

ARTICLE 76

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TEXT OF ARTICLE 76

The basic objectives of the trusteeship system, in accordance with the Purposes of the United Nations laid down in Article 1 of the present Charter, shall be:

- a. to further international peace and security;
- b. to promote the political, economic, social, and educational advancement of the inhabitants of the trust territories, and their progressive development towards self-government or independence as may be appropriate to the particular circumstances of each territory and its peoples and the freely expressed wishes of the peoples concerned, and as may be provided by the terms of each trusteeship agreement;
- c. to encourage respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion, and to encourage recognition of the interdependence of the peoples of the world; and
- d. to ensure equal treatment in social, economic, and commercial matters for all Members of the United Nations and their nationals, and also equal treatment for the latter in the administration of justice, without prejudice to the attainment of the foregoing objectives and subject to the provisions of Article 80.

INTRODUCTORY NOTE

1. The material in the present study which relates to the basic objectives of the International Trusteeship System has been arranged in the order in which these objectives are stated in the various paragraphs of Article 76.
2. Since the first objective of the Trusteeship System, that is, "to further international peace and security", is dealt with in this Repertory under Article 84, section A of the present study deals but briefly with that objective.
3. Each of the remaining sections or sub-sections of this study in which the actions taken by the General Assembly and the Trusteeship Council towards attaining the objectives of the System are dealt with, is preceded by a description of the pertinent article or articles of the Trusteeship Agreements. 1/ Except with regard to the

1/ For the texts of the first eight Trusteeship Agreements, see G A (I/2), Supplement No. 5. This publication appears in English, French, Spanish, Russian and Chinese. The text of the Trusteeship Agreement for the former Japanese Mandated Islands (Trust Territory of the Pacific Islands) is reproduced in United Nations Treaty Series, volume 8, 1947, and appears in English and French and that of the Trusteeship Agreement for the Territory of Somaliland under Italian administration is reproduced in United Nations Publication, Sales No.: 1951.VI.A.1, and appears in English and French.

question of consultations with the inhabitants, dealt with in paragraph 114 below, and with regard to Article 76 d, dealt with in paragraphs 147-153 below, this study does not deal with the amendments proposed to the pertinent terms of the draft Trusteeship Agreements when the General Assembly examined the draft Agreements at the second part of its first session, since the terms which bear upon Article 76 were approved by the General Assembly largely in the form in which they had been submitted. 2/

4. The material relating to Article 76 b is divided into six sub-sections, which deal with the four particular fields of advancement -- political, economic, social and educational -- mentioned in that paragraph; the general objective of self-government or independence; and the question of consultations with the inhabitants, which arises from the phrase "the freely expressed wishes of the peoples concerned".

5. Social advancement is dealt with more briefly than political, economic or educational development under Article 76 b, because some material which bears upon this general field is, more appropriately, dealt with in the section on Article 76 c, relating to human rights and fundamental freedoms.

I. GENERAL SURVEY

6. Most of the actions of the General Assembly and the Trusteeship Council taken under Article 76 relate to the attainment of the objectives stated in paragraph b of that Article, in respect of the advancement of the inhabitants 3/ of the Trust Territories.

7. With some exceptions, the actions taken by the General Assembly have tended to concern matters of general application to all Trust Territories, rather than to the

2/ See in this Repertory under Article 81 for the debate in connexion with the draft terms dealing with the questions of administrative unions, of the setting of a time limit for self-government or independence and of the administration of a Trust Territory as an integral part of the territory of the Administering Authority.

It may also be noted here that the suggestions made to include in the draft Trusteeship Agreement for New Guinea more specific provisions for the attainment of the objectives of Article 76 were met when the representative of Australia agreed to insert a new article (article 8) into that Agreement.

3/ It may be noted that although Article 76 b refers simply to "the inhabitants" of the Trust Territories, there has been a tendency on the part of United Nations organs to refer specifically to "the indigenous inhabitants" in the course of resolutions and recommendations, not only in the sense of devoting special attention to those principal groups of the populations but also, in the case of the General Assembly, in the sense of an interpretation of Article 76. Thus, the preamble to General Assembly resolution 439 (V) on technical assistance, stated that "in pursuance of the objectives of the Trusteeship System as set forth in the Charter, it is indispensable that Trust Territories be developed in the interests of the indigenous inhabitants"; by resolution 322 (IV), the Assembly reaffirmed "the principle that the interests of the indigenous inhabitants must be paramount in all economic plans or policies"; and, under resolution 554 (VI), the Assembly, after citing Article 76 b, referred to the promotion of "the progress of the indigenous inhabitants ... towards a position of equality with Member States of the United Nations", that is to say, towards self-government or independence.

specific circumstances of individual Trust Territories. Although, on occasion, the General Assembly has itself heard and considered petitions and examined special reports, the main source of information used by the General Assembly as a basis for formulating its recommendations has been the annual reports of the Trusteeship Council, submitted to the Assembly under Article 15.

8. From the inception of its procedure for the examination of the annual reports submitted by the Administering Authorities on the basis of the various questionnaires of the Trusteeship Council, it has been the practice of the Council to adopt a number of conclusions and recommendations on the various aspects of political, economic, social and educational development in the Territory concerned, either in the form of expressions of satisfaction and encouragement concerning the progress reported, or in the form of recommendations or resolutions in favour of more rapid progress or specified types of development. The Council has similarly adopted conclusions and recommendations after having examined petitions, special and periodic studies of problems regarding the Trust Territories and the reports of visiting missions to the findings of which it has been customary for the Trusteeship Council to invite the attention of the Administering Authorities.

9. In order to obtain information on conditions in Trust Territories, the Trusteeship Council has, in its questionnaire, ^{4/} formulated certain questions, set forth below, which bear upon the provisions of Article 76. Questions 12 and 13 of part IV, entitled "International Peace and Security: Maintenance of Law and Order", bear upon Article 76 a. Questions 14 to 28 of part V, entitled "Political Advancement", questions 29 to 78 of part VI, entitled "Economic Advancement", questions 79 to 149 of part VII, entitled "Social Advancement" and questions 150 to 186 of part VIII, entitled "Educational Advancement", bear upon Article 76 b. Questions 81 to 90 of part VII, which concern human rights and fundamental freedoms, bear upon Article 76 c. Questions 48, 50 (e) and 54 of part VI bear upon Article 76 d.

10. In the examination of the annual reports of the Administering Authorities based on this questionnaire, the Trusteeship Council has made a very large number of observations and has adopted many conclusions and recommendations on matters concerned with political, economic, social and educational advancement in the Trust Territories. It has, in many instances, reaffirmed earlier actions on these matters. The observations made and the conclusions and recommendations which have thus been adopted over the eight years of the operation of the Trusteeship Council are contained in the annual reports of the Council to the General Assembly. In addition, the Council has adopted formal resolutions, the great majority of them dealing with petitions, which are published separately from its annual reports. As already stated, the General Assembly has taken these actions of the Trusteeship Council into consideration in deciding upon its own actions in the field of trusteeship in order to promote the attainment of the objectives of Article 76. Due to the great number of actions taken by the General Assembly and the Trusteeship Council which bear upon Article 76, this study presents only representative and significant examples of such actions. Thus, in the political field, recommendations have been made relating to the development of representative organs of government and universal adult suffrage, the granting to the indigenous inhabitants of a larger degree of participation in legislative, executive and judicial organs, the developing of a sense of national consciousness, the granting of measures of executive and legislative autonomy to indigenous political organs and the preparation of the indigenous inhabitants for positions of administrative responsibility by adequate training and appointment to posts, where feasible, senior posts, in the various branches of government.

^{4/} T C (XI), Special Suppl. (T/1010).

11. In the economic field, the principal concerns of the General Assembly and the Trusteeship Council have included the formulation and implementation of comprehensive plans for the economic development of the Trust Territories; the development of productivity and trade; the diversification of the predominantly agricultural and pastoral economies by such means as the introduction or expansion of new crops and the encouragement of industrialization; other means of improving the budgetary situation in the Trust Territories, with emphasis on fiscal reform; the greater participation of the indigenous inhabitants in all branches of the economies; and the protection of indigenous land interests.

12. In supervising the implementation of Article 76 b in so far as it relates to the social advancement of the inhabitants of the Trust Territories, the General Assembly and the Trusteeship Council have made a number of observations, and have adopted conclusions and recommendations, especially in connexion with certain main fields of social development. Some of these have related to questions of discrimination and of the exercise of human rights and fundamental freedoms, and are dealt with in connexion with Article 76 c. Other questions in the social field to which particular attention has been given are certain aspects of penal legislation, notably provisions relating to corporal punishment; nomadism; the development of adequate medical and public health facilities; and aspects of labour conditions, with special emphasis upon wage rates. The interventions of the General Assembly in this field have taken the form of endorsements of the actions of the Trusteeship Council or recommendations for further measures, with regard to the prohibition of uncivilized practices such as child marriage, the abolition of corporal punishment, and the solution of such problems as those of migrant labour and penal sanctions for breaches of labour contracts.

13. In the field of education, the main avenues of development which have been recommended or encouraged have related to increased budgetary allocations for education; the integration of development programmes by means of plans extending over a period of years; the introduction of free education, at least at the primary level, at the earliest possible date; special emphasis on the training of increased numbers of indigenous teachers; the increased enrolment of girls, whose education in general has been shown to lag behind that of boys; the provision of facilities for secondary education, particularly within the Trust Territories; the establishment, wherever and whenever feasible, of local institutions of higher learning; and, as both an interim and an additional measure, the provision of scholarships as a means of ensuring that qualified students might pursue higher studies, if necessary outside the Territories. Other aspects of educational advancement which have been the subject of action have included the question of the control of educational programmes, especially in those Territories where voluntary agencies, such as religious missions, play a dominant part in the management of the schools; the adaptation of curricula to the particular needs, such as agricultural development, of individual Trust Territories; the use of adult education programmes as a means of reducing illiteracy and of community development; and the development of indigenous languages and cultures.

14. Actions taken towards the achievement of the political, economic, social and educational advancement of the inhabitants of the Trust Territories have been generally considered, either by explicit reference or in the context of the discussions preceding such actions, to be relevant to, and in some cases a pre-condition of, the attainment of the objective of progressive development towards self-government or independence also stated in Article 76 b. Self-government or independence has been frequently referred to as the ultimate objective of the Trusteeship System; various aspects of political, economic, social and educational progress have been regarded as desirable, if not always indispensable, to that end, and inter-relationships between, for example, economic and social advancement, have also been recognized from time to time. Efforts have also been made, in particular, by the General Assembly, to

determine more precisely the manner and time in which the Trust Territories might be expected to reach that ultimate goal.

15. The General Assembly and the Council have shown, by a number of actions, that they attach importance to the provision in Article 76 b by which "the freely expressed wishes of the peoples concerned" are made a factor in the attainment of the basic objectives. Their actions have indicated that they favour means of popular consultation at all practicable stages in the evolution of the Trust Territories towards self-government or independence.

16. With reference to Article 76 c, the General Assembly and the Trusteeship Council have taken a number of actions concerning the exercise of human rights and fundamental freedoms by all persons without distinction. These actions have related, in particular, to instances of difference in the treatment of persons of different racial origins, including cases regarded as constituting racial discrimination; the frequently inferior status of women in the Trust Territories; and questions concerning freedom of assembly, of the press, and of movement.

17. While there was considerable debate relating to the provisions of Article 76 d when the General Assembly examined the draft Trusteeship Agreements, there has been little subsequent action under Article 76 d. No formal resolution of the General Assembly or the Trusteeship Council has been specifically based on that Article alone. It may be noted, however, that the Trusteeship Council referred to its provisions when, in examining an annual report on one Trust Territory, it made a recommendation in connexion with preferential import duties.

II. ANALYTICAL SUMMARY OF PRACTICE

A. Article 76 a

18. The introductory statement of Article 76 calls attention to the fact that the basic objectives of the Trusteeship System, given in paragraphs a to d of Article 76, are in accordance with the purposes of the United Nations laid down in Article 1. The first of these objectives, "to further international peace and security", reflects the actual language of Article 1 (1): "to maintain international peace and security".

19. Each of the Trusteeship Agreements states the obligation incumbent upon the respective Administering Authority to ensure that the Trust Territory shall play its part in the maintenance of international peace and security. ^{5/}

20. Since the study on Article 84 contains further data in connexion with this first objective of the International Trusteeship System, mention is made here only of the fact that the Questionnaire ^{6/} of the Trusteeship Council contains questions designed to elicit information from the Administering Authorities with respect to local defence

^{5/} Article 3 in the Trusteeship Agreements for Togoland and the Cameroons under French administration; article 4 in the Trusteeship Agreements for Ruanda-Urundi, Tanganyika, the Cameroons and Togoland under British administration; article 7 in the Trusteeship Agreements for Nauru and New Guinea; article 6 in the Trusteeship Agreement for Somaliland under Italian administration; article 10 in the Trusteeship Agreement for Western Samoa and article 5 in the Trusteeship Agreement for the Pacific Islands.

^{6/} T C (XI), Special Suppl. (T/1010), part IV, questions 12 and 13.

and the maintenance of law and order within the Trust Territories. No specific questions deal with the international aspects of this matter, and consequently the annual reports of the Administering Authorities on their administration contain no information in this connexion.

B. Article 76 b

1. *Political advancement*

a. TERMS OF THE TRUSTEESHIP AGREEMENTS

21. The articles of the Trusteeship Agreements, as approved by the General Assembly under Article 35, or by the Security Council under Article 83, contain specific provisions for the political advancement of the inhabitants of the Trust Territories, which embody, by and large, the same basic principles, among them the following: the Administering Authority undertakes (1) to promote the development of the free political institutions suited to the Territory; (2) to assure the inhabitants a progressively increasing share in the administration and other services of the Territory; (3) to develop the participation of the inhabitants in advisory and legislative bodies and in the government of the Territory, both central and local, as may be appropriate to the particular circumstances of the Territory and its peoples; and (4) to take all other appropriate measures with a view to the political development of the inhabitants in accordance with Article 76 b.

22. All the Trusteeship Agreements, except those for Somaliland, Nauru and Western Samoa, also contain provisions under which the Administering Authority is entitled to constitute the Trust Territory into a customs, fiscal or administrative union or federation with adjacent territories under its sovereignty or control, and to establish common services between such territories and the Trust Territory, where such measures are not inconsistent with the basic objectives of the International Trusteeship System and the terms of the Trusteeship Agreement concerned. 7/

b. RECOMMENDATIONS OF THE GENERAL ASSEMBLY AND THE TRUSTEESHIP COUNCIL

23. The General Assembly has confined its actions in this field largely to matters of principle or of general application to the Trust Territories. It has tended to examine aspects of political advancement in the light of the wider objective of self-government or independence, as will be shown in detail below. To that wider objective it has related, for example, such forms of political progress as the development of representative organs of government and universal adult suffrage; 8/ on other occasions, it has requested 9/ the Trusteeship Council to keep it informed of the implementation by the Administering Authorities of recommendations concerning measures to grant the indigenous inhabitants a larger degree of self-government through participation in legislative, executive and judicial organs and procedures, and it has recommended 10/ that the flag of the United Nations be flown in all Trust Territories as a reminder of the abiding concern of the Organization for their political and other advancement. However, the General Assembly has also given consideration to some particular territorial problems, and this has led it, on a few occasions, to make recommendations

7/ For the discussion in connexion with administrative unions when the draft Trusteeship Agreements were being examined by the General Assembly, see in this Repertory under Article 81.

8/ G A resolutions 752 (VIII) and 858 (IX).

9/ G A resolution 320 (IV).

10/ G A resolution 325 (IV).

in greater detail. For example, in the course of considering the unification problem involving two of the Trust Territories, the Togolands, under British and French administration, it has urgently invited 11/ the Administering Authorities concerned to take measures to ensure that electoral consultations in accord with democratic principles of universal, direct and secret suffrage be carried out; and in the case of a Territory intended to be granted independence in 1960, Somaliland under Italian administration, it has made recommendations 12/ for particular reforms in the political, as well as in the economic and social fields.

