



CONTENTS

| | <i>Page</i> |
|---|-------------|
| Election of the Vice-Chairman..... | 3 |
| Election of the Rapporteur..... | 3 |
| Adoption of the agenda (A/C.4/177)..... | 3 |
| Translation of documents..... | 3 |
| Report of the Trusteeship Council (A/1306)..... | 3 |

Chairman: Prince WAN WAITHAYAKON (Thailand).

Election of the Vice-Chairman

1. Mr. S. RAO (India) nominated Mr. Farrag (Egypt) as Vice-Chairman.
2. Mr. PEREZ CISNEROS (Cuba) and Mr. COOK (United Kingdom) seconded the nomination.

Mr. Farrag (Egypt) was elected Vice-Chairman by acclamation.

Election of the Rapporteur

3. Mr. LANNUNG (Denmark) nominated Mr. Anker (Norway) as Rapporteur.
4. Mr. RYCKMANS (Belgium) and Mr. HENRIQUEZ URENA (Dominican Republic) seconded the nomination.

Mr. Anker (Norway) was elected Rapporteur.

Adoption of the agenda (A/C.4/177)

5. The CHAIRMAN drew the Committee's attention to a letter dated 26 September 1950 from the President of the General Assembly to the Chairman of the Fourth Committee on the subject of the allocation of items to the Fourth Committee (A/C.4/177). He pointed out that the Administrator of Somaliland under Italian administration would not be present until 9 October; he therefore proposed that the order of the first two items on the suggested agenda should be reversed, the report of the Trusteeship Council being considered as item 1 of the agenda.

The proposed agenda was adopted as amended by the Chairman.

Translation of documents

6. Mr. QUESADA ZAPIOLA (Argentina) recalled that the General Assembly, at its third session, had adopted resolution 247 (III) under which Spanish became one of the working languages of the General Assembly of the United Nations. While there were nineteen Spanish-speaking delegations among the Members of the United Nations, most of the documents which would be considered by the Fourth Committee were as yet available only in English and French. The report of the Trusteeship Council (A/1306) had been distributed in Spanish as recently as 28 September, and would have to be transmitted to the various Latin-American governments before the delegations concerned could receive precise instructions from their Governments.

7. The CHAIRMAN replied that the Secretariat was doing its best to distribute all the relevant documents in Spanish as promptly as possible.

**Report of the Trusteeship Council (A/1306)
[Item 13]***

8. Mr. HENRIQUEZ URENA (Dominican Republic), President of the Trusteeship Council during its seventh session, presented the Council's report.

9. The task of the Trusteeship Council during the period under review had been a difficult one. It had been asked by the General Assembly to deal with several questions, including the preparation of a draft trusteeship agreement for the former Italian colony of Somaliland, the preparation of a statute for the

* Indicates the item number of the General Assembly agenda.

Jerusalem area, and the question of administrative unions affecting Trust Territories. The first two of those questions were the subjects of special reports by the Council (A/1294 and A/1286). In addition, the Council had dealt with certain continuing matters which occupied its attention annually, in particular the annual reports of the Administering Authorities of Trust Territories, a large volume of petitions from the inhabitants of Trust Territories and the reports of and arrangements for visiting missions, the latter including the United Nations Visiting Missions to West Africa, to East Africa and to Trust Territories in the Pacific. Much hard work had been done in connexion with the examination of petitions, and it was encouraging to note that the inhabitants of many Territories far removed from United Nations Headquarters were aware of the existence of the Trusteeship Council and that they looked to it for help and protection and for assistance in the solution of their many individual and collective problems.

10. With regard to the annual reports of Administering Authorities of Trust Territories, one of the Council's chief concerns in dealing with political advancement was to ensure increasing participation by the indigenous inhabitants in local administration and to bring about such participation by means of the election, rather than nomination, of indigenous representatives.

11. In that connexion the Council had noted with approval that the Administering Authority in Tanganyika had established a Constitutional Development Committee, including four African members, to review the Territory's constitutional structure. It had also noted with satisfaction the appointment of a fourth African non-official member to the Legislative Council and the plan to increase to eight the number of African representatives on the Council, as well as the plan to set up provincial councils representative of officials and non-officials of all communities.

12. The action of the Administering Authority in Ruanda-Urundi in appointing the two Bami as permanent members of the Council of the Vice-Government-General and in appointing African alternates had met with approval, and the hope had been expressed that that Council would in time be given some legislative powers. The Trusteeship Council had noted with regret that the election experiment in Usumbura in 1949 had not met with the expected success, and hoped that more adequate education would ensure the success of further experiments of the same type in the future.

