of the French Constitution, which applies to Trust Territories to the extent to which they are administered as integral parts of the Republic.

Article 72 of the Constitution of the French Republic -- and here I should like to say in parenthesis that when I referred to this article on Friday I had not the text before me -- provides that in Overseas Territories and, therefore, in Trust Territories legislative power is vested in Parliament in the fields of criminal legislation, public freedom and political and administrative organizations. This would indicate that the political and administrative structure of the Territory cannot be a topic for the Territorial Assembly, and I repeat that by "topic for the Assembly" is meant a topic on which the Assembly can take a decision. The only thing which the Assembly can do in this field is to give advice or express desires. It can request the Minister for Overseas Territories to supply information on any relevant point.

For example, in July last the representative Assembly in Togoland expressed a wish relating to the political and administrative structure of the Territory. It has that right; but it has not the right -- and this is normal in the present circumstances -- to take a decision which would modify the political status of the Territory. This power of amending the present political status is reserved to Parliament pending a change in the present state of affairs.

(Mr. Bargues, France)

In July last the Territorial Assembly could not have decided that the trusteeship regime should come to an end or that the political status of the Territory should be altered. The only thing that it could do was to express a wish, which it did, thus remaining within its powers. This is the construction to be placed on the texts. The Assembly has no right to take decisions in the political field except to the extent to which political questions are included in the enumeration of the topics regarding which it is competent to take decisions. It is free to express wishes or to ask for information on any political question.

Mr. GRUBIAKOV (Union of Soviet Socialist Republics) (interpretation from Russian): The representative of France has given a somewhat detailed explanation. I do not know whether it was due to the interpretation, or to some other reason, but it seems to me that the special representative said that the Territorial Assembly had no power to decide on topics which were not specifically mentioned in the list of its powers. I am interested in one specific instance. The Assembly began discussing questions of a political nature, although such questions seem to be removed from the scope of its competence, judging by its terms of reference. I realize that the Territorial Assembly would merely discuss those questions and could not decide them in a final manner because of the Trusteeship System, but I should like to know whether a mere discussion of political questions by the Assembly would not be beyond the scope of its competence.

Further, if the Assembly has a right to discuss any question, why have a specific and probably restrictive enumeration of the questions which it is entitled to consider? We realize that the decisions of the Assembly cannot be final, that the final say remains with the Administering Authority, which has to pass on the legality or validity of such decisions. But why, then, have this long enumeration of matters which the Assembly is competent to discuss when it might simply be said that the Assembly may consider any question, but that its decisions are subject to the evaluation of the Administering Authority? This is a question which logic prompts me to ask: if the Territorial Assembly has a right to discuss anything, including political matters, why this exhaustive enumeration?

Mr. BARGUES (France)(interpretation from French): The competence of the Territorial Assembly can be divided into three categories: deliberation, counsel, and expression of wish. The deliberations are acts which are executed unless, under a special procedure, they are cancelled by the executive power. But these cancellations take place under strictly set forth regulations, either for violation or abuse of power, and under decrees; that is, with the concurrent advice of the Council of State and signed by the President of the Republic. These deliberations apply only to those subjects which are defined in articles 32, 33, 34 and 35, and if there are several articles referring to the right of deliberation, it is because the procedure is not the same for all deliberations.

I could mention one example -- a particularly enlightening one. In customs matters the Assembly deliberates; that is, it is empowered to set customs duties and certain customs regulations applying to the entry and exit of certain products. But, since the Territory is part of a greater economic entity, which is the French customs area, it was provided that this decision had first to be specially approved before it could be implemented.

In the budgetary field, on the other hand, the Assembly deliberates and, as I believe I stated last Friday, 17 February, in this matter the Assembly has the full powers of a sovereign body. It votes a budget which the Administering Authority and the executive power cannot modify. It is true that the Governor must pass on the budget, but this is only a formality, which corresponds to the fact that in France, for example, after the laws have been voted by the Assembly, they are promulgated by the President; and, of course, the French National Assembly is a sovereign assembly.

We have the provisions concerning the counsel given by the Assembly. In some matters the Assembly must be consulted, for lack of which consultation certain decrees might become null and void when issued.