24. The more detailed and comprehensive findings of the Trusteeship Council in these matters have, in general, coincided with those lines of political development which the General Assembly has regarded as desirable; the Council has elaborated and, in some cases, adapted these to the particular circumstances of each Territory. Among the forms of development supported by the actions of the Council either by approval of existing policies or by recommendation, have been the development of a sense of territorial unity or national consciousness on the part of the inhabitants; the development of executive and legislative organs through which the inhabitants might play a progressively larger part in territorial affairs, mainly by means of greater representation and the extension of powers and responsibilities of the organs; the development of broadly representative organs of local government, especially where tribal or similar systems of authority prevail; the introduction of methods of suffrage leading eventually to elections by universal adult suffrage; and the intensification of the training of local persons, and particularly indigenous persons, to equip them to take increasingly higher administrative and technical posts.

25. As examples of some of these lines of development, it may be noted that the Council has been concerned with the desirability of developing a sense of national consciousness in certain Territories where factors such as the diversity of population groups and the unevenness of their general advancement have attracted its attention. 13/ In one such case, it has recognized the importance of the existence in the Territory of immigrant groups smaller in number but more highly developed than the indigenous population, and has affirmed, and later reaffirmed, the desirability of establishing a common citizenship and of subordinating communal interests to those of the Territory as a whole. 14/ In the case of another Trust Territory, the population of which is widely dispersed over a large number of islands, the Council has, while recognizing the difficulties involved, noted that preliminary steps towards the development of a Territory-wide political consciousness had not yet given the desired results, and has expressed hope for a continuing effort to foster the establishment of a legislative body for the whole Territory. 15/

1. Legislative bodies

26. In the majority of the Trust Territories, legislative or advisory bodies having non-official representation, and in some cases executive organs, are in existence, and it has been a continuing concern of the Council to encourage the evolution or

11/ G A resolution 750 B (VIII).

12/ G A resolution 755 (VIII).

13/ G A (IV), Suppl. No. 4 (A/933), pp. 8, 21 and 36; G A (V), Suppl. No. 4 (A/1306), pp. 13 and 35; G A (VII), Suppl. No. 4 (A/2150), p. 30; G A (IX), Suppl. No. 4 (A/2680), p. 42.

14/ G A (VII), Suppl. No. 4 (A/2150). p. 30; G A (IX), Suppl. No. 4 (A/2680), pp. 37 and 42.

15/ S/3272, pp. 20 and 21.

transformation of these bodies in progressively increasing measure into fully representative policy-making and legislative organs. Thus, in the case of one Territory, where a constitutional inquiry was pending, the Council recommended 16/ that measures of increasing indigenous representation in the legislative and executive councils be considered, and when a formula of parity of representation in the legislature between each of two immigrant groups and the indigenous population was subsequently evolved, the Council, while recognizing that this arrangement improved the indigenous representation, expressed the opinion on two successive occasions that it should be a transitional arrangement, to be followed as soon as possible by representation based on a common electoral roll. 17/ In another Territory, where the existing central body was purely advisory in its functions and not, in the opinion of the Council, adequately representative, the Council made a series of recommendations 18/ to the effect that representation should be broadened and legislative and other powers developed. In the case of a Trust Territory administered as an integral part of an adjoining Non-Self-Governing Territory, the Council has welcomed 19/ the political advances extended to the Trust Territory through a new constitution applying to both, and has commended the Administering Authority for the political development achieved during a subsequent period in the course of which a decision was taken, in accordance with popular demand, to grant a measure of executive and legislative autonomy to a part of the Trust Territory on a quasi-regional basis. 20/ Another Trust Territory, sharing its executive and legislative organs with an adjoining Non-Self-Governing Territory, has been the subject of recommendations for the study of the possibility of establishing a separate legislature 21/ and, subsequently, for increased representation of the indigenous inhabitants in the joint legislature. 22/

27. The Council, at the same time, has also stated and reiterated the opinion that the complete integration of the political institutions of a Trust Territory and a Non-Self-Governing Territory might hinder the development of the Trust Territory as a separate entity. 23/ In the case of two other Trust Territories possessing representative assemblies functioning within the framework of the legislative system of the metropolitan country and its overseas territories, the Council has made, or reaffirmed since its fourth session, recommendations favouring the extension of the powers of these assemblies, particularly in the legislative field; on the three later occasions, those recommendations took the form of expressions of hope that draft legislation proposed for this purpose would be enacted. 24/

28. As examples of the actions of the Council in respect of the development of democratic systems of local government, it may be noted that, in the case of one Trust Territory, it has expressed the opinion that the existing tribal structure was an

16/ G A (V), Suppl. No. 4 (A/1306), p. 11.

17/ G A (VII), Suppl. No. 4 (A/2150), p. 32; G A (IX), Suppl. No. 4 (A/2680), p. 43.

18/ G A (V), Suppl. No. 4 (A/1306), p. 24; G A (VI), Suppl. No. 4 (A/1856), p. 58; G A (VII), Suppl. No. 4 (A/2150), p. 76; G A (IX), Suppl. No. 4 (A/2680), p. 78.

19/ G A (VII), Suppl. No. 4 (A/2150), p. 144.

20/ G A (IX), Suppl. No. 4 (A/2680), p. 126.

21/ G A (IV), Suppl. No. 4 (A/933), p. 65.

22/ G A (VI), Suppl. No. 4 (A/1856), p. 242; G A (VII), Suppl. No. 4 (A/2150), p. 271; G A (VIII), Suppl. No. 4 (A/2427), p. 87; G A (IX), Suppl. No. 4 (A/2680), p. 247.

23/ G A (VII), Suppl. No. 12 (A/2151), para. 271; G A (IX), Suppl. No. 4 (A/2680), p. 246.

24/ G A (VI), Suppl. No. 4 (A/1856), p. 242; G A (VII), Suppl. No. 4 (A/2150), p. 271; G A (VIII), Suppl. No. 4 (A/2427), p. 87; G A (IX), Suppl. No. 4 (A/2680), p. 247.

obstacle to the political and social advancement of the indigenous inhabitants; 25/ subsequently the Council commended 26/ the Administering Authority for enacting legislation enabling the establishment of new local government organs. In another case, the Council commended the Administering Authority for not forcibly uprooting the indigenous institutions, but suggested that the existing system did not offer sufficient opportunity for the development of a sense of political responsibility; 27/ subsequently, it welcomed 28/ the establishment of a structure of councils as an important first step towards the democratization of indigenous institutions. Similar recommendations favouring the development of modern forms of local government, or supporting action taken or proposed by the Administering Authorities in this direction, have been made by the Council in respect of other Trust Territories. In the Territory in which the process has reached its most advanced stage, the Council has welcomed the establishment throughout the Territory of new organs based on universal adult suffrage and having wider powers than those which they replaced. 29/

11. Methods of suffrage

29. The attitude of the Council in favour of the earliest possible introduction of methods of suffrage for the election of both local and Territory-wide organs of government has been applied equally widely in its formulation of recommendations concerning the individual Trust Territories. In the course of its first examination of conditions in the Territories, the Council took the actions set forth below with regard to the various Territories concerned. (1) It welcomed, 30/ in two cases, the policy of the Administering Authority to introduce universal suffrage by progressive measures. (2) It recommended 31/ the introduction of electoral legislation. (3) It recommended the introduction of some form of electoral system, at least in a preliminary way. 32/ (4) It suggested, 33/ in two cases, the earliest practicable establishment of such democratic reforms as would eventually give the indigenous inhabitants the right of suffrage. (5) It recommended 34/ that the introduction of a system of universal suffrage should be considered. (6) It expressed 35/ the hope that further steps would be taken to ensure that the will of the people, rather than hereditary considerations would prevail in the appointment of members of local government bodies. At subsequent sessions, the Council noted varying degrees of progress, and in some cases made further recommendations in greater detail. On the occasions of its most recent examination of conditions in the Territories, the Council took the actions set forth below with regard to the various territories. (1) It expressed the hope 36/ that continued and extended experience in elective methods at the local authority level would help to facilitate the introduction as soon as possible of universal suffrage based on a common roll. (2) It noted 37/ with satisfaction the establishment of thirty-five municipal councils based on male adult suffrage and the

25/ G A (III), Suppl. No. 4 (A/603), p. 31.

26/ G A (IX), Suppl. No. 4 (A/2680), p. 45.

27/ G A (III), Suppl. No. 4 (A/603), p. 9.

28/ G A (VII), Suppl. No. 4 (A/2150), p. 79; G A (IX), Suppl. No. 4 (A/2680), p. 79.

29/ G A (VII), Suppl. No. 4 (A/2150), p. 196; G A (IX), Suppl. No. 4 (A/2680), p. 185.

30/ G A (IV), Suppl. No. 4 (A/933), pp. 22 and 46.

31/ G A (III), Suppl. No. 4 (A/603), p. 31.

32/ *Ibid.*, p. 9.

33/ G A (IV), Suppl. No. 4 (A/933), pp. 8 and 36.

34/ *Ibid.*, p. 58.

35/ S/1358, p. 12.

36/ G A (IX), Suppl. No. 4 (A/2680), p. 29.

37/ *Ibid.*, p. 30.

secret ballot. (3) It urged 38/ the Administering Authority to introduce a single electoral college where a separate electoral college existed for nationals of the Administering Authority, and to introduce universal adult suffrage, if possible, before the next elections. (4) It noted 39/ with satisfaction a decision to extend direct universal suffrage to the whole of a Territory. (5) It urged 40/ the Administering Authority to establish a system of universal, direct and secret suffrage.

iii. Participation in local administration

30. The Council has attached particular importance to the preparation of the inhabitants for administrative responsibility by training for and appointment to posts in the various branches of government. In most cases, its recommendations 41/ have called for an intensification or continuation of policies and programmes already established. In the case of one Territory, the Council has expressed 42/ continued concern that it receive a statement of policy on the question whether political advancement was to be achieved by the introduction of indigenous persons into the territorial administration or by a progressive transfer of powers to an indigenous political structure existing parallel with that administration. In respect of another Territory, in which no indigenous persons have been admitted to the public service, the Council has noted 43/ with satisfaction a proposed establishment of an auxiliary division designed essentially to prepare selected indigenous employees for appointment to the higher divisions of the public service. On several occasions, the Council has emphasized the relationship of this question to that of educational progress in general; for example, it has recognized, 44/ in the case of one Territory, that the problem of increasing the number of local persons in administrative posts "calls primarily for the expansion of general education in the Territory in order that an adequate pool of educated persons may be established".

2. *Economic advancement*

a. TERMS OF THE TRUSTEESHIP AGREEMENTS

31. Only the Trusteeship Agreements for Somaliland and the Pacific Islands contain a separate article providing specifically for the general economic development of those Trust Territories, under which the Administering Authority concerned agrees to promote the economic advancement and self-sufficiency of the inhabitants; to regulate the use of natural resources; to encourage the development of fisheries, agriculture and industries; to protect the inhabitants against the loss of their lands and resources; and to improve the means of transport and communication.

32. Most of the other Trusteeship Agreements also contain, in addition to an article stating the general obligation to administer the Trust Territories in such a manner as to achieve the basic objectives of the International Trusteeship System laid down in Article 76, and therefore to promote economic advancement, articles which relate to such specific aspects of the economy of the Territories concerned as land, natural resources, public services and monopolies. Thus, there are articles in the Agreements under which the Administering Authorities, in framing laws relating to the holding or

38/ Ibid., p. 53.

39/ Ibid., p. 185.

40/ Ibid., p. 210.

41/ See, for example, G A (IX), Suppl. No. 4 (A/2680), pp. 45, 102, 127, 208, 230 and 269; S/3272, p. 18.

42/ G A (IX), Suppl. No. 4 (A/2680), p. 78.

43/ Ibid., p. 247.

44/ Ibid., p. 127.

transfer of land and natural resources, agree to take into consideration indigenous laws and customs, to respect the rights and to safeguard the interests, both present and future, of the indigenous population. No indigenous land or natural resources may be transferred, except between indigenous persons, save with the previous consent of the competent public authority. No real rights over indigenous land or natural resources may be created in favour of non-indigenous persons except with the same consent.

33. The Administering Authorities are to be free to organize essential public services and works on such terms and conditions as they think just. They may create monopolies of a purely fiscal character in order to provide the Territories with fiscal resources best suited to local requirements, and where the interests of the economic advancement of the inhabitants so require, they may also establish, or permit to be established, for specific purposes, other monopolies under conditions of proper public control.

b. RECOMMENDATIONS OF THE GENERAL ASSEMBLY AND THE TRUSTEESHIP COUNCIL

34. As in the case of actions in the field of political development, the General Assembly has, in the main, limited itself to certain matters of general application, while the Trusteeship Council, in the course of its consideration of the annual reports, petitions and the reports of visiting missions, has adopted each year, in the case of each Territory, conclusions and recommendations on both general and particular questions of economic progress. These have tended, in many cases, to support or encourage forms of development undertaken or assisted by the Administering Authorities; they have, more often, favoured an intensification or extension of such efforts or the undertaking of other kinds of development. In this, as in other fields of advancement, the Trusteeship Council has frequently deemed it necessary to reiterate, on one or more occasions, points of view which it had previously expressed.

1. Long-range planning

35. Actions of the General Assembly and Trusteeship Council have indicated the desirability of a relationship being maintained between economic progress and advancement in other respects towards self-government or independence. The question of establishing more exactly the nature of this relationship, in the sense of a determination of the level of economic development which should preferably have been reached by the Trust Territories at the time of the termination of the Trusteeship System in each case, has not, as such, been a subject of discussion and decision. Some actions of the General Assembly and Trusteeship Council have, however, provided indications in that direction.

36. As far as the Trust Territories in general are concerned, the General Assembly has included 45/ the development of adequate public revenue among particular measures to be studied in connexion with the determination of the time and manner of the attainment of self-government or independence. In one case, the approach of the year 1960, prescribed by the General Assembly as the date for the grant of independence to Somaliland, has given rise to a more precise indication of the kinds of economic progress considered desirable in the intervening years. The Trusteeship Council, in recommending at an early stage that the Administering Authority should draw up an economic development plan, had noted that "the deficiency in natural resources, the primitive economic organization and the very slow rate of economic development of the Territory may hamper the achievement within a period of ten years of the aims set forth in the Trusteeship Agreement". The Council had also observed 46/ that political

45/ G A resolution 752 (VIII).

46/ G A (VI), Suppl. No. 4 (A/1856), p. 90.

independence would be better ensured if it were accompanied by a certain degree of economic development. The General Assembly subsequently recommended 47/ that the Administering Authority take the necessary steps to prepare the people progressively for self-government and that, to that end, "A general economic plan ... should be completed without delay" and that "Efforts should be made to increase the revenue in order to balance the budget as soon as possible".

37. While not, in most cases, relating these questions in such an explicit manner to that of the preparedness of the inhabitants for self-government or independence, actions in the field of economic advancement taken by the General Assembly and Trusteeship Council in respect of all Trust Territories have followed similar general lines, varying in scope and detail according to the degree of development and the particular circumstances of each Territory. For example, the Council has welcomed long-range economic and social development plans serving to co-ordinate and extend all main fields of development which have been introduced in the majority of the Trust Territories during the period of trusteeship. The Council has made recommendations as to their particular priorities; it has urged the application of similarly co-ordinated development programmes in other Territories.

38. For example, in the case of a Territory where a ten-year development and welfare plan already existed, the Council noted 48/ with satisfaction both a considerable increase in proposed expenditures and the emphasis placed on such basic problems as communications, water supplies and natural resources. It expressed hope for continued emphasis upon those projects of direct benefit to the indigenous inhabitants. In the case of the Territory due to achieve independence in 1960, the Trusteeship Council, after recommending that the Administering Authority, with the help of the competent international agencies, draw up a plan for economic development, subsequently noted the intention of the Administering Authority, to draw up such a comprehensive plan after it had considered the report of a United Nations technical assistance mission. 49/ In the following year, the Council urged 50/ the Administering Authority concerned to complete the elaboration of the plan as a matter of highest priority. Subsequently, it noted with satisfaction that the plan had been prepared, and urged the Administering Authority to implement it by all possible means. 51/ In the case of another Trust Territory where no economic development plan existed, the Council recommended 52/ that a proposed survey of physical resources be expanded into an over-all economic survey as a basis for broad development plans laying particular emphasis on participation by the indigenous inhabitants. When it next examined conditions in this Territory, the Council, informed by a visiting mission that little economic development had thus far taken place, again expressed 53/ itself in favour of a fully co-ordinated development plan being drafted. At a subsequent session, informed that the Administering Authority had again studied, and had decided against, the feasibility of formulating a five- or ten-year development plan, the Council reiterated 54/ its earlier point of view and urged the institution of the necessary economic survey.