13. As regards the Cameroons under British administration, the Council had noted with satisfaction the appointment of a Commissioner for the Territory, and had recommended that due attention should be given to the question of the representation of the Trust Territory's population in the various legislative and executive councils, and that basic reforms should be introduced in the system of Native Administration in order to accelerate the development of local government units along democratic and progressive lines.

14. With respect to the Cameroons under French administration, the Council had reiterated its previous recommendation that the Administering Authority should progressively extend the powers of the Representative Assembly, particularly in the matter of legislation. It had commended the Administering Authority

for the steps taken to increase the membership of the Councils of Notables and broaden their representative character.

15. The administrative union of Togoland under British administration with the Gold Coast had been considered by the Council to be a useful measure. The Council had noted with particular interest the selection of a representative of Southern Togoland to the Gold Coast Legislative Council. The Administering Authority had been urged, however, to ensure that the representation of Togoland in such legislative bodies in the Gold Coast was proportionate to the Trust Territory's population and interests. The Council had noted with satisfaction the new system of election of sub-divisional chiefs in Dagomba, in Northern Togoland, and the establishment of a separate Territorial Council for Southern Togoland. It had expressed the hope that all necessary measures would be taken to prepare the inhabitants of the Territory for universal suffrage and to develop their capacities for self-government.

16. Turning to the report on Togoland under French administration, Mr. Henríquez Ureña said the Council had noted with satisfaction the replacement of the Councils of Notables by elected district councils established on the basis of democratic principles, and had expressed its approval of the Administering Authority's efforts to increase the number of indigenous electors and to explain to them their political rights and promote the exercise of those rights.

17. The electoral reforms introduced in Western Samoa had been noted with approval by the Council as representing a further step toward the eventual establishment of universal suffrage. The Council had further commended the Administering Authority for the declared policy of the Samoan Public Service Commission to confer increasing responsibility on Samoans in the public services.

18. The Council had recommended the Administering Authority in New Guinea to institute methods of suffrage likely eventually to lead to the establishment of a modern electoral system based on universal suffrage. The enactment of a Village Councils Ordinance during the year under review had been a source of satisfaction to the Council, which had urged the Administering Authority to increase, in so far as possible, the number of village councils during the following year.

19. The Council had noted the intention of the Administering Authority in Nauru to reconstitute the Council of Chiefs in that Territory, and had recommended that the Council of Chiefs should become a real organ of self-government with increasing legislative powers. The Trusteeship Council had also noted with interest that the experiment of appointing the Head Chief as Native Affairs Officer had proved successful.

20. As regards the Trust Territory of the Pacific Islands, the Council had considered the report of the Administering Authority and had adopted a separate report thereon to the Security Council as the body exercising certain functions in respect of strategic areas placed under the Trusteeship System.

21. In the matter of economic advancement, the Council had noted that, in various Territories, modern methods of agriculture should be introduced or existing ones improved; unoccupied lands should be given to the

local population for cultivation; roads and methods of transport should be improved; facilities for the technical training of the indigenous inhabitants should be increased; local industries to increase the agricultural self-sufficiency of the Territories should be encouraged; participation of the indigenous population in co-operatives should be extended; natural resources should be worked more efficiently and the possibilities of obtaining technical assistance and equipment under the United Nations expanded programme of technical assistance should be studied.

22. The Council had noted with approval both the establishment by the Administering Authority in Tanganyika of a Land Bank for the purpose of facilitating loans to farmers and the grants made by the Colonial Development and Welfare Fund for the development of the Territory. It had recommended the establishment of a public corporation for the management of ex-enemy lands, the profits of which could be applied for the common benefit of the inhabitants of the Territory. More detailed figures concerning the national income, capital investments and the general economy of the Territory had been requested, as it had been pointed out that the figures available were insufficient owing to the practice of submitting combined figures for the territories participating in administrative unions. It was hoped that in the future such figures could be submitted separately for the Trust Territory concerned.

23. The Council had commended the Administering Authority of the Cameroons under French administration for the establishment of producing, processing, marketing and consumer co-operatives among the indigenous inhabitants, and had made numerous recommendations concerning lands and forests. Further intensive efforts to develop the backward northern region of Togoland under British administration had been recommended, with particular reference to possibilities of obtaining technical assistance from the United Nations. Attention had been drawn to the necessity of increasing the water supply in Togoland under French administration, in order to guard against the danger of drought. Measures to encourage the fishing industry had also been recommended. The Administering Authority of New Guinea had been urged to increase taxes on gold production with the object of augmenting the Territory's income and raising the indigenous population's standard of living. As regards Nauru, it had been suggested that local industries such as the copra and fishing industries should be further developed, in order to protect the economic future of the Territory after the phosphate deposits had been exhausted.