On any other subject the Assembly can formulate advice on its authority, can request information, or address observations to the Overseas Ministry. In these fields there is no limitation. If the Territorial Assembly of Togoland has not passed any acts having executive force in political matters, it is because

deliberation in this field is not authorized under the provisions of article 72 of the Constitution, legislative power in this area being reserved to Parliament. The Assembly had a chance to give its views on this problem of the political structure of the Territory, but could not take a decision since this matter falls exclusively within the competence of Parliament.

Mr. BARGUES (France)(interpretation from French): Perhaps I did not express myself properly or lay sufficient stress upon the special problem raised by the representative of the Soviet Union. This problem is only one part, after all, of the more general issue. I can say in a more precise way that the Assembly is empowered to discuss political problems but it cannot pass acts which have executive validity when the questions relate to the political or administrative structure or to the status of the Territory.

Mr. GRUBYAKOV (Union of Soviet Socialist Republics)(interpretation from Russian): My next question relates to the Government Council of ten members. The first part of my question is concerned with the powers of the members of that Council. As is known, each member of the Council has his own specific sphere of activity -- education, social work and so on. I should like to know how it operates in practice. Can the members of the Government Council ask only for reports from the responsible departments or do they have the right actually to supervise, guide and formulate the policy for the departments for which they work?

Mr. TOURROT (Special representative)(interpretation from French): The members of the Government Council participate in a most effective manner in the administration of the sphere of activities which devolves upon them. They do not merely have the right of investigation; they can give directives, instruction and advice in agreement with the chefs de service. I have already pointed out, I believe, that every week there are conferences attended by the chefs de service, and the Government Council members concerned attend these conferences. Problems affecting the general policies of the Territory are brought up, guiding principles are established and instructions issued in accord with the Governor, the chefs de service and the competent members of the Government Council.

Mr. GRUBYAKOV (Union of Soviet Socialist Republics)(interpretation from Russian): We know that the Government Council is not responsible to the Assembly. I should like to know whether the Assembly can express a lack of confidence in the Council as a whole or in any individual member. I am sure that the hypothetical case I have in mind has not happened in the Territory, but can the Assembly adopt a vote of no confidence in any of the members of the Government Council or in the Council as a whole?

Mr. TOUROT (Special representative)(interpretation from French): I must say that the question has not as yet arisen in the Territory, and I do not know whether it will arise. However, there is one thing which is certain, and that is that the Assembly can express its views with regard to members of the Government Council. During the voting on the budget, for instance, there is a councillor who deals with questions on education, and if his replies are not considered to be satisfactory, then the Assembly can refuse to vote the budget for the particular department. That holds true in the cases of other departments, and the Assembly can intervene, through the medium of the President, and express to the head of the Territory its disapproval or its views with regard to a member of the Government Council who, in the opinion of the Assembly, has not properly discharged his duties.

Mr. BARGUES (France)(interpretation from French): I should like to make a comment on this question. It has been stated, and I myself have stated this, that in the Government Council one might see the forerunner of a council of ministers or a cabinet of a parliamentary State. The only thing that is now lacking is that there is no responsibility to the Assembly, as would be the case under the cabinet system. In a parliamentary State, the sovereign assembly does not express its lack of confidence in any one member of the government. There is a governmental solidarity, and in France, for instance, the National Assembly is not entitled to vote on a lack of confidence motion with regard to any one Minister. It can express a lack of confidence in the entire cabinet. I think this is true in all parliamentary systems. There is unity within the government. The sovereign assembly can express lack of confidence in one member of the Government, but the vote must be considered as reflecting upon all members of the cabinet. In practice, therefore, the whole cabinet would then resign; the vote would not affect only the Minister in question.

In this respect, it seems to me that we sometimes go further than the parliamentary system, since we can create individual responsibility for each member of the executive body, when this does not exist in parliamentary systems where collective responsibility obtains. The executive in Togoland is the Government Council created around the Commissioner of the Republic.