39. In another case, the Council expressed concern about the entire question of the future of a Trust Territory after its only important natural resources -- phosphates --

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- 47/ G A resolution 755 (VIII).
48/ G A (VI), Suppl. No. 4 (A/1856), p. 38.
49/ G A (VII), Suppl. No. 4 (A/2150), p. 124.
50/ G A (VIII), Suppl. No. 4 (A/2427), p. 52.
51/ G A (IX), Suppl. No. 4 (A/2680), p. 108.
52/ G A (VII), Suppl. No. 4 (A/2150), p. 276.
53/ G A (VIII), Suppl. No. 4 (A/2427), p. 95.
54/ G A (IX), Suppl. No. 4 (A/2680), p. 253.

had been exhausted. It recommended in successive years the formulation of plans laying down a sound future economic foundation for the indigenous inhabitants, 55/ the undertaking of studies to determine whether the Territory would remain habitable or whether the removal of the entire population would have to be envisaged, 56/ and the continuation of a survey of economic possibilities, which was subsequently undertaken. 57/ Subsequently, the Council recorded a further expression of concern over the eventual exhaustion of the phosphate deposits in this Territory, and reaffirmed its previous recommendation. 58/ As a further step, it recommended 59/ that the Administering Authority formulate plans, in consultation with the people, for resettlement elsewhere and also give consideration to ways and means of livelihood for those of the inhabitants who might wish to remain in the Territory. The Trusteeship Council, at a later session, took note 60/ of a statement that the Administering Authority was actively studying the problem with a view to drawing up a plan for the progressive resettlement of the people concerned.

ii. Agriculture

40. The fact that agriculture, and to a lesser extent stock-raising, form the basis of the economies in most of the Trust Territories has led the Council on many occasions to support or to recommend measures designed to improve methods and productivity, in order both to achieve self-sufficiency in food supplies and to improve the trading and also the budgetary position of the Territories concerned. 61/ On a number of these occasions, it has examined detailed aspects of the problem, including those of mechanization, soil conservation, disease control, the introduction of new crops, and programmes of training and instruction relating to agriculture and stock-raising. As an example of the scope of its inquiry in this matter, the Council has, in urging one Administering Authority to give higher priority to development schemes designed to increase the output and improve the conditions and methods of African farmers, attached particular importance 62/ to the factors of road communications and water supplies, credit facilities, training facilities, herd improvement, mixed farming and the use of manure and fertilizer.

iii. Diversification of the economy

41. In several cases, the Council has been concerned at the reliance of the economy of a Trust Territory upon one or two main cash products, usually agricultural in character. Thus, in connexion with one Territory, the Council observed that the existing excellent financial situation was mainly due to abnormally high prices received for two agricultural products, copra and cocoa, and urged the Administering Authority to continue to take all possible steps to protect the economy against a fall in world prices by such means as diversifying production and introducing secondary industries. 63/ In connexion with this same Territory, the Council subsequently drew attention to the fact that the continuing pressure of population growth emphasized the need for expanding and diversifying the economy, and it welcomed the completion of

55/ G A (IV), Suppl. No. 4 (A/933), p. 77.

56/ G A (V), Suppl. No. 4 (A/1306), p. 138.

57/ G A (VI), Suppl. No. 4 (A/1856), p. 226.

58/ G A (VII), Suppl. No. 4 (A/2150), p. 260.

59/ G A (VIII), Suppl. No. 4 (A/2427), p. 113.

60/ G A (IX), Suppl. No. 4 (A/2680), p. 265.

61/ See, for example, G A (V), Suppl. No. 4 (A/1306), p. 36; G A (VII), Suppl. No. 4 (A/2150), pp. 46, 88, 129 and 226; G A (IX), Suppl. No. 4 (A/2680), pp. 84, 85, 163, 194 and 215; S/3272, p. 34.

62/ G A (IX), Suppl. No. 4 (A/2680), p. 55.

63/ G A (IV), Suppl. No. 4 (A/933), p. 58.

the first stage of a general economic survey. 64/ In another case, the Council similarly noted a great improvement in the economic situation, but drew attention to the precarious dependence of the Territory on a single crop, in this case, bananas. Expressing hope for intensified efforts at diversification of the economy, the Council placed particular emphasis 65/ on industrial development, the co-operative movement and the modernization of agriculture. Subsequently, it noted with satisfaction healthy signs of the diversification of production, and urged that further efforts be made, such as the encouragement of subsidiary rural industries suited to agricultural workers or peasants subject to seasonal unemployment. 66/ Similarly again, the Council drew attention to the fact that the buoyant economy of a certain Territory depended largely upon the single commodity of cocoa, and welcomed an assurance that the diversification of primary production and the improvement of agricultural methods were being given careful attention. 67/ Emphasis has been placed on industrial development as a means of economic diversification; for example, the Council suggested 68/ to one Administering Authority that, in developing economic plans, special attention be paid to the establishment of secondary industries based on local resources for the purpose of producing consumer goods for the indigenous population. Subsequently, it expressed the opinion 69/ that the establishment of additional secondary industries was essential for the development of the Territory.

iv. Participation of indigenous inhabitants in the economic life of the Trust Territories

42. Particular emphasis has been placed by both the General Assembly and the Trusteeship Council on increasing the participation of the indigenous inhabitants in the economic life of the Trust Territories. The General Assembly has expressed its full support of all steps leading to the greater participation of the indigenous inhabitants in profits and management in the exploitation of mineral or other natural resources or in the production of, or trade in, raw materials or commodities basic to the economies of the Territories; and it has reaffirmed the principle that the interests of the indigenous inhabitants must be paramount in all economic plans or policies, particularly in the raising of standards of living and the levels of wages and improving housing, nutrition and health conditions. 70/ It has also recommended 71/ that the Administering Authorities make full use of United Nations sources of technical assistance, basing that action on the consideration that "in pursuance of the objectives of the Trusteeship System as set forth in the Charter, it is indispensable that the Trust Territories be developed in the interests of the indigenous inhabitants".

43. The Council has frequently placed a similar emphasis on the role of the indigenous inhabitants in respect of the economic development of individual Territories. It has done so, for example, in connexion with some of the development plans referred to above. As another example, in the case of one Territory, it expressed the opinion 72/ that measures should be taken to increase the participation of the inhabitants in the development of the Territory, particularly as regards the exploitation of minerals and other natural resources and the production of basic raw materials and consumer goods. In another case, the Council expressed hope 73/ for a great increase in the share of the indigenous inhabitants in the mineral wealth of the Territory.

- 64/ G A (VII), Suppl. No. 4 (A/2150), p. 246; G A (IX), Suppl. No. 4 (A/2680), p. 234.
65/ G A (VI), Suppl. No. 4 (A/1856), p. 110.
66/ G A (IX), Suppl. No. 4 (A/2680), p. 133.
67/ G A (VII), Suppl. No. 4 (A/2150), p. 200.
68/ G A (III), Suppl. No. 4 (A/603), p. 31.
69/ G A (V), Suppl. No. 4 (A/1306), p. 12.
70/ G A resolution 322 (IV).
71/ G A resolution 439 (V).
72/ G A (V), Suppl. No. 4 (A/1306), p. 12.
73/ G A (IV), Suppl. No. 4 (A/933), p. 22.

44. In the case of a Trust Territory whose sole export industry is the mining of phosphates by an inter-governmental commission, the Council has recommended 74/ that the Administering Authority prepare the indigenous inhabitants for participation in all governmental activities affecting the industry. In another case, it recommended 75/ that measures be taken to increase the participation by the indigenous population in the development of the abundant resources of the Territory concerned, and later took note of an assurance by the Administering Authority that this would follow from its intention to apply skill and capital to the development of the resources. 76/ At a subsequent session, the Council, having been informed that for some considerable time the major economic development in this Territory would relate to industries controlled by Europeans, expressed the hope 77/ that the policy of the Administering Authority of encouraging this form of enterprise would not lead to a partial withdrawal of the Administration from direct responsibility for the development of the Territory. When a visiting mission subsequently reported to the Council that such economic development as had taken place had primarily affected the European planters and companies, the Council reaffirmed its view 78/ that emphasis in economic planning should be placed on the role of the indigenous population.

45. In the case of another Territory, in expressing hope that a proposed ten-year development plan would soon be adopted, the Council also hoped that the plan would place special emphasis on increasing the participation of the indigenous inhabitants, at a more responsible level, in the economic life of the Territory. 79/ The Council has commended another Administering Authority for the vigorous economic activity taking place in the Territory concerned, and has recommended that it continue to give the necessary assistance and encouragement to the indigenous inhabitants to enable them to play a more significant part in economic development. 80/

46. As for specific forms of participation by the indigenous inhabitants, the Council has made a number of detailed comments on particular circumstances. Thus, in commending one Administering Authority for encouraging generally the participation of the indigenous inhabitants in economic development, the Council made particular reference 81/ to measures providing for their representation on all boards affecting their interests and by establishing local agricultural and rural development committees. The Council commended another Administering Authority for its policy of associating the indigenous inhabitants in industrial development by reserving for them 50 per cent of the shares in palm oil processing plants; it expressed the hope that this policy would be pursued on an increasing scale in the future and associated with intensified technical and managerial training programmes. 82/ It commended 83/ another Administering Authority for steps which that Authority had taken to increase the participation of indigenous merchants and artisans in the commercial activities of the Trust Territory concerned. In the case of another Territory, the Council recommended 84/ that the Administering Authority do everything in its power, by making grants or loans or other forms of assistance available, to encourage and enable indigenous inhabitants to take a full part in industrial development. As a more

74/ Ibid., p. 77.

75/ Ibid., p. 65.

76/ G A (V), Suppl. No. 4 (A/1306), p. 124; G A (VI), Suppl. No. 4 (A/1856), p. 248.

77/ G A (VII), Suppl. No. 4 (A/2150), p. 276.

78/ G A (VIII), Suppl. No. 4 (A/2427), p. 95.

79/ G A (VI), Suppl. No. 4 (A/1856), pp. 68 and 69.

80/ G A (VI), Suppl. No. 4 (A/1856), p. 136.

81/ Ibid., p. 165.

82/ Ibid., p. 140.

83/ Ibid., p. 68.

84/ G A (IV), Suppl. No. 4 (A/933), p. 46.

specific example, the Council expressed itself in favour of opening to indigenous inhabitants the posts, then reserved by law to citizens of the Administering Authority, of president and treasurer of a territorial Chamber of Commerce and subsequently commended the Administering Authority for doing so. 85/

47. The Council has also given frequent support to the fostering of co-operative organizations, especially in the field of agricultural marketing, as a means of extending the role of the indigenous inhabitants in the economic life of each Territory. Among many similar examples, the Council has noted with satisfaction an increase in one Territory in the number of co-operative societies and in their membership, and has expressed hope for continued encouragement of this development. 86/ In connexion with another Territory, the Council noted with disappointment that efforts to encourage co-operatives had not met with success, and recommended the education of the indigenous inhabitants with a view to stimulating their interest in, and understanding of, co-operative institutions. 87/ In the following year, it noted with regret that the development of co-operatives was still somewhat slow, but also took note of assurances given by the Administering Authority that close attention would be given to the problem. 88/ In another case, the examination of petitions on the subject from inhabitants of a Trust Territory led the Council to express the hope 89/ that the Administering Authority would take all possible steps to encourage the establishment of consumer co-operatives. The Council expressed hope 90/ for the participation of the inhabitants in positions of increasing responsibility in co-operative organizations in one Territory.

48. With respect to the use of land, the Council has proposed or supported projects for the disposal of previously alienated land under co-operative or other systems designed to spread the benefits of production over the widest possible group of indigenous inhabitants. It has acted also in favour of other measures designed to extend to a Trust Territory in general a greater share of the fruits of the development of natural resources. An outline of relevant actions by the Council is set forth below. In the case of a Territory where the mining of phosphates by an agency of the Administering Authority for consumption outside the Territory constitutes virtually the only economic activity, the Council, besides recommending participation by the indigenous inhabitants in the industry, has made a series of recommendations 91/ and repeated requests for information designed to ensure that the Territory as a whole derived an adequate return from the mineral. In the case of another Territory where gold has been a relatively important export by non-indigenous interests, the Council has similarly endeavoured on a number of occasions to have measures taken with a view to increasing the return to the Territory in the form of royalties or tax revenues. 92/ In the case of another Territory, the Council has expressed interest in a form of development exemplified by the establishment of a partnership between the Government and private enterprise for the purposes of establishing a forestry concession, and has recommended that the possibility of similar agreements covering other natural resources should be considered. 93/

49. Where indigenous persons already play an important productive part in valuable primary industries, the Council has been concerned to ensure that such persons receive

85/ G A (VI), Suppl. No. 4 (A/1856), p. 188; G A (VII), Suppl. No. 4 (A/2150), p. 225.

86/ G A (VI), Suppl. No. 4 (A/1856), p. 41.

87/ Ibid., p. 191.

88/ G A (VII), Suppl. No. 4 (A/2150), p. 229.

89/ T C resolution 182 (VI).

90/ G A (V), Suppl. No. 4 (A/1306), p. 52.

91/ See G A (IX), Suppl. No. 4 (A/2680), pp. 271 and 272.

92/ See G A (VII), Suppl. No. 4 (A/2150), p. 278; G A (IX), Suppl. No. 4 (A/2680), p. 255.

93/ G A (VI), Suppl. No. 4 (A/1856), p. 37.

the greatest possible benefit from favourable world market conditions, but, at the same time, it has shown support for measures designed to protect them from serious difficulties caused by price fluctuations. In the case of one Territory where the principal export product, cocoa, is subject to controlled marketing and price stabilization in association with a neighbouring colony, the Council has recommended ^{94/} that the Administering Authority review its policy from time to time to the end that the cocoa producer might get the most direct benefits from his produce, and that the interests of the Trust Territory might be properly represented, and that the Administering Authority also consider the possibility of setting aside a fair proportion of surplus funds for the development of the Trust Territory. ^{95/} Subsequently, it endorsed the policy of the marketing organization in maintaining adequate price stabilization and other reserves while allocating surplus funds for projects of benefit to the producers. ^{96/} At a later session, however, the Council returned to the point that the prices paid to the producers should be adequately related to world market prices and also to those paid in neighbouring territories. ^{97/} Subsequently, having taken note of complaints from cocoa producers about the price paid to them, the Council reaffirmed its support of the basic policy of the marketing organization, but again suggested that all possible means be examined by which the producers might derive greater benefit from favourable world market conditions. ^{98/} On the other hand, noting in the case of another Territory where cocoa marketing was not similarly controlled, that producer prices were directly related to the fluctuations of world market prices, the Council requested ^{99/} the Administering Authority concerned to study measures to ensure stability of returns.

v. Protection of rights to land

50. The protection of rights to land, a subject for which specific provision is made in the Trusteeship Agreements, has been a concern of the Council in respect of a number of Trust Territories. While in some cases, problems arising from customary and other aspects of indigenous land tenure have attracted the attention of the Council, its primary concern has been with the practical effect of the alienation of land to non-indigenous interests in some of the Territories. In the case of one Territory, the Council, at an early date, expressed concern ^{100/} whether the interests of indigenous landowners were sufficiently protected by an extant law relating to the alienation of land, and at a later stage, it recommended ^{101/} that the Administering Authority proceed with caution in its policy of the purchase and alienation of indigenous land, in order to safeguard the interests of the indigenous population. In another case, the Council urged ^{102/} the Administering Authority to maintain its restrictions on the settlement of agricultural lands by non-indigenous persons, and at a subsequent session, it commended ^{103/} the Administering Authority for a decision to suspend the granting of concessions to non-indigenous settlers. In dealing with the land question in another Trust Territory, the Council requested ^{104/} the Administering Authority to give preference, as a matter of principle, in granting agricultural land concessions to settlement projects undertaken by the indigenous inhabitants themselves. Subsequently,

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- ^{94/} G A (IV), Suppl. No. 4 (A/933), p. 36.
^{95/} T C resolution 294 (VII).
^{96/} G A (VI), Suppl. No. 4 (A/1856), p. 167.
^{97/} G A (VII), Suppl. No. 4 (A/2150), p. 203.
^{98/} G A (IX), Suppl. No. 4 (A/2680), p. 195.
^{99/} Ibid., p. 163.
^{100/} G A (III), Suppl. No. 4 (A/603), pp. 17 and 18.
^{101/} G A (VII), Suppl. No. 4 (A/2150), p. 278.
^{102/} G A (V), Suppl. No. 4 (A/1306), p. 25.
^{103/} G A (VI), Suppl. No. 4 (A/1856), p. 66.
^{104/} G A (V), Suppl. No. 4 (A/1306), p. 52.

it recommended 105/ to that Administering Authority that care be taken in granting concessions to non-indigenous inhabitants so as to safeguard adequately the interest of the African population. Later, in view of the relatively large number of Europeans in the Territory, the Council expressed confidence 106/ that the economic interests of the indigenous inhabitants would continue to be carefully guarded and that, in particular, their rights to land and forest resources would be fully protected. In reaffirming this recommendation at a subsequent session, the Council noted 107/ the statement of a visiting mission that an existing procedure requiring the intervention of the territorial assembly in the granting of concessions seemed to provide a satisfactory way of safeguarding the interests of the indigenous population.