24. In the matter of social advancement, the Council had considered racial and all other forms of discrimination and had recommended the abolition of all discriminatory laws and practices. It hoped that by the following year it would be able to report that measures had been taken to eliminate all discrimination from the Trust Territories. It had called for the abolition of whipping, a penalty contrary to modern views on penal law. The reports of the Administering Authorities had indicated that the punishment was rarely applied and the Council hoped that it would soon disappear altogether. It had concerned itself with the social and legal status of women and had, for example, drawn attention to the inferior status of women in Togoland under

French administration. It had considered the question of labour contracts, recommending that penal sanctions should not be imposed for breaches of such contracts. It had recommended the improvement of medical and health services in all Trust Territories.

25. With regard to education, the Council had recommended the expansion of primary education with a view to eliminating illiteracy and the provision of full facilities for secondary education in each Trust Territory. The Council had realized that facilities for higher education could not always be provided in Trust Territories and had advocated the system of sending indigenous students abroad. It had also recommended the provision of teacher-training schools in the Trust Territories. While it had noted improvements in educational facilities, the Council had been of the opinion that further improvements were required in all the Trust Territories. It had considered the problem of the language of instruction in primary schools and had reached the conclusion that the problem must be solved in the light of local conditions.

26. The Council's work had led it to conclude that progress had been made in every direction by comparison with previous years. In some cases the application of its recommendations had been delayed because existing legislation had first to be amended or repealed or tradition modified. In general, however, the Administering Authorities reported year after year that the Council's recommendations had been carried into effect.

27. It was of great importance that the solidarity which had hitherto marked the Trusteeship Council's work should continue and that the Administering Authorities and the non-administering Powers should be united by the resolve to promote the welfare and progress of the people of the Trust Territories.

28. Mr. V. RAO (Brazil) wished to outline his delegation's views on the general principles applicable to Non-Self-Governing Territories, Trust Territories and administrative unions. In particular he wished to discuss the vexed question of the applicability of Chapter XI of the Charter to all dependent territories without exception.

29. Chapters XI, XII and XIII of the Charter had their origin in the San Francisco resolutions. In particular, Chapter XI had its origin in a document which was based on the various proposals put forward by the administering and non-administering Powers and which referred to "dependent territories". Under the terms of an Australian proposal, reports were to be submitted on all dependent territories, which included not only mandated territories but all areas inhabited by non-self-governing or backward peoples. That thesis had not been challenged at San Francisco, where objections had only been raised to the extension of the Trusteeship System to all dependent territories. The distinction made in the Charter between Trust Territories and Non-Self-Governing Territories was the result of those objections. While the term "Non-Self-Governing Territories" had been substituted for the term "dependent territories" in the Charter, the former phrase was used in two senses: firstly, in the more general sense of any territory without its own government; and secondly, in the more specific sense of colonies or protectorates.

30. A fundamental instrument like the Charter could not be interpreted as a series of independent treaties. It must be understood and applied as a single whole in accordance with the general principles it set forth. Chapter XI must accordingly be regarded as guaranteeing the rights of all peoples who had not yet attained political independence, whether they were colonies, protectorates, mandates or Trust Territories.

31. It had been argued that such an interpretation of Chapter XI was debarred by Article 2, paragraph 7, of the Charter. It could, however, be maintained firstly, that a provision on the same lines as Article 2, paragraph 7, should be included in Chapter XI; secondly, that the affairs of the dependent peoples were no longer a matter of domestic politics; and thirdly, that Chapter XI of the Charter did not affect in principle the constitutional prerogatives of the administering Powers.

32. While the duty to transmit information on economic, social and educational conditions was bound up with the system of responsibility towards the international community, there were radical differences between the status of the Non-Self-Governing Territories, in the more specific sense of the term, and that of the Trust Territories. In the Non-Self-Governing Territories political, legal and administrative authority was exercised by the State to which they belonged; the problem of sovereignty thus arose. In the Trust Territories, on the other hand, the Administering Authority exercising those powers was, legally speaking, the agent of the United Nations. It therefore followed that the rights and duties the United Nations exercised in regard to Non-Self-Governing Territories were necessarily of a more restricted nature than the rights it exercised in regard to the Trust Territories.

33. In the final analysis, the purpose of the information required under the Charter in respect of the Non-Self-Governing Territories was to ascertain the progress made towards self-government. Indirectly, therefore, that information was required for a political purpose. But, while the United Nations could consider and express its views upon that information, it was not competent to take decisions on the effectiveness or otherwise of measures taken in the Non-Self-Governing Territories. Those Territories should look to the administering Powers for the progressive recognition of their political maturity, while the Trust Territories should look to the United Nations.