Mr. GRUBYAKOV (Union of Soviet Socialist Republics) (interpretation from Russian): My next question relates to a statement made by the representative of France at the 662nd meeting of the Trusteeship Council. The French representative stated:

"I believe that logic demands that first of all, before the political administrative structure is fixed internally, it is necessary to decide whether Togoland under French Administration shall become an independent State...or whether, on the contrary, under its new regime it shall be linked to another political entity such as Togoland under British Administration or the French Union." (T/PV.662, page 46)

I should like to ask how that statement should be viewed, since the Charter provides only two alternatives -- self-government or independence. It appears that the Charter does not call for ascertaining whether the inhabitants of the Territory shall be independent or self-governing. The clear-cut, minimum obligation of the Administering Authority is to bring the Territory up to the level of self-government. That is my interpretation of the Charter, and after that level is reached the question of independence or connected questions might then be raised. The future structure of the Territory, however, can be ascertained only after the minimum requirement set for the Administering Authority by the relevant Articles of the Charter has been fulfilled.

(Mr. Grubyakov, USSR)

The point of the representative of France gives rise to the impression that the question of granting self-government to this Territory could be considered only later, after the wishes of the inhabitants have been ascertained as to what their political future should be. This is a possible interpretation. Perhaps the representative of France had something else in mind. Would he be kind enough to comment upon it?

Mr. BARGUES (France) (interpretation from French): I think that there is a misunderstanding here which may be due to errors in the translation. It seems to me that I said quite the contrary to the statement attributed to me by the representative of the USSR. If my memory is correct, I was replying to a question by the representative of Syria who called my attention to the fact that the report of the Visiting Mission expressed the view that it would be proper and timely to initiate a certain number of political reforms in the Territory before consulting the population on the future fate of the Territory. I replied to the representative of Syria that I disagreed on this point with the views upheld by the Visiting Mission.

There are two possible solutions: either the population is consulted first with regard to an eventual change in the links binding the Territory to the United Nations and to the French Union, or when the nature of these international ties is set, then the population will have to resolve the problem of determining the political and administrative structure in the Territory; or the alternative proposed by the Visiting Mission, that the internal administrative and political structure should be set first and, only secondly, should the population be consulted about any eventual change in the international status of the Territory, that is, the links binding the Territory to the French Union and to the United Nations.

I supported the first solution, which consists, as a first step, in defining the links between the Territory and France, and the Territory and the United Nations, and then, after that, determining the inner political and administrative structure of the Territory.

My argument -- and I stand by it -- was that the internal structure of a country is a function of its international status. At the present time Togoland is a Trust Territory. There can be no doubt that its internal structure is a function of its status in a Trust Territory. If Togoland were to become independent, then its internal structure would be a function of its status as an independent State; for instance, it would then mean having a sovereign parliament and a cabinet responsible to the parliament.

Let us suppose further that Togoland would become a French overseas territory, part of the French Republic. I repeat that this is a mere hypothesis, but it will be illustrative. In such a case Togoland will need a parliament and, just as French overseas territories, the right to legislate will be vested in the French Parliament. My reasoning was conditioned by logic and on this point, as I stated, I disagree with the Visiting Mission which, to my mind, would like to put the cart before the horse by determining the inner structure first, while we do not as yet know whether this inner structure is to be that of an independent State or a State associated with British Togoland, the Gold Coast, the French Union or of a Trust Territory, if the population -- as it is quite free to do -- requests the maintenance of the trusteeship system.

To sum up, I would say that it seems to me that, first, the population should be consulted with regard to the international status of the Territory in the near future; and once this international status has been set, then we should determine the political and administrative inner structure of the Territory, which is closely linked with the international status of the Territory.

The PRESIDENT: If the representative of the Soviet Union has no objection, I will now adjourn the meeting as it is 6 o'clock. The Council will continue tomorrow with its examination of conditions in Togoland under French administration and presumably we shall take up again the question of the processing of certain petitions. As I am informed that most of the members are willing to have two meetings tomorrow, because we are falling behind very materially with our work, and as there will be no meeting on Wednesday because of George Washington's birthday, two meetings will be held tomorrow.

The meeting rose at 6 p.m.