51. In the case of another Territory, in dealing with petitions submitted on behalf of some hundreds of families which had been forcibly evicted from their land, which had then been leased to European settlers, the Council expressed the opinion 108/ that the Administering Authority should be guided in future land development schemes by the principle that African communities settled on the land should not be moved to other areas unless a clear expression of their collective consent had been obtained. In the case of the same Territory, the Council had previously invited 109/ the Administering Authority to consider whether its policy of setting aside large tracts of land for development schemes would affect the preservation of adequate land resources for the needs of the indigenous inhabitants. Noting also that the re-alienation of a number of ex-enemy estates to non-indigenous inhabitants was contemplated, the Council recommended 110/ that the Administering Authority consider establishing a public corporation or adopting other appropriate measures to operate such estates for the common benefit of the inhabitants, and with the purpose of eventually turning them over entirely to the indigenous inhabitants. A comparable measure taken by the same Administering Authority in another of the Trust Territories under its administration was approved by the Council. In this case, after receiving a petition on the subject, the Council charged a visiting mission with investigating the situation arising from the transfer of more than 250,000 acres of land formerly held by enemy nationals to a statutory corporation charged with developing the land for the common benefit of the indigenous inhabitants. The transfer was disputed by representatives of a local tribe, but the Council endorsed the project, while at the same time making a number of recommendations 111/ for the improvement of the welfare of the tribal people and for increasing indigenous participation in the development with a view to the earliest possible transfer of management and control to the inhabitants of the Trust Territory. The Council later noted with approval 112/ developments in these directions which had taken place. It subsequently recommended 113/ that all possible further measures be taken to expedite the training of indigenous personnel for increasingly responsible participation in the work of the corporation. The Council has also commended 114/ another Administering Authority for its decision to transfer ownership of certain former German estates to the people of the Trust Territory.

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- 105/ G A (VI), Suppl. No. 4 (A/1856), p. 138.
106/ G A (VII), Suppl. No. 4 (A/2150), p. 174.
107/ G A (IX), Suppl. No. 4 (A/2680), p. 166.
108/ T C resolution 468 (XI).
109/ G A (III), Suppl. No. 4 (A/603), p. 31.
110/ G A (V), Suppl. No. 4 (A/1306), p. 12.
111/ *Ibid.*, p. 36.
112/ G A (VI), Suppl. No. 4 (A/1856), p. 114.
113/ G A (IX), Suppl. No. 4 (A/2680), p. 135.
114/ G A (VIII), Suppl. No. 4 (A/2427), p. 73.

52. These and other aspects of land problems have been the subject of a further special study by the Trusteeship Council at the instance of the General Assembly, which recommended 115/ that it study policies, laws and practices relating to land and its utilization and alienation and, taking into account the present and future needs of the indigenous inhabitants from the point of view of the basic objectives set forth in Article 76, make recommendations to the Administering Authorities. The Council accordingly established 116/ a Committee on Rural Economic Development for the purpose of carrying out this study.

vi. Transport and communications

53. The Council has laid considerable emphasis on a general need for better systems of transport, among other factors bearing upon the economic development of the Trust Territories. The Council recommended, for instance, in the case of various Territories that communications by road in particular, be improved "in order to facilitate trade and commerce"; 117/ "for the general economic development of the Territory"; 118/ as a measure "necessary for a proper economic development of the Territory" and essential for the maintenance of adequate social and educational services; 119/ and on the grounds that they were "vital to the progress of the Territory" 120/ and "an essential prerequisite to large-scale economic development and to social cohesion". 121/

vii. Public finance

54. From time to time, various aspects of public finance, including problems of increasing revenues in order to expand economic and social development programmes, and questions of budgetary and fiscal policy, have been the subject of inquiry and recommendation by the Council. In the case of Trust Territories forming part of administrative unions, it has regularly studied the public accounts in order to ensure, as one of the safeguards prescribed by it, that expenditure on administration, welfare and development in a given year was not less than the revenue derived from the Territory concerned. 122/ Actions taken in respect of the over-all budgetary deficits which exist in certain Territories, but which are normally met by grants or other assistance from the Administering Authorities, have varied in some cases according to the circumstances of the Territories. On the one hand, for example, the Council has commended 123/ an Administering Authority for contributing grants amounting to two thirds of the budget; on the other hand, in the case of the Trust Territory due to achieve independence in 1960, the Council has urged 124/ the Administering Authority to take steps to reduce the budgetary deficit for the independent State by every practicable means, including increased productivity, the fullest use of taxable capacity, the rationalization of the administrative structure, and the gradual replacement of non-indigenous officials.

55. The interest of the Council in fiscal matters has been concentrated particularly upon efforts to bring about the substitution of more modern taxation systems for

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- 115/ G A resolutions 438 (V) and 561 (VI).
116/ T C resolutions 305 (VIII) and 421 (X).
117/ G A (IV), Suppl. No. 4 (A/933), p. 9.
118/ G A (V), Suppl. No. 4 (A/1306), p. 73.
119/ G A (VI), Suppl. No. 4 (A/1856), p. 251.
120/ G A (VII), Suppl. No. 4 (A/2150), p. 178.
121/ G A (VIII), Suppl. No. 4 (A/2427), p. 98.
122/ See, for example, G A (IX), Suppl. No. 4 (A/2680), pp. 47 and 48.
123/ G A (V), Suppl. No. 4 (A/1306), p. 124.
124/ G A (IX), Suppl. No. 4 (A/2680), p. 109.

capitation taxes, which it found to exist in several of the Trust Territories. For example, the Council suggested 125/ that one Administering Authority consider whether the existing system, as far as it concerned the indigenous population, was satisfactory and whether it was based on ability to pay, and that it also consider the establishment of local and central appeals tribunals. It suggested 126/ that another Administering Authority from time to time review the system and incidence of taxation as it applied to the indigenous inhabitants, with a view to eliminating any possible sources of undue hardship; it commended 127/ the same Administering Authority for its decision to suppress all obligatory payments in kind or in labour.

56. The Administering Authority of another Trust Territory was requested 128/ by the Council to study seriously the question of replacing the existing capitation tax by an income tax. In this case, the Council was later able to note with satisfaction 129/ the abolition of the capitation tax. It also commended another Administering Authority for steps which had been taken in the two Trust Territories under its administration to replace the head tax by a progressive income tax, and recommended that these measures be extended. 130/ Similarly, the Council recommended 131/ to another Administering Authority that it keep its taxation system constantly under review with a view to the ultimate abolition of the head tax in favour of a more progressive system of taxation based upon capacity to pay. It reiterated 132/ this recommendation after hearing assurances that the Administering Authority fully appreciated the desirability of introducing such a tax system as soon as practicable.

57. The Council twice recommended 133/ to another Administering Authority an examination of the whole fiscal system of the Territory with a view to (1) alleviating the burden of indirect taxation where it was unduly heavy, (2) introducing direct taxation based on the individual's capacity to pay, and (3) increasing the indigenous inhabitants' participation in the abundant natural wealth of the Territory. Subsequently, it welcomed 134/ the stated intention of the Administering Authority to introduce new forms of taxation, and two years later it recommended 135/ that the Administering Authority complete the examination of all aspects of its fiscal policy as soon as possible. In the following year, it gave expression 136/ to the importance it attached to a recommendation of a local customs inquiry committee that there should be a comprehensive examination of the whole financial system. Informed subsequently that the Administering Authority did not at that time consider conditions to be opportune for the introduction of a system of direct taxation, the Council expressed the hope 137/ that the obstacles might be overcome in due course.

58. With regard to economic problems peculiar to a particular Territory, the Council has, for example, given attention to problems arising in one Territory from the claims of the inhabitants for reimbursement in respect of currency and postal savings and bonds issued by the ex-enemy State which had previously administered the Territory under

125/ G A (III), Suppl. No. 4 (A/603), pp. 31 and 32.

126/ Ibid., p. 9.

127/ G A (V), Suppl. No. 4 (A/1306), p. 25.

128/ G A (IV), Suppl. No. 4 (A/933), p. 77.

129/ G A (VII), Suppl. No. 4 (A/2150), p. 261.

130/ G A (VI), Suppl. No. 4 (A/1856), pp. 141 and 192.

131/ S/1358, p. 13.

132/ S/1628, p. 24.

133/ G A (III), Suppl. No. 4 (A/603), p. 17; G A (IV), Suppl. No. 4 (A/933), p. 65.

134/ G A (V), Suppl. No. 4 (A/1306), p. 124.

135/ G A (VII), Suppl. No. 4 (A/2150), p. 227.

136/ G A (VIII), Suppl. No. 4 (A/2427), p. 96.

137/ G A (IX), Suppl. No. 4 (A/2680), p. 254.

mandate, and to land problems resulting from actions by the previous administration and also from the effects of wartime operations. 138/

3. Social advancement

a. TERMS OF THE TRUSTEESHIP AGREEMENTS

59. Only three Trusteeship Agreements contain specific provisions concerning social advancement in addition to the general article stating the undertaking of the Administering Authority to pursue the objectives of Article 76 b. The most detailed of these is the Trusteeship Agreement for Somaliland under Italian administration under which the Administering Authority agreed to promote the social advancement of the inhabitants, and to this end to take the following action: (1) to protect the rights and fundamental freedoms of all elements of the population without discrimination; (2) to protect and improve the health of the inhabitants by the development of adequate health and hospital services for all sections of the population; (3) to control the traffic in arms and ammunition, opium and other dangerous drugs, alcohol and other spirituous liquors; (4) to prohibit all forms of slavery, slave trade and child marriage; (5) to apply existing international conventions concerning prostitution; (6) to prohibit all forms of forced or compulsory labour, except for essential public works and services, and then only in time of public emergency with adequate remuneration and adequate protection of the welfare of the workers; and (7) to institute such other regulations as might be necessary to protect the inhabitants against any social abuses.

60. The other two Agreements which contain specific provisions for social advancement are those for the Pacific Islands and for Western Samoa. They included provisions for the promotion of the social advancement of the inhabitants and, to this end, required that the Administering Authorities take the following action: (1) to protect the rights and fundamental freedoms of all elements of the population without discrimination; (2) to protect the health of the inhabitants; control the traffic in arms and ammunition, opium and other dangerous drugs, alcohol and other spirituous beverages; and (3) to institute such other regulations as might be necessary to protect the inhabitants against social abuses.

b. RECOMMENDATIONS OF THE GENERAL ASSEMBLY AND THE TRUSTEESHIP COUNCIL

61. In supervising programmes to achieve the objectives of Article 76 b, in so far as they relate to the social advancement of the inhabitants of the Trust Territories, the General Assembly and the Trusteeship Council have made a number of observations, and have adopted conclusions and recommendations, especially in certain principal fields of social development, such as certain aspects of penal legislation, notably provisions relating to corporal punishment; nomadism; the development of adequate medical and public health facilities; and certain aspects of labour conditions.

i. Indigenous systems of society

62. With the exception of the question of the status of women, discussed below under Article 76 c, examples of action taken on problems arising from the traditional social structures and customs affecting the lives of the majority of the inhabitants of the Trust Territories are not numerous. Attention has been given to the political aspects of the tribal and other indigenous systems of society, as indicated under the heading of political advancement (see paragraphs 21-30 above), to a greater extent than to their social aspects.

138/ S/3272, pp. 38, 42 and 43.

63. Examples of action by the Council in connexion with these social aspects are set forth below. In the case of one Territory the Council, at an early stage, adopted 139/ a resolution by which it condemned customs of compulsory marriage and child marriage which had been described in a petition examined by it, and later recommended 140/ that uncivilized practices which were gradually disappearing, such as child marriage, should be expressly forbidden by law. Noting three years later that this custom still existed, the Council recommended 141/ that the Administering Authority continue to urge its progressive abolition. In the case of another Trust Territory, the Council observed that one of the fundamental problems hampering development was the nomadism of the indigenous inhabitants, and it recommended 142/ that the Administering Authority make a full study of this problem and report on it in the following year. At that time, the Council noted that the Administering Authority intended to present the results of its studies in the following year, after having received the report of a United Nations technical assistance mission, and it expressed the hope that a comprehensive programme would be undertaken to solve the political, social and economic problems arising from nomadism. 143/ The Council has not subsequently received such a report, nor has it again referred to the matter except to state, 144/ in connexion with water development, that improved water supplies were essential, among other things, to the stabilization of the nomadic population.

64. In the case of a Territory where over-population was reported as presenting a problem which, the Council considered, it might, in time, prove impossible to solve by internal measures, it recommended 145/ that the Administering Authority continue to study the possibilities of migration of part of the population to less densely populated neighbouring territories. In a few cases, the Council has also taken note of trends to urbanization and their effects on social conditions. Thus, in the case of one Territory, it recommended 146/ that the doubling, within a period of six years, of the population of the principal town should be further studied in case it might be a dangerous symptom of a disproportionate migration from country to town.

ii. Penal reform

65. Reforms in penal systems which have been recommended include the abolition of penal labour sanctions. The General Assembly recommended 147/ to the Trusteeship Council the adoption of suitable measures for solving in a broad and humanitarian manner the problem of such sanctions as applied to indigenous labour. The Council took action 148/ of a general nature by requesting expert advice from the International Labour Organisation (ILO). In addition, it has, from time to time, adopted recommendations in respect of specific Trust Territories. Thus, the Council recommended 149/ to one Administering Authority that penal sanctions be abolished as soon as practicable. At a later session it expressed interest 150/ in a draft decree, then under consideration, which was reported to deal with the subject. In the case of another Territory, the Council observed that a labour ordinance applying to indigenous

139/ T C resolution 38 (III).

140/ G A (IV), Suppl. No. 4 (A/933), p. 9; see also G A resolution 323 (IV).

141/ G A (VII), Suppl. No. 4 (A/2150), p. 156.

142/ G A (VI), Suppl. No. 4 (A/1856), p. 94.

143/ G A (VII), Suppl. No. 4 (A/2150), p. 132.

144/ G A (VIII), Suppl. No. 4 (A/2427), p. 55.

145/ G A (V), Suppl. No. 4 (A/1306), p. 25; G A (VI), Suppl. No. 4 (A/1856), p. 70.

146/ G A (IV), Suppl. No. 4 (A/933), p. 22.

147/ G A resolution 324 (IV).

148/ T C resolution 127 (VI).

149/ G A (V), Suppl. No. 4 (A/1306), p. 25.

150/ G A (IX), Suppl. No. 4 (A/2680), p. 89.

and Chinese labour contained provisions for penal sanction, and recommended 151/ their revision upon two occasions.