34. Hence, only the administering Power of a Non-Self-Governing Territory was entitled to submit the information required under Article 73 of the Charter, either directly or by authorizing the use of official documents. Only the administering Power was competent to assess the development of a Non-Self-Governing Territory and to make the progressive grant of administrative and political autonomy until full self-government was attained. It was the function of the United Nations to give its opinion on that information by making recommendations, inspired by the principle of promoting the political independence of all peoples within the system of international peace and security. In the case of the Trust Territories, the United Nations, unhampered by the problem of sovereignty, could and must ensure the application of the principles set forth in Chapters XI and XII of the Charter.

35. With regard to administrative unions, three problems arose, the problem of reconciling two different régimes, that of preventing the absorption of the Trust Territory, and that of preserving the identity of each Territory. While it was difficult to lay down any general principles applicable to every case, it could be said that every administrative union should respect the political and territorial identity of the Trust Territory; the seat of administration should therefore remain in the Territory. No political or administrative measures should be taken which might delay the advance towards self-government. No administrative union must prevent the United Nations from exercising its right of supervision in the Trust Territories.

36. Turning to the report of the Trusteeship Council, Mr. Rao pointed out that General Assembly resolutions 320 (IV), 322 (IV), 323 (IV) and 324 (IV) requested the Trusteeship Council to include in its reports special sections dealing with the manner in which the Administering Authority was giving effect to its recommendations relating to political, economic, social and educational advancement. The current report contained such sections in the case of a number of Territories and he hoped that the subsequent report would include sections for all the Trust Territories.

37. He regretted that resolution 323 (IV) regarding the abolition of corporal punishment had not yet been fully carried into effect, the practice still being in use in Ruanda-Urundi, the Cameroons and Togoland under British administration and Tanganyika. He also regretted the continued existence of racial discrimination in the Trust Territories and requested a full discussion on the subject in the Fourth Committee.

38. Mr. QUESADA ZAPIOLA (Argentina) said that since his country's election to the Trusteeship Council at the fourth session of the General Assembly, it had exerted its efforts with a view to giving effect to Chapters XII and XIII of the Charter, upon which the Trusteeship System was based. It had accordingly supported proposals designed to place additional territories under the Trusteeship System and had opposed administrative unions, since they might result in the absorption of the Trust Territories concerned and, if not strictly controlled, might postpone the attainment of self-government for an indefinite period.

39. The majority of the Trusteeship Agreements authorized the Administering Authorities to form customs unions and to establish common services. The problem lay in maintaining the benefits of those arrangements while preserving the Trust Territory's political, economic, social and educational identity. As a result of administrative unions a number of Administering Authorities no longer submitted separate budgets for the Trust Territories for which they were responsible. The location of the administrative centre outside the Trust Territory might also give rise to difficulties for visiting missions. The latter had hitherto received the full co-operation of the Administering Authorities, but it should be borne in mind that a situation might arise in which, for some reason, an Administering Power might be unwilling to give a visiting mission the necessary facilities.

40. Difficulties had been encountered in the work of the sixth and seventh sessions of the Council as a result

of the absence of one of its members under Article 86, paragraph 1 (b), of the Charter. The absence of that member had deprived the Council of his co-operation and experience and had destroyed the balance between the Administering Authorities and the non-administering Powers. His absence did not, however, in any way invalidate the resolutions adopted during those sessions. Thanks to the conciliatory attitude displayed by the Administering Authorities, the resolutions adopted were the result of general agreement among all the members of the Trusteeship Council.

41. The reports submitted to the Council had been varied. With regard to some Territories the Council had been able to express unreserved approval of the progress made; in some cases it had felt that, while good work had been done, there was still room for improvement; and in other cases, the Council, while fully appreciating the difficulties that had retarded progress, had felt bound to restate its earlier recommendations.

42. The Argentine delegation had always adopted an impartial attitude; it had not called for Utopian progress nor had it acquiesced in situations in which there

was room for improvement. It had advocated universal suffrage, an increase in indigenous representation in legislative bodies and an extension of indigenous participation in civil affairs. In education, it had called for an increase in the number of primary, secondary and technical schools, the provision of higher education within the Trust Territories and the use of the vernacular in teaching. In economic affairs it had advocated a balanced budget, the development of natural resources in the interests of the indigenous population and the improvement of housing and medical services. As regards public health, it had suggested that the shortage of doctors might be overcome by employing doctors from camps for displaced persons in Europe.

43. In so far as the attainment of self-government was concerned, the Argentine delegation could not associate itself with those who believed that self-government could not be granted until perfection had been attained. Argentina had become independent long before being perfect in every respect and had continued to make steady progress in subsequent years.

The meeting rose at 1 p.m.