66. A wider measure of attention has been paid to the question of the abolition of corporal punishment in those Trust Territories where it existed. Following early action by the Council, the General Assembly has successively recommended the immediate abolition of this penalty in three specific Territories; 152/ immediate measures to bring about the complete abolition of the punishment in all of the Territories; 153/ and compliance without delay with its previous recommendations, note being taken of measures which had been adopted to reduce the number of offences to which the penalty was applicable. 154/ The history of action on this question in the Trusteeship Council may be indicated by the following examples. In the case of one of the Territories with regard to which the General Assembly had favoured strong and effective measures to abolish whipping immediately, the Council recommended 155/ that the Administering Authority consider its abolition with a view to adopting as soon as possible the necessary measures to that effect. The Council subsequently noted the suppression of the penalty in respect of indigenous tribunals, and recommended its immediate abolition in other cases. 156/ When whipping continued to be retained as a penal sanction in prisons, the Council expressed disappointment and again urged the complete abolition of this form of punishment. 157/ In another case, the Council, having recommended the immediate abolishment of corporal punishment, noted a statement of the Administering Authority that its policy was aimed at gradual reduction with the object of abolition when practicable, expressed regret that the Administering Authority had not yet seen its way clear to abolish the punishment immediately, and repeated its previous recommendation. 158/ Taking note of a subsequent decision to abolish corporal punishment for adults as a court sentence, it urged immediate measures for complete abolition of the penalty. 159/ At a later stage, it urged 160/ the Administering Authority to continue its efforts to bring about complete abolition. In the case of another Territory, an early recommendation 161/ by the Council for the adoption, as soon as possible, of measures to abolish corporal punishment was followed by an expression 162/ of concern that the penalty still existed and a reiteration of the previous action of the Council. On a later occasion, the Council expressed regret that efforts made by the Administering Authority to bring about the abolition of the penalty had not yet met with success, and it reaffirmed its previous recommendations. 163/ In the case of a Territory the laws of which made provision for corporal punishment but where it had not been actually applied during the period of trusteeship, the Council recommended 164/ that the penalty be formally abolished. It reaffirmed 165/ this opinion a year later, and again on a subsequent occasion. 166/

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- 151/ G A (IV), Suppl. No. 4 (A/933), p. 77; G A (VI), Suppl. No. 4 (A/1856), p. 231.
152/ G A resolution 323 (IV).
153/ G A resolution 440 (V).
154/ G A resolution 562 (VI).
155/ G A (V), Suppl. No. 4 (A/1306), pp. 25 and 26.
156/ G A (VI), Suppl. No. 4 (A/1856), p. 74.
157/ G A (IX), Suppl. No. 4 (A/2680), p. 90.
158/ G A (V), Suppl. No. 4 (A/1306), p. 74.
159/ G A (VI), Suppl. No. 4 (A/1856), p. 172.
160/ G A (IX), Suppl. No. 4 (A/2680), p. 199.
161/ G A (V), Suppl. No. 4 (A/1306), pp. 11 and 12.
162/ G A (VI), Suppl. No. 4 (A/1856), p. 48.
163/ G A (IX), Suppl. No. 4 (A/2680), p. 65.
164/ G A (VII), Suppl. No. 4 (A/2150), p. 284.
165/ G A (VIII), Suppl. No. 4 (A/2427), p. 104.
166/ G A (IX), Suppl. No. 4 (A/2680), p. 258.

67. As examples of action on other kinds of penal reform, the Council noted that in one Trust Territory unlimited power was vested in the Administrator to prolong indefinitely the incarceration of a convicted person declared an habitual criminal, and recommended 167/ reforms in this respect. The Council recommended 168/ to another Administering Authority that the deportation of indigenous inhabitants from the Trust Territory concerned be abolished.

iii. Medical and public health services

68. The aspect of social development which has most regularly been the subject of examination and recommendation by the Council has been the general inadequacy of medical and public health facilities in the Trust Territories, and the measures taken or considered necessary to overcome this deficiency. The Council has placed emphasis on the need for training indigenous persons for service at all levels of medicine and public health, as one of the means of ensuring that adequate medical facilities be available to the populations. The examples set forth below illustrate the principal lines of action by the Council in this field.

69. In the case of one Territory, the Council, at an early session, noted with approval that budgetary appropriations for medical purposes had tripled since the period before the Second World War, but expressed concern at the fact that the facilities still left much room for improvement and reiterated a previous recommendation that more funds be provided for, and particular attention be paid to, the development of medical centres and hospitals and the training of personnel, including qualified physicians recruited from among the indigenous inhabitants. It also proposed that more doctors be recruited from among the displaced persons in Europe. 169/ Subsequently, the Council noted with satisfaction 170/ a further considerable increase in expenditure, but it continued to regard the medical and health facilities as inadequate. 171/ It expressed satisfaction 172/ with a further expansion of hospital facilities.

70. Urgent steps to improve the existing services were recommended 173/ to another Administering Authority at an early date, and the Council subsequently expressed satisfaction with certain lines of progress, while urging additional efforts. 174/ At a later session, it expressed concern at a decrease in the number of doctors and European medical assistants and urged all possible steps to increase their number substantially, as well as intensified efforts to train indigenous medical personnel. 175/ On the most recent occasion, the Council noted an expansion of the services in general but observed a substantial need for further development, especially in regard to the training of indigenous personnel. 176/ The Council commended another Administering Authority for progress made in this field, and especially for establishing a mobile clinic, and at the same time made recommendations

167/ G A (IV), Suppl. No. 4 (A/933), p. 66.

168/ Ibid., p. 9.

169/ G A (III), Suppl. No. 4 (A/603), p. 32; G A (V), Suppl. No. 4 (A/1306), pp. 12 and 13.

170/ G A (VI), Suppl. No. 4 (A/1856), pp. 48 and 49.

171/ G A (VII), Suppl. No. 4 (A/2150), p. 65.

172/ G A (IX), Suppl. No. 4 (A/2680), p. 64.

173/ G A (III), Suppl. No. 4 (A/603), p. 18.

174/ G A (V), Suppl. No. 4 (A/1306), p. 125.

175/ G A (VII), Suppl. No. 4 (A/2150), p. 284.

176/ G A (IX), Suppl. No. 4 (A/2680), p. 259.

for further progress. 177/ At a subsequent session, it again commended 178/ the Administering Authority. Later, it noted further advances, but drew attention to the desirability of increasing the medical and hospital facilities. 179/ The Council commended another Administering Authority for steps taken in the field of public health, but considered that particular attention should be given to the training of African medical personnel in greater numbers. 180/ It subsequently noted further expansion of the medical and health services, while maintaining the view that a great deal remained to be accomplished. 181/

71. In the case of another Trust Territory, the Council, at an early stage in its work, expressed 182/ concern that only two medical officers were stationed in the Territory. While the Council expressed appreciation of progress made in other respects, it referred again on two subsequent occasions to the small number of qualified staff. 183/ At a later session, the Council noted with satisfaction an expansion of the services, notably the doubling of expenditures in this field, but saw scope in particular for increased effort in the training of African personnel. 184/

72. The Council was concerned to note in the case of another Territory that only a few medical officers were stationed there, and that other facilities were inadequate for a reasonable programme of medical and health care. 185/ It reiterated this expression of concern at its following session, and recommended immediate steps for the improvement of the facilities. 186/ Subsequently, while noting recent progress, it recommended a sustained effort at improvement. 187/ In recognition of the degree of budgetary autonomy exercised in the case of this Territory by legislative organs in which the Territory was represented, the Council recommended 188/ that the Administering Authority encourage the territorial representatives to give serious consideration to means of raising additional revenues for the purpose of increasing the financial appropriations for medical services. The Council welcomed the statement of another Administering Authority that it was determined to find a way of increasing the number of nurses and doctors in the Territory concerned, and that in this respect the Territory would soon be adequately equipped. 189/ At a subsequent session, it recommended 190/ that more intensive efforts be made to bring adequate medical care within reach of all. In recommending that the number of physicians in another Trust Territory be increased so far as was practicable, the Council also proposed 191/ that the Administering Authority devise measures for training indigenous inhabitants as doctors. In the following year, it commended 192/ the Administering Authority for the steps taken. Later, it expressed satisfaction with further progress made, but

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- 177/ G A (V), Suppl. No. 4 (A/1306), p. 106.
178/ G A (VI), Suppl. No. 4 (A/1856), p. 217.
179/ G A (IX), Suppl. No. 4 (A/2680), p. 239.
180/ G A (V), Suppl. No. 4 (A/1306), p. 93.
181/ G A (VII), Suppl. No. 4 (A/2150), p. 234; G A (IX), Suppl. No. 4 (A/2680), p. 221.
182/ G A (IV), Suppl. No. 4 (A/933), p. 36.
183/ G A (VI), Suppl. No. 4 (A/1856), p. 172; G A (VII), Suppl. No. 4 (A/2150), p. 208.
184/ G A (IX), Suppl. No. 4 (A/2680), p. 200.
185/ G A (IV), Suppl. No. 4 (A/933), p. 9.
186/ G A (V), Suppl. No. 4 (A/1306), p. 37.
187/ G A (VI), Suppl. No. 4 (A/1856), p. 120; G A (VII), Suppl. No. 4 (A/2150), p. 157; G A (IX), Suppl. No. 4 (A/2680), p. 141.
188/ G A (IX), Suppl. No. 4 (A/2680), p. 141.
189/ G A (IV), Suppl. No. 4 (A/933), pp. 22 and 23.
190/ G A (V), Suppl. No. 4 (A/1306), p. 53.
191/ G A (III), Suppl. No. 4 (A/603), p. 10.
192/ G A (V), Suppl. No. 4 (A/1306), p. 25.

observed that the medical services were still not commensurate with the needs of the population. 193/ At a subsequent session, it again expressed satisfaction 194/ with the progress made.

iv. Labour conditions and organization

73. Some aspects of labour conditions and organization in various Trust Territories have been the subject of action by the Trusteeship Council. In the case, for example, of two Trust Territories under a single Administering Authority, the Council, at an early date, expressed hope 195/ for the completion and enactment by the metropolitan parliament of a labour code. In the following year, it expressed regret that the code, which had been under consideration by the parliament for a long time, had not yet become law, and expressed hope for its early enactment. 196/ At a subsequent session, the Council, informed that the draft code was under parliamentary consideration, requested 197/ that the document be made available to it as soon as possible. In the following year, the Council again expressed regret that the code had not yet been finally approved and expressed the hope that action would be completed shortly. 198/ It subsequently noted with satisfaction the entry into force of the code, and, while not stating an opinion as to its substance, expressed confidence that its provisions would be applied in a manner ensuring steady improvement in the welfare and protection of wage earners. 199/ The Council has also recommended 200/ to another Administering Authority that it introduce elementary labour and other social legislation as soon as possible. Another Administering Authority received recommendations 201/ in two successive years for measures leading to the establishment of some form of collective bargaining.

74. The Council commended 202/ an Administering Authority for its efforts to enable recruited workers to be accompanied by their families. In another case, the Council began a series of actions in respect of a similar problem by recommending 203/ on two successive occasions to the Administering Authority that it should endeavour to find a humane solution to the problem arising from the fact that Chinese workers of the male sex were being brought to the Trust Territory without their families. Concerned, subsequently, at the prevalence of gambling among these workers, the Council recommended 204/ the provision of alternative attractions and the establishment of normal family life. Later, the Council again requested 205/ that close attention be given in particular to the study of the possibility of enabling the workers to be accompanied by their families. On a subsequent occasion, it noted 206/ with satisfaction measures which had been taken to permit families to be taken to the Territory under certain conditions.

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- 193/ G A (VI), Suppl. No. 4 (A/1856), p. 73.
194/ G A (VII), Suppl. No. 4 (A/2150), p. 98.
195/ G A (IV), Suppl. No. 4 (A/933), pp. 22 and 46.
196/ G A (V), Suppl. No. 4 (A/1306), p. 93.
197/ G A (VI), Suppl. No. 4 (A/1856), p. 195.
198/ G A (VII), Suppl. No. 4 (A/2150), p. 232.
199/ G A (IX), Suppl. No. 4 (A/2680), pp. 172 and 220.
200/ G A (V), Suppl. No. 4 (A/1306), p. 106.
201/ G A (III), Suppl. No. 4 (A/603), p. 18; G A (IV), Suppl. No. 4 (A/933), p. 66.
202/ G A (V), Suppl. No. 4 (A/1306), p. 25.
203/ G A (IV), Suppl. No. 4 (A/933), p. 77; G A (V), Suppl. No. 4 (A/1306), pp. 138 and 139.
204/ G A (VI), Suppl. No. 4 (A/1856), p. 233.
205/ G A (VII), Suppl. No. 4 (A/2150), p. 264.
206/ G A (VIII), Suppl. No. 4 (A/2427), p. 122.

75. Dealing with other particular labour problems, the Council, in the case of one Trust Territory, noted that unemployment existed in certain areas and requested the Administering Authority to increase the incentives for regular employment and otherwise stabilize the labour force. 207/ In the case of a Trust Territory where a minimum period of five years had been fixed for the abolition of a system of indentured labour, the Council made a recommendation 208/ favouring the hastening of this measure, and subsequently expressed satisfaction 209/ with the action taken. The Council felt it necessary, in the case of one Territory, to express the opinion 210/ that the use of child labour should be prohibited and the employment of minors on plantations and industries restricted.

76. General recommendations 211/ concerning the problem of migrant labour were made by the General Assembly to the Council, and the Council took action 212/ of a general nature by requesting the Secretariat to bring the interest of the Assembly in this problem to the attention of ILO. In addition, the Council has recommended, 213/ in the case of one Trust Territory that the Administering Authority make a thorough study of seasonal movements of labour, and of the working conditions of the seasonal labour. At a following session, it again requested 214/ information on these matters. It also requested 215/ another Administering Authority to make a close study of the problems of migrant workers.

77. The Council has shown a continuing concern at the low level of wage rates generally prevailing in the Trust Territories. In several of its particular observations and recommendations on the matter, it has related the wage question to that of the also generally low standard of living of the indigenous inhabitants, and in some cases to the question of the inhabitants' productivity and efficiency. In a number of cases, the absence of adequate statistical information has also led the Council to impress upon 216/ Administering Authorities the desirability of undertaking surveys of costs of living or standards of living, or both. Some specific examples to indicate the approach of the Council to the wage question and its relationship with standards of living and other factors are set forth below.

78. In the case of one Trust Territory, the Council first suggested 217/ that the Administering Authority consider measures to improve the living standard by increasing substantially the wage level of the indigenous inhabitants. At a subsequent session, it noted that the wage level was low, and made a further recommendation for improvement. 218/ Later, the Council linked the desirability of increasing wages and improving other conditions with the need to stabilize the labour force and increase its

207/ G A (IX), Suppl. No. 4 (A/2680), p. 116.

208/ G A (IV), Suppl. No. 4 (A/933), p. 66.

209/ G A (VI), Suppl. No. 4 (A/1856), p. 256.

210/ G A (III), Suppl. No. 4 (A/603), p. 32.

211/ G A resolution 323 (IV).

212/ T C resolution 127 (VI).

213/ G A (VII), Suppl. No. 4 (A/2150), p. 209.

214/ G A (IX), Suppl. No. 4 (A/2680), p. 200.

215/ G A (VII), Suppl. No. 4 (A/2150), p. 232.

216/ See, for example, G A (IV), Suppl. No. 4 (A/933), pp. 9, 36, 46, 58, 65 and 66; G A (V), Suppl. No. 4 (A/1306), pp. 53 and 106; G A (VI), Suppl. No. 4 (A/1856), p. 215; G A (VII), Suppl. No. 4 (A/2150), pp. 57, 181, 182 and 250; G A (IX), Suppl. No. 4 (A/2680), p. 172.

217/ G A (III), Suppl. No. 4 (A/603), p. 32.

218/ G A (V), Suppl. No. 4 (A/1306), p. 12.

productivity. 219/ It subsequently emphasized the relationship between these factors, and stated that it looked forward to the further improvement of wages and other working conditions. 220/ In another case, the Council found existing wage rates to be low in relation to commodity prices and expressed the view that, as a general rule, higher real wages were one of the strongest incentives to more efficient labour, and made a recommendation to this effect. 221/ In the case of another Territory, the Council considered that wage increases, made as a result of a cost-of-living survey, should have improved the economic situation of the vast majority of the indigenous inhabitants, and urged continuing study of the question; 222/ at a subsequent session, it expressed satisfaction 223/ at a recent increase in wages.

79. The Council has noted with concern that in one Trust Territory, "as in the African Trust Territories generally", the indigenous wage rates were frequently low and did not exceed the minimum subsistence level. It expressed the opinion that this situation, which, it felt, might have arisen from economic conditions in the past, was harmful to the economic and social development of the indigenous inhabitants, and recommended both a special study of the problem of wages and standards of living and the adoption of all possible measures to improve them. 224/ It reiterated this recommendation a year later, after having examined the report of a visiting mission and complaints contained in petitions. 225/ In the following year, the Council noted with approval a substantial increase which had taken place in the minimum wage rates, and urged further review at relatively frequent intervals. 226/ In another case, the Council, while urging further efforts to increase real wages, also recommended measures to ensure that essential consumer goods be made available at prices within the range of the average wage earner. 227/ At a subsequent session, it took note of steps taken in both directions and expressed hope for further improvement. 228/ In a further case, the Council introduced other considerations by expressing the view that in the determination of minimum wages, labourers should be ensured a decent standard of living and be protected against occupational illness and accidents, and that labour unions should take part in studies of such questions as illness and old age. 229/

v. Social welfare and international peace and security

80. An occurrence in one Trust Territory recognized as involving questions both of social welfare and of international peace and security has been the subject of action by the Council. A petition 230/ from a group of the population of a Trust Territory designated as a strategic area, contained a complaint that some of their people had suffered ill-effects from radio-active particles after the testing of thermo-nuclear weapons by the Administering Authority in an adjacent area of the Trust Territory, and requested either the immediate cessation of all such experiments or, if they were judged to be absolutely necessary in the interests of peace and security, adequate precautionary and compensatory measures. The Council expressed deep regret over the ill-effects suffered and the damages caused, noted measures which had been taken by the

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- 219/ G A (VII), Suppl. No. 4 (A/2150), p. 58.
220/ G A (IX), Suppl. No. 4 (A/2680), p. 63.
221/ G A (V), Suppl. No. 4 (A/1306), p. 25.
222/ Ibid., p. 138.
223/ G A (VI), Suppl. No. 4 (A/1856), p. 233.
224/ G A (IV), Suppl. No. 4 (A/933), p. 22.
225/ G A (V), Suppl. No. 4 (A/1306), p. 53.
226/ G A (VI), Suppl. No. 4 (A/1856), p. 144.
227/ G A (V), Suppl. No. 4 (A/1306), p. 37.
228/ G A (VI), Suppl. No. 4 (A/1856), p. 120.
229/ G A (V), Suppl. No. 4 (A/1306), pp. 86-88.
230/ S/3272, pp. 4 and 5.

Administering Authority, urged prompt and sympathetic attention to claims for damages, and recommended that, if the Administering Authority considered it necessary in the interests of world peace and security to conduct further nuclear experiments in the Territory, it take such precautions as would ensure that no inhabitants of the Territory were again endangered. 231/

4. Educational advancement

a. TERMS OF THE TRUSTEESHIP AGREEMENTS

81. Most of the Trusteeship Agreements contain, in addition to a general article under which the Administering Authorities agree to administer the Trust Territories in such a manner as to achieve the objectives of the International Trusteeship System laid down in Article 76, separate articles dealing specifically with educational advancement, under which the Administering Authorities agree, as may be appropriate to the circumstances of the Territory, to continue and extend a general system of elementary education designed to abolish illiteracy and to facilitate the vocational and cultural advancement of the population, child and adult, and similarly to provide such facilities as may prove desirable and practicable, in the interests of the inhabitants, for qualified students to receive secondary and higher education, including professional training.

b. RECOMMENDATIONS OF THE GENERAL ASSEMBLY AND THE TRUSTEESHIP COUNCIL

82. The exercise by the General Assembly and the Trusteeship Council of the supervisory role of the United Nations in respect of the implementation of Article 76 b has resulted in special importance being attached to the educational advancement of the inhabitants of the Trust Territories. Both the General Assembly and the Trusteeship Council have studied the main trends of educational policy and programmes and their practical effects in some detail, and have related progress in this field in a more explicit manner than that in any other field, except that of political advancement, to the question of the preparation of the Territories for self-government or independence. Some examples of the expression by the General Assembly of that relationship have been noted earlier; several others may be found among the actions of the Trusteeship Council in dealing, in the course of its examination of annual reports, petitions and the reports of visiting missions, with educational conditions in the individual Trust Territories. Thus, in connexion with its first examination of conditions in one Territory, the Council expressed 232/ recognition of the inter-relationship between educational and political advancement. In one case, it considered 233/ that educational facilities should be increased in order to combat illiteracy and to promote self-government. In another, it similarly based its first judgement with regard to the educational system on "the decisive influence which education plays in the political, economic, and social advancement of the people". 234/ The Council stated 235/ in a further case that the inadequacy of educational facilities and the consequent high rate of illiteracy hindered the political advancement of the indigenous inhabitants.

83. With the importance of education to the larger goal of self-government or independence thus established, the general policy of the General Assembly and the Trusteeship Council in this field, as reflected by their actions, has been to urge the Administering Authorities to accelerate measures which might give all of the inhabitants

231/ T C resolution 1082 (XV).

232/ G A (III), Suppl. No. 4 (A/603), p. 32.

233/ Ibid., p. 10.

234/ G A (IV), Suppl. No. 4 (A/933), p. 9.

235/ G A (III), Suppl. No. 4 (A/603), p. 18; G A (V), Suppl. No. 4 (A/1306), p. 125.

access to the means of attaining literacy and to elementary education, to provide secondary and technical education for all who wanted it, and to ensure that adequate facilities existed for higher education. Scope for improvement in varying degree has been considered by the General Assembly and the Trusteeship Council to exist in all of the Trust Territories and, in general, this fact has been recognized by the Administering Authorities.

84. Action in these matters has, as a rule, been taken by the Trusteeship Council in the course of its regular procedures. The General Assembly has, however, also made recommendations directly to the Administering Authorities and has initiated certain other actions. At an early date, it recommended 236/ that the Trusteeship Council request the Administering Authorities to intensify their efforts to increase educational facilities, and also propose to them that primary education in the Trust Territories should be free and access to higher education not dependent on means. The Council subsequently adopted a resolution 237/ by which it made suggestions along these lines to the Administering Authorities; it has also made similar recommendations in the course of its regular examination of conditions in a number of the Trust Territories. Under a subsequent resolution, the General Assembly also expressed the hope 238/ that the Administering Authorities, in preparing their budgets, would give special prominence to improving and increasing educational facilities. Later, recognizing that notable progress had been made, the General Assembly recommended 239/ that the Trusteeship Council continue to devote particular attention, in consultation with the Administering Authorities and the specialized agencies, to long-range programmes of educational development, with a view to enabling the inhabitants to take over the responsibilities of complete self-government at the earliest possible date. The General Assembly has also initiated a special study by the Trusteeship Council of the further expansion of higher educational facilities, and has established a programme of assistance by Member States for students from the Trust Territories.

1. General education

85. Action taken by the Trusteeship Council towards the advancement of general educational facilities in individual Trust Territories has varied according to the levels of progress achieved in the Territories concerned. For example, as the first of a long series of recommendations in respect of one Territory the Council suggested 240/ that means should be found to make increased appropriations for education, including teacher training, and that effective steps should be taken to expand facilities at all levels. Subsequently, while noting with appreciation the steps which had been taken within the limited financial resources available, it reiterated those recommendations. 241/ At a later stage, it noted with satisfaction 242/ the policy, objectives and increased financial provision contained in a revised ten-year plan for indigenous education. Subsequently, however, it endorsed 243/ the view of a visiting mission that the targets for post-primary education under the plan were too limited. On a later occasion, the Council noted with satisfaction that the primary education targets in the plan would have been exceeded by the year 1956, and urged the Administering

236/ G A resolution 225 (III).

237/ T C resolution 83 (IV).

238/ G A resolution 324 (IV).

239/ G A resolution 437 (V).

240/ G A (III), Suppl. No. 4 (A/603), p. 32.

241/ G A (V), Suppl. No. 4 (A/1306), p. 13.

242/ G A (VI), Suppl. No. 4 (A/1856), p. 51.

243/ G A (VII), Suppl. No. 4 (A/2150), p. 69.

Authority to keep under constant review, in planning further development, the desirability of introducing free and compulsory primary education. 244/

86. In another case, the Council took initial action by expressing concern at the inadequacy of existing facilities and recommended the establishment of a complete programme of school construction and equipment, as well as an increase in the number of schools and teachers. 245/ In the following year, it expressed satisfaction at the progress made and hoped for further improvement. 246/ In the case of two other Territories in connexion with which the Council made a similarly long series of recommendations for the improvement of the educational system, it placed some emphasis on the disparity of educational development between the coastal and inland parts of the Territories, noting initially in one case that literacy in the inland area was only one fifth of 1 per cent among children of school age. 247/ While noting subsequent progress, the Council continued to emphasize 248/ the need for special efforts to be made in improving the situation in the inland areas. It reiterated 249/ this concern at later sessions, welcoming, however, the establishment of free primary education in the case of one of these Territories. Another Administering Authority was commended 250/ at an early date for having established, under its direct responsibility, free public education, for having increased the ratio of expenditure on education, and for having achieved a rate of literacy relatively high for Africa.

ii. Secondary education

87. The absence from one Trust Territory both of facilities for secondary education, which had been destroyed during the war, and of the means, on the part of the indigenous inhabitants, to send their children to overseas schools led the Council to recommend 251/ that the Administering Authority take urgent measures with regard to this situation. Subsequently, noting that the Territory was still without secondary schools and that some parents were reluctant to send their children abroad, the Council urged 252/ that facilities be provided as soon as possible. Later, it noted that the number of students studying overseas had increased, but recommended the completion, as a matter of urgency, of projected facilities within the Territory, which should, it stated, include facilities for secondary education. 253/ The subsequent resumption of secondary education within the Territory was reported 254/ without comment by the Council to the General Assembly. At a later date, however, the Council proposed a re-examination of the current educational programme, especially in regard to higher education, in order to determine its suitability to the changed circumstances in which the people might find themselves if they were resettled outside the Territory - a possibility which had arisen in the course of the consideration by the Council of the future of this Territory after the exhaustion of its only important natural resources. 255/

244/ G A (IX), Suppl. No. 4 (A/2680), p. 70.

245/ G A (III), Suppl. No. 4 (A/603), p. 10.

246/ G A (V), Suppl. No. 4 (A/1306), p. 26.

247/ G A (IV), Suppl. No. 4 (A/933), pp. 9 and 36.

248/ G A (VI), Suppl. No. 4 (A/1856), p. 124.

249/ G A (VII), Suppl. No. 4 (A/2150), p. 151; G A (IX), Suppl. No. 4 (A/2680), pp. 144 and 203.

250/ G A (IV), Suppl. No. 4 (A/933), p. 23.

251/ Ibid., p. 77.

252/ G A (V), Suppl. No. 4 (A/1306), p. 139.

253/ G A (VI), Suppl. No. 4 (A/1856), p. 236.

254/ G A (VII), Suppl. No. 4 (A/2150), p. 266.

255/ G A (IX), Suppl. No. 4 (A/2680), p. 278.

88. In the case of another Territory, which had suffered war-time damage and where the number of schools had not been restored to the pre-war level, the Council recommended 256/ that the Administering Authority devote special attention to the provision of education beyond the rudimentary stage. In the course of succeeding sessions, the Council urged the Administering Authority to intensify its efforts to build up an adequate educational programme, 257/ and to formulate long-range development plans. 258/ In its first examination of conditions in another Trust Territory, the Council commended the Administering Authority for its achievement in the educational field and recommended 259/ that it consider the possibility of establishing secondary schools in the Territory. The Administering Authority later reported the development of a central secondary school 260/ and of facilities provided for overseas study. 261/ Another Administering Authority was invited 262/ to consider a long-term educational programme which would take into account the level of recurrent costs which could be borne by the Territory concerned in relation to the growth of school population and the prospective general revenue. The Council subsequently noted with satisfaction an expert study which had been made of the problems of educational development in that Territory. 263/ In the case of a Territory for which the grant of independence by 1960 has been prescribed, the Council recognized 264/ that the preparation of the inhabitants for independence required a vast educational effort. It subsequently welcomed 265/ a five-year plan for education as a significant contribution to educational advancement.

111. Higher education

89. The provision of adequate facilities for higher education, particularly for indigenous inhabitants of the Trust Territories, has been a subject of periodic recommendation to all of the Administering Authorities. After the Council had taken early action in this matter, the General Assembly recommended, 266/ in connexion with the Trust Territories in Africa that, having regard to existing facilities and plans for development, the Council study the financial and technical implications of a further expansion of these facilities, including the possibility of establishing in 1952 and maintaining a university to meet the higher educational needs of the inhabitants of Trust Territories in Africa. After making the study, the Council adopted a resolution 267/ by which it commended the Administering Authorities concerned for achievements and plans so far made, and expressed the opinion that the differing educational policies and languages and other technical difficulties indicated the impracticability of establishing at that time a single university for the six African Trust Territories.

90. By this resolution, as well as by recommendations made previously or subsequently, the Council has expressed itself in favour of the development of scholarship programmes and other means of access by students to higher education in neighbouring territories and abroad, while still encouraging, where it seemed to the Council to be desirable, the

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- 256/ G A (III), Suppl. No. 4 (A/603), p. 18.
257/ G A (VII), Suppl. No. 4 (A/2150), p. 286.
258/ G A (IX), Suppl. No. 4 (A/2680), p. 261.
259/ S/1358, p. 14.
260/ S/2599, p. 43.
261/ S/3272, p. 63.
262/ G A (VII), Suppl. No. 4 (A/2150), p. 254.
263/ G A (IX), Suppl. No. 4 (A/2680), p. 241.
264/ G A (VI), Suppl. No. 4 (A/1856), p. 97.
265/ G A (VIII), Suppl. No. 4 (A/2427), p. 60.
266/ G A resolution 225 (III).
267/ T C resolution 110 (V).

study of the possible establishment of local institutions. The General Assembly congratulated those Administering Authorities which had adopted measures for the establishment in Africa of university and similar institutions and scholarship programmes open to students from the Trust Territories; it recommended to the Trusteeship Council that it should call upon them to intensify these measures and upon other Administering Authorities to adopt them as soon as possible. 268/

91. Specific examples of action in this respect are set forth below. Thus, at an early stage of the work of the Council, one Administering Authority was requested to expand institutions of higher learning. 269/ Subsequently, it recommended that the Administering Authority establish such institutions in the Territory and increase the provisions made for students to attend overseas universities and colleges. 270/ The Council subsequently urged 271/ that every effort be made to increase the number of students qualified for higher education. At a later stage, it welcomed 272/ an announcement that the question of the establishment of a university college within the Territory was receiving active consideration. Still later, the Council suggested 273/ the establishment of courses in a limited number of fields as a first step towards the creation of a university.

92. In the case of a Territory where no students had yet proceeded to higher education, the Council recommended 274/ that scholarships be granted to permit qualified students to study at institutions either in Africa or overseas. Subsequently, the Council took note 275/ of a decision of the Administering Authority to establish, in addition to certain facilities accessible in a neighbouring Non-Self-Governing Territory, a university centre in the Trust Territory to function regularly by 1955. It also reiterated 276/ the desirability of a scholarship scheme. At a later session, the Council commended 277/ the Administering Authority concerned for an increase in budgetary allocations for education, but expressed its continuing concern over the small proportion of students qualified for education above the primary level. In the following year, it recommended 278/ the development and extension of secondary and higher educational facilities and the provision of overseas scholarships.

93. In the case of two Trust Territories administered by a single Administering Authority, the Council recommended 279/ that that Authority consider the establishment, if possible by 1952, of institutions of higher education for the Territories. Meanwhile, it praised 280/ the Administering Authority for its efforts to promote higher education by a system of overseas scholarships. In 1952, the Council noted, in the case of one of these Territories, that the Administering Authority did not consider it advisable at that time to establish a university, and it recommended 281/ that the Administering Authority undertake a preliminary study of the question of establishing higher educational facilities as soon as practicable. Noting, in the following year,

268/ G A resolution 324 (IV).

269/ G A (III), Suppl. No. 4 (A/603), p. 32.

270/ G A (V), Suppl. No. 4 (A/1306), p. 13; see also T C resolution 110 (V).

271/ G A (VI), Suppl. No. 4 (A/1856), p. 54.

272/ G A (VII), Suppl. No. 4 (A/2150), p. 69.

273/ G A (IX), Suppl. No. 4 (A/2680), p. 71.

274/ G A (III), Suppl. No. 4 (A/603), p. 10.

275/ T C resolution 110 (V).

276/ G A (V), Suppl. No. 4 (A/1306), p. 226.

277/ G A (VI), Suppl. No. 4 (A/1856), p. 78.

278/ G A (VII), Suppl. No. 4 (A/2150), p. 104.

279/ T C resolution 110 (V).

280/ G A (IV), Suppl. No. 4 (A/933), pp. 23 and 47.

281/ G A (VII), Suppl. No. 4 (A/2150), p. 188.

the increasing enrolment in secondary schools, the Council recommended 282/ that the Administering Authority give further consideration to the matter and especially to the possibility of establishing courses in a limited number of fields as a first step.

iv. Development of local languages and cultures

94. Examples of action taken in respect of the development of local languages and cultures are set forth below. The Council noted with approval 283/ the willingness of and the efforts made by one Administering Authority to maintain instruction in the local languages. It urged another Administering Authority to study the possibility of relaxing an existing requirement of a knowledge of the language of the Administering Authority for the holding of public office. It also recommended the further development, through educational channels, of the best features of the indigenous culture. 284/ The Council recommended 285/ to the same Administering Authority, in connexion with another Trust Territory under its administration, that it study further the possibility and desirability of employing one or more of the vernacular languages for the purpose of mass education. It subsequently noted 286/ with approval steps which had been taken to preserve indigenous cultures, and the fact that part of the instruction in primary schools was now being given in the vernacular.

95. In the case of two adjacent Trust Territories where a demand for unification had arisen among members of a large tribe divided by the frontier between the Territories, the Council recommended 287/ that the Administering Authorities should, pending a definitive settlement, take steps to ensure that the common traits and traditions of the people be preserved. The Council noted with concern the absence, in one Trust Territory, of a written indigenous language, and expressed the hope that the Administering Authority would give particular attention to reducing the indigenous language to written form. 288/ At a later stage, it again referred 289/ to this matter as being one of great urgency, and subsequently, urged 290/ the Administering Authority to intensify its efforts. The Council learned from a visiting mission that in another of the Trust Territories a form of "pidgin" English was being widely used both in education at the lower levels and by all administrative officials in their contacts with the indigenous population. It recommended 291/ that energetic steps be taken to eradicate "pidgin" English from all instruction and that plans be developed promptly to eliminate it completely.

v. Adult and mass education

96. The Council has expressed interest in and had supported the extension of programmes of adult and mass education. For example, it commended 292/ one Administering Authority for various stages of progress made in the development of adult education. At an early stage of its work, the Council suggested 293/ to another Administering Authority that it pay particular attention to mass education for the

282/ G A (IX), Suppl. No. 4 (A/2680), p. 178.

283/ G A (V), Suppl. No. 4 (A/1306), p. 37.

284/ G A (IV), Suppl. No. 4 (A/933), p. 23.

285/ Ibid., p. 47.

286/ G A (V), Suppl. No. 4 (A/1306), p. 94.

287/ T C resolution 250 (VII).

288/ G A (VII), Suppl. No. 4 (A/2150), p. 138.

289/ G A (VIII), Suppl. No. 4 (A/2427), p. 61.

290/ G A (IX), Suppl. No. 4 (A/2680), p. 119.

291/ G A (VIII), Suppl. No. 4 (A/2427), p. 109.

292/ G A (V), Suppl. No. 4 (A/1306), p. 71; G A (VI), Suppl. No. 4 (A/1856), p. 177;
G A (VII), Suppl. No. 4 (A/2150), p. 214.

293/ G A (III), Suppl. No. 4 (A/603), p. 32.

eradication of illiteracy, and to the education of adults to prepare them for greater administrative and governmental responsibilities. It subsequently noted successful efforts to establish community development and mass education projects and expressed confidence that they would be extended to other parts of the Territory. 294/ The Council has also applauded 295/ the use of radio broadcasting in the educational field.

vi. The training of teachers

97. Among particular aspects of educational advancement to which the Trusteeship Council has devoted attention is the need for expanding the availability of trained teachers in the Territories, a question on which many recommendations have been made and, in many cases, reiterated. 296/ Particular emphasis has been placed on the training of indigenous persons as teachers, the Council having declared on one occasion that "sound educational programmes among large populations must depend upon the training of indigenous teachers". 297/ The greater availability of trained teachers has been regarded 298/ in one case as a means of ensuring that compulsory primary education as well as more extensive education in middle schools might become feasible as soon as possible. In another case, the Council noted 299/ that the need for trained teachers had become more acute because of a large increase in primary school enrolment that followed the introduction of free primary education.

vii. The responsibility of the Administering Authority for the provision of educational facilities

98. The extent to which, in many of the Trust Territories, schools at the elementary or primary level in particular are managed by religious missions and other voluntary agencies, with or without government financial assistance, has caused the Council to express, in various terms, views as to the relationship of the work of these agencies to the responsibility which, the Council has indicated, lies with the Administering Authority for educational progress. In the case of one Trust Territory, where all primary schools were run by religious missions, the Council expressed 300/ at the outset the opinion that the Administering Authority should assume responsibility for ensuring that adequate facilities for elementary education were made available and should make every effort to adopt and maintain standards of instruction applicable to all schools. It subsequently recommended 301/ that the Administering Authority consider establishing official secular schools, without prejudice to the help given to religious institutions. The Council subsequently observed that approximately 75 per cent of the children at school in the Territory were attending chapel schools or simple reading schools which were neither subsidized nor inspected by government officials, and it again recommended the establishment of secular official primary schools. 302/ In the following year, it urged 303/ the Administering Authority to exercise closer supervision

294/ G A (IX), Suppl. No. 4 (A/2680), p. 72.

295/ G A (V), Suppl. No. 4 (A/1306), p. 106.

296/ See, for example, G A (III), Suppl. No. 4 (A/603), p. 18; G A (IV), Suppl. No. 4 (A/933), p. 47; G A (V), Suppl. No. 4 (A/1306), pp. 94 and 106; G A (VI), Suppl. No. 4 (A/1856), pp. 53, 78, 97, 125 and 261; G A (VII), Suppl. No. 4 (A/2150), pp. 162-286; G A (IX), Suppl. No. 4 (A/2680), pp. 70, 118, 146 and 203; S/3066, p. 63; and S/3272, p. 65.

297/ G A (V), Suppl. No. 4 (A/1306), p. 125.

298/ G A (IV), Suppl. No. 4 (A/933), p. 58.

299/ G A (IX), Suppl. No. 4 (A/2680), p. 203.

300/ G A (III), Suppl. No. 4 (A/603), p. 10.

301/ G A (V), Suppl. No. 4 (A/1306), p. 26.

302/ G A (VI), Suppl. No. 4 (A/1856), p. 78.

303/ G A (VII), Suppl. No. 4 (A/2150), p. 104.

over the mission elementary schools and, where conditions justified it, to establish additional government schools.

99. In another case the Council, while noting with approval the work of voluntary agencies, which largely managed the schools, considered that further attention should be given to the desirability of establishing more government schools, especially in areas not then served by private institutions. 304/ In a further case, the Council expressed 305/ a continuing interest in the establishment of closer co-ordination between government and mission schools with regard to organization, staffing and curricula.

100. In the case of another Trust Territory where it found the management of schools largely left to religious missions and Native Authorities, the Council expressed the view that the Administering Authority itself had the primary responsibility of ensuring that adequate opportunities were available for all, and urged it to take more vigorous initiative for the expansion of education. 306/ Subsequently, it noted 307/ with satisfaction a plan to transfer the management of primary schools to new local government authorities about to be established. Similarly, another Administering Authority was commended 308/ for having assumed direct responsibility for education in the two Trust Territories under its administration. In another Territory, on the other hand, the Council suggested a larger role in education on the part of religious missions. The preponderant part played by the missions in the education of the indigenous inhabitants of this Territory led the Council initially to recommend 309/ that the Administering Authority should assume an increasing measure of responsibility and initiative in the future. It subsequently commended 310/ the Administering Authority for arrangements giving it supervisory control over the whole programme. Since then, the Council has suggested 311/ that the religious missions might be given greater financial and other assistance, subject to prescribed conditions, as a means of further assisting the educational advancement of the indigenous people.

viii. Other specific recommendations

101. The Council has seen a need for measures to increase the enrolment of and extend the school facilities for girls. 312/ Among a number of recommendations designed to extend opportunities for technical and vocational training, the Council has, in some cases, specified 313/ agricultural education as a suitable subject for development in view of the agricultural type of economy found in several of the Trust Territories.

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- 304/ G A (V), Suppl. No. 4 (A/1306), p. 37.
305/ G A (VI), Suppl. No. 4 (A/1856), p. 219.
306/ G A (V), Suppl. No. 4 (A/1306), p. 74.
307/ G A (VI), Suppl. No. 4 (A/1856), p. 176.
308/ G A (IV), Suppl. No. 4 (A/933), pp. 23 and 47.
309/ G A (III), Suppl. No. 4 (A/603), p. 18.
310/ G A (IV), Suppl. No. 4 (A/933), p. 66.
311/ G A (IX), Suppl. No. 4 (A/2680), p. 263.
312/ See, for example, G A (V), Suppl. No. 4 (A/1306), pp. 93 and 94; G A (VI), Suppl. No. 4 (A/1856), p. 78; G A (IX), Suppl. No. 4 (A/2680), p. 93.
313/ See, for example, G A (VII), Suppl. No. 4 (A/2150), p. 212; G A (IX), Suppl. No. 4 (A/2680), p. 224.

5. *Practice bearing upon the objective of development towards self-government or independence*

a. TERMS OF THE TRUSTEESHIP AGREEMENTS

102. With the exception of the Trusteeship Agreement for Somaliland, none of the Trusteeship Agreements specifically cites the words "self-government or independence" contained in Article 76 b. However, the other Trusteeship Agreements stipulate that the respective Administering Authorities shall take appropriate measures with a view to the political advancement of the inhabitants of the Territory concerned in accordance with Article 76 b which states that development towards self-government or independence shall be one of the basic objectives of the International Trusteeship System.

103. Article 3 of the Trusteeship Agreement for Somaliland specifies that this Trust Territory shall be independent at the end of ten years from the date of the approval of this Trusteeship Agreement by the General Assembly.

104. The efforts made at the early sessions of the General Assembly to also include a specified date for the attainment of self-government or independence by the various Trust Territories in the other Trusteeship Agreements are dealt with in this Repertory under Article 81.

b. RECOMMENDATIONS OF THE GENERAL ASSEMBLY AND THE TRUSTEESHIP COUNCIL

105. The attainment by the Trust Territories of self-government or independence which has been formally stated, under General Assembly resolutions, 314/ to be the ultimate objective of the Trusteeship System, has been considered to involve certain aspects of economic, social and educational progress, as well as the development of representative organs of government and other forms of political advancement. The inter-relationship of political, economic, social and educational activities directed towards attaining the objectives of Article 76 b has sometimes been directly stated; thus, for example, the General Assembly has expressed the opinion 315/ that the promotion of self-government "requires the creation of a system of universal education for the inhabitants without exception or discrimination". On other occasions, the Assembly has stated that the promotion of educational advancement of the inhabitants of the Trust Territories was "essential" for "their progressive development as early as possible towards self-government or independence" 316/ and for "the attainment of the objectives of the International Trusteeship System". 317/ There have been no similar general statements relating progress in economic or social fields to the attainment of self-government or independence, but a relationship between these factors has been recognized on occasion. In the case of Somaliland, the sole Trust Territory for which a date for the grant of independence has been prescribed, both the General Assembly and the Trusteeship Council have made recommendations 318/ for the implementation of development plans and for the improvement of the budgetary situation with specific reference to that date. In other cases, aspects of economic and social advancement have been regarded as interdependent or as being related to general advancement. Thus, the Trusteeship Council, in examining conditions in particular Territories, has related 319/ the expansion of sources of public revenue to the general development

314/ See, for example, G A resolutions 226 (III) and 752 (VIII).

315/ G A resolution 225 (III).

316/ G A resolution 437 (V).

317/ G A resolution 557 (VI).

318/ G A (IX), Suppl. No. 4 (A/2680), pp. 108 and 109; G A resolution 755 (VIII).

319/ G A (IX), Suppl. No. 4 (A/2680), p. 54.

of a Territory; it has also referred 320/ to the social, as well as the economic, progress to be derived from improving means of communication. The General Assembly has similarly stated 321/ the opinion that the equitable distribution and the proper utilization of land together constituted one of the essential conditions in ensuring, maintaining and promoting the economic and social advancement of the Trust Territories.

1. The time factor

106. Since approving the Trusteeship Agreements, the General Assembly has also taken actions which have constituted an endeavour to fix more precisely the time for the attainment by all of the Trust Territories of self-government or independence. 322/ By these actions, the Assembly has also suggested specific types of development, especially in the political field, related to progress towards self-government or independence. By a resolution 323/ adopted at its third session, the General Assembly, after stating the consideranda that the development of Trust Territories towards self-government or independence should be achieved at the earliest possible date and that the Territories should attain self-government or independence as soon as possible, recommended that the Administering Authorities take all measures to improve and promote the political, economic, social and educational advancement of the inhabitants, and take all possible steps to accelerate the progressive development of the Territories towards self-government or independence. At its sixth session, it took note of the fact that in the case of no Trust Territory other than that for which the General Assembly itself had laid down a fixed period under trusteeship, had the Administering Authority concerned submitted information as to the time and manner in which the Territory was expected to attain the objective. It also invited the Administering Authorities concerned to include in their annual reports specified information on these matters. 324/ At its eighth session, noting that the information requested had not been provided in any of the annual reports submitted up to that time, the General Assembly reaffirmed its earlier resolution, and at the same time requested the Trusteeship Council to report periodically on the subject. It also indicated certain main avenues of progress towards self-government or independence by requesting the Council to specify, in particular, measures taken in respect of consultations with the inhabitants, the development of organs of government and of universal adult suffrage and direct elections, the training and selection of indigenous persons for administrative responsibility, and the development of adequate public revenue. 325/

107. In pursuing this matter further at its ninth session, the General Assembly recommended to the Administering Authorities that, as a means of facilitating an approximate determination of the date on which the populations of the Trust Territories would be prepared for self-government or independence, they intensify their efforts to the utmost to bring about the establishment of new representative organs of government and administration with increasing participation by indigenous elements, or to develop on the same basis organs of that type already in existence; that they ensure that the nature and powers of these organs reflected the special status conferred on the Trust Territories by Chapter XII and by the Trusteeship Agreements; and that they hasten the attainment of the objectives set forth in Article 76. 326/

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- 320/ G A (VIII), Suppl. No. 4 (A/2427), p. 98; G A (IX), Suppl. No. 4 (A/2680), p. 133.
321/ G A resolution 438 (V).
322/ See in this Repertory under Article 81.
323/ G A resolution 226 (III).
324/ G A resolution 558 (VI).
325/ G A resolution 752 (VIII).
326/ G A resolution 858 (IX).

108. The General Assembly has further stressed the question by recommending to the Trusteeship Council that it direct visiting missions to report fully on the steps taken towards the realization of the objectives set forth in Article 76 b and in particular on the steps taken towards self-government or independence. 327/ The terms of reference given by the Council to each of its subsequent visiting missions has required the mission "to investigate and to report as fully as possible on the steps taken in the ... Trust Territories towards the realization of the objectives set forth in Article 76 b of the Charter". 328/ In connexion with its action on the question of the attainment of self-government or independence (see paragraph 84 above), the General Assembly, at its ninth session, also recommended 329/ that the Trusteeship Council instruct its visiting missions to give special attention to the question in the light of its resolutions on the subject.

ii. Administrative unions

109. Action taken by the General Assembly and Trusteeship Council in respect of administrative unions and other arrangements which affect a number of Trust Territories by associating their administration in varying degrees with that of territories not submitted to the International Trusteeship System has also been related directly to the question of the attainment of self-government or independence in the Trust Territories concerned. 330/ After the Trusteeship Council had made its first examination of the operation of the then existing arrangements, the General Assembly by resolution 331/ endorsed the observation of the Council that an administrative union must not have the effect of creating any conditions which would obstruct the separate development, as a distinct entity of the Trust Territory concerned. The Assembly subsequently by resolution 332/ affirmed the view that measures of customs, fiscal or administrative union must not in any way hamper the free evolution of each Trust Territory towards self-government or independence. By this latter resolution, the General Assembly set forth certain desiderata including that of establishing a separate judicial organization and a separate legislative body in each Trust Territory. The above-mentioned resolutions and a subsequent resolution 333/ led to further special examination of the question by both the Council and a committee of the General Assembly (the Committee on Administrative Unions). The Council decided 334/ to establish a procedure of regular examination of the administrative unions, in the light of four safeguards which it considered necessary to avoid the possibility of any administrative union operating in such a manner as to prejudice the attainment of the objectives of the Trusteeship System. These included the continued maintenance of the boundaries, separate status and identity of the Trust Territories and the annual expenditure on their administration, welfare and development of funds not less than the total amounts of public revenue derived from them.

110. Examples of action taken on the question of administrative unions in respect of particular Trust Territories involved are set forth below. In the case of one

327/ G A resolution 321 (IV).

328/ See, for example, T C resolution 999 (XIV).

329/ G A resolution 858 (IX).

330/ See also in this Repertory under Article 81, where the provisions made in the relevant Trusteeship Agreements for the establishment of such unions, or for the administration of certain Trust Territories as integral parts of the territories of the Administering Authorities concerned, are dealt with.

331/ G A resolution 224 (III).

332/ G A resolution 326 (IV).

333/ G A resolution 563 (VI).

334/ T C resolution 293 (VII).

Territory which shared with an adjoining Non-Self-Governing Territory a single legislative, executive, and administrative system, the Council stated 335/ that, while common customs, fiscal and administrative services might have advantages for the individual Territories, the complete integration of the political institutions of a Trust Territory and a Non-Self-Governing Territory, which was not subject to Trusteeship provisions might hinder the development of the Trust Territory as a separate entity. The Council subsequently reiterated 336/ that view. Concerning a Trust Territory which possessed its own legislative and executive systems, but which shared certain common services with two adjoining territories, the Council found that the instruments establishing the inter-territorial organization did not appear to be incompatible with the Charter and the Trusteeship Agreement, but was not fully convinced that some of the operations, notably a common industrial licensing system, functioned in the best interests of the economic development of the Trust Territory. 337/ In the case of two Trust Territories associated in a union of the metropolitan country of the Administering Authority and its overseas territories, the Council stated that the relationship appeared to be compatible with the provisions of the Charter and the Trusteeship Agreement, but that it did not feel competent to appraise the theories of constitutional law which might be involved and, on two occasions, it took note of a statement made on behalf of the Administering Authority that it was self-evident that the peoples concerned would, when the Trusteeship System came to an end, have the option to achieve their aspirations outside the union, if they so desired. 338/

111. In the case of two contiguous Trust Territories administered as integral parts of adjoining Non-Self-Governing Territories, having no organs of government of their own except on a local or quasi-regional basis, the Administering Authority of one Territory declared that the Non-Self-Governing Territory concerned would assume full responsibility for its own affairs, within a measurable period and that, at that time, the people of the Trust Territory would also have substantially achieved the objectives of the International Trusteeship System. The General Assembly thereupon decided 339/ that steps be taken to ascertain the wishes of these people as to their future, without prejudice to the eventual form of self-government or independence, including unification with the contiguous Trust Territory, which they might choose. The question of the consultation of the inhabitants of the Trust Territories has entered into the consideration of all administrative unions and similar arrangements, and is dealt with under paragraphs 115-126 below.

iii. Participation of indigenous inhabitants in the work of the Trusteeship Council

112. The General Assembly has expressed itself in favour of the participation of the indigenous inhabitants of the Trust Territories in the work of the Trusteeship Council on the basis of the consideration that this would promote their advancement towards self-government or independence. Under a resolution 340/ on the subject, it stated that it "is an effective measure of promoting the progress of the indigenous inhabitants ... towards a position of equality with Member States of the United Nations".

335/ G A (VII), Suppl. No. 12 (A/2151), para. 271.

336/ G A (IX), Suppl. No. 4 (A/2680), p. 246.

337/ G A (VII), Suppl. No. 12 (A/2151), para. 77; G A (IX), Suppl. No. 4 (A/2680), p. 47.

338/ G A (VII), Suppl. No. 12 (A/2151), para. 312; G A (IX), Suppl. No. 4 (A/2680), pp. 154 and 207.

339/ G A resolution 860 (IX).

340/ G A resolution 554 (VI).

iv. Appraisal by the Trusteeship Council of progress towards self-government

113. In the course of its regular procedure of detailed examination of conditions in the Trust Territories, the Trusteeship Council has in some cases formulated on its own account a general appraisal of the progress of individual Trust Territories towards the objective of self-government or independence. The earliest such occasion arose from the examination in 1947 of a petition from the leaders and other representatives of the population of a Trust Territory requesting the grant of self-government. The Council responded by dispatching a Special Visiting Mission to the Territory, and subsequently endorsed the Mission's recommendations that, in effect, a number of measures short of actual self-government should be taken. ^{341/} In the case of another Trust Territory, the Council recommended, also at an early stage in its work, the formulation of a general, long-range plan, to be based on "an appropriate constitutional foundation which would prescribe the main lines of development towards self-government or independence". ^{342/} In connexion with a third Trust Territory, the Council cited its small size, the wealth of its natural resources and the small number of its inhabitants as factors which should enable a much faster pace of development, which would include the model establishment of institutions based on the Charter and the Trusteeship Agreement, than might be possible in certain other Territories. ^{343/} In a number of other instances, the Council has expressed praise for general progress made in all fields covered by the objectives of the Trusteeship System. ^{344/} Visiting missions, operating under the terms of reference mentioned earlier, have also reported their judgement to the Council as to the stage reached by certain Trust Territories in terms of readiness for self-government or independence. ^{345/}

6. *Practice bearing upon the provision for consultations with the inhabitants*

a. TERMS OF THE TRUSTEESHIP AGREEMENTS

114. Only the Trusteeship Agreements for the Cameroons under French administration and Togoland under French administration specifically refer to the factor of the "freely expressed wishes of the peoples concerned", by providing that the Administering Authority shall, in due course, arrange appropriate consultations and enable the inhabitants freely to express an opinion on their political régime and ensure the attainment of the objectives prescribed in Article 76. Proposals, submitted to the General Assembly at the second part of its first session, to modify the texts of all the draft Trusteeship Agreements so that each would provide for consultations "under the direction of the Trusteeship Council", noted above, were opposed because the original text of the drafts was considered adequate. No objection to the principle in question was expressed, but States proposing Trusteeship Agreements were opposed to its explicit mention in the Agreements. ^{346/} All modifications embodying the provision for consultations were either withdrawn or rejected. ^{347/}

^{341/} T C resolution 13 (II); see also G A (III), Suppl. No. 4 (A/603), p. 33.

^{342/} *Ibid.*, p. 16.

^{343/} G A (IV), Suppl. No. 4 (A/933), p. 76.

^{344/} G A (VII), Suppl. No. 4 (A/2150), p. 73; G A (VIII), Suppl. 4 (A/2427), p. 64; G A (IX), Suppl. No. 4 (A/2680), p. 227.

^{345/} See, for example, T C (XI), Suppl. No. 3 (T/1032), paras. 137-150; T C (XII), Suppl. No. 5 (T/1079), para. 31.

^{346/} G A (I/2), 4th Com., part I, 22nd mtg., p. 137.

^{347/} G A (I/2), 4th Com., part II, 8th mtg., p. 56; 21st mtg., p. 160. *Ibid.*, part I, 23rd mtg., pp. 138 and 139.

b. RECOMMENDATIONS OF THE GENERAL ASSEMBLY AND THE TRUSTEESHIP COUNCIL

115. A number of examples of the practice bearing upon the provision in Article 76 b, that the Trust Territories shall be developed towards self-government or independence "as may be appropriate to the particular circumstances of each territory and its peoples and the freely expressed wishes of the peoples concerned" are set forth below.

116. As far as the general principle of consultation of the inhabitants in respect of measures taken towards the attainment of the objectives of Article 76 is concerned, the General Assembly has recorded its concern "to ensure that the political, economic, social and educational advancement of the inhabitants of the Trust Territories and their progressive development towards self-government or independence shall be attained in accordance with the freely expressed wishes of the peoples concerned". ^{348/} It has also taken the question of consultation into account in its actions relating to the determination of the manner and timing of the attainment by the Trust Territories of self-government or independence. In inviting the Administering Authorities to submit information on these matters, the Assembly, at its sixth session, included a request for information on the manner in which the particular circumstances of each Territory and its people and their freely expressed wishes were being taken into account in measures intended to lead the Territory to self-government or independence. ^{349/} In its subsequent action on this matter, the Assembly, at its ninth session, requested ^{350/} the Trusteeship Council, when reporting to it, to specify, among other particular measures, those taken in respect of "consultations with the inhabitants of each Trust Territory in regard to the measures taken or contemplated towards self-government".

117. Further endorsement of the principle of consultation has, in some cases, been explicit, and has, in others, been implicit in the emphasis placed by the General Assembly and Trusteeship Council, in dealing with particular aspects of development in the Trust Territories, on the desirability of increasing the part played by the inhabitants in the affairs of the Territories by such means as their wider participation in executive, legislative and local government bodies and the extension of the powers of these organs, and through the training of persons for higher responsibilities. In addition, the General Assembly, by its actions designed to associate the inhabitants of the Trust Territories more closely with the work of the Trusteeship Council, as well as with the Governments of the Territories, has directly related these actions to the question of consultation. ^{351/} For example, at its ninth session, the General Assembly expressed its concern that the objectives stated in Article 76 b should be attained in accordance with the freely expressed wishes of the peoples concerned, and stated the view that "it is essential to employ to their fullest extent the means which are already enumerated in the Charter to ensure that, as free public opinion evolves in each Trust Territory, it will be brought effectively to bear on the examination by the Council of conditions in that Territory". The means referred to were visiting missions and the right of petition. In this connexion the General Assembly made a series of recommendations to the Council, including, among others, (1) that it instruct its visiting missions to seek out public opinion on all important problems in the Trust Territories, to undertake popular consultations, and to encourage public discussion and expression of views on the annual reports of the Administering Authorities concerned, and (2) that the Council itself examine and propose concrete action upon petitions which might reflect public opinion on questions of general concern to the development of each Territory, and, by the immediate grant of oral hearings or the examination of written

^{348/} G A resolution 853 (IX).

^{349/} G A resolution 558 (VI).

^{350/} G A resolution 752 (VIII).

^{351/} G A resolutions 554 (VI), 653 (VII) and 853 (IX).

submissions, ensure, in cases which it deemed urgent, that a given situation in a Trust Territory met with the freely expressed wishes of the people. 352/

118. The use of the existing procedures of petition and visiting missions had previously led to special investigations by the Council of situations brought to its attention by persons recognized as representing a substantial body of public opinion in the Territory. Among examples are the dispatch of a Special Mission to one Trust Territory to investigate a petition from representative leaders of the population who had requested the grant of self-government. Similarly, two successive missions had been directed to investigate and submit special reports 353/ on the unification problem also mentioned earlier; the petitioners who had brought this matter before the United Nations in its original form had been recognized by the Council as representing the majority of the people of their tribe, 354/ and the General Assembly had subsequently acted in the belief that the unification of the two Trust Territories concerned was "the manifest aspiration of the majority of the population". 355/ It has been the procedure of visiting missions to hear such expressions of public opinion as were brought before them in the Trust Territories, and, to a greater or lesser degree, to assess the validity and representative nature of these expressions and take them into account in formulating conclusions or recommendations. Similarly, to the extent that certain petitions or communications received by the Trusteeship Council have constituted expressions of the wishes of the people on matters relevant to Article 76, the Council has devised a procedure requiring these expressions to be taken into account in its examination of conditions in the Territories.

119. Administering Authorities in some Trust Territories have initiated 356/ various forms of popular consultation on questions of constitutional reform and other measures relevant to the development of self-government or independence. In one particularly important case, for example, popular consultation was undertaken directly by an Administering Authority as a means of determining the final steps to self-government. Most of the other examples, involving earlier stages of political advancement, are, similarly, those of Administering Authorities exercising this initiative and undertaking the consultations by their own means. In a second important case, however, looking to the final achievement of self-government, the Administering Authority invited the United Nations itself to undertake popular consultations, and in doing so referred explicitly to Article 76 b.

120. In the first case mentioned above, the Administering Authority decided that a constitutional convention, representative of all sections of the community of the Trust Territory concerned should be held in 1954 to consider a constitutional plan for the future State of Western Samoa. In addition to provisions suggested for consideration by the Administering Authority, the convention was free to consider any other proposals and the Administering Authority stated that recommendations adopted by the convention would be given careful consideration. The Administering Authority indicated its views as to the part to be played by the United Nations in this process by stating 357/ that it would fulfil its duty of keeping the Trusteeship Council informed, and that it would give due consideration to views and advice of the Council. The principal action taken in the matter to date by the United Nations has consisted, in the case of the Trusteeship Council, of the following: (1) a commendation of the Administering Authority's statement of policy, and especially of the decision to submit the future

352/ G A resolution 853 (IX).

353/ T C (VII), Suppl. No. 2 (T/798); T C (XI), Suppl. No. 2 (T/1105).

354/ T C resolution 14 (II).

355/ G A resolution 652 (VII).

356/ See, in particular, G A (IX), Suppl. No. 4 (A/2680), part III.

357/ G A (VIII), Suppl. No. 4 (A/2427), pp. 68 and 69.

status of the Trust Territory in the first instance to decisions of its people; (2) an expression of satisfaction that the proposals were intended to prepare a programme for the establishment of full self-government; and (3) an endorsement 358/ of the conclusions of a visiting mission concerning some aspects of the constitutional proposals submitted for discussion. The General Assembly, for its part, has related the action of the Administering Authority in question to its resolutions on the question of the attainment by the Trust Territories in general of the objective of self-government or independence, and within that context, it has commended 359/ to the Administering Authorities of the other Trust Territories the example provided in this case of the inhabitants themselves being invited to formulate proposals for the establishment of a self-governing State.

121. In the second case in which popular consultation on questions of development of self-government or independence has been employed, the United Nations was invited by the Administering Authority, in explicit pursuance of Article 76 b, to undertake consultations leading to a determination of the future status of the Trust Territory concerned. It was proposed to grant full self-government in the measurable future to the Territory in question, Togoland under British administration, which was administered as an integral part of the Gold Coast, a Non-Self-Governing Territory. The Administering Authority had proposed that the United Nations take steps to ascertain, in pursuance of Article 76 b, the views of the inhabitants on the future status of the Trust Territory, if necessary by means of a plebiscite. 360/ The General Assembly, similarly basing itself on that Article, decided 361/ that "steps should be taken, in the light of the particular circumstances of the Trust Territory, to ascertain the wishes of the inhabitants as to their future", and requested the Trusteeship Council to consider what arrangements should accordingly be made.

122. Other actions taken by the General Assembly and the Trusteeship Council, whether on specific instances of consultation or on the general principle involved, indicate that both organs have favoured measures of popular consultation at all practicable stages, and not only at the ultimate one, in the evolution of the Trust Territories towards self-government or independence. Thus, in the case of a less advanced Territory, the Trusteeship Council noted with approval the establishment by the Administering Authority of a constitutional development committee, and recommended that the measures of consultation "should be so carried out as to obtain the views of African political associations, tribal councils, trade unions and other representative groups in order that firm foundations for future political progress may be built upon the common desires and understanding of all the inhabitants of the Territory". 362/ Efforts by both the Trusteeship Council and the General Assembly aimed at the solution of a problem arising from demands involving the possible unification of two contiguous Trust Territories at present under different administrations have placed particular emphasis on the development of machinery through which the wishes of the inhabitants themselves might be fully determined. 363/

123. The question of the consultation of the inhabitants has also been raised in connexion with the subject of administrative and other unions involving Trust Territories. By one of its resolutions recommending the investigation by the Trusteeship Council of these arrangements, the General Assembly placed particular

358/ Ibid., pp. 69 and 70; G A (IX), Suppl. No. 4 (A/2680), p. 229.

359/ G A resolution 752 (VIII).

360/ T/1130 and G A (IX), Annexes, a.i. 35 and 52, p. 1, A/2660.

361/ G A resolution 860 (IX).

362/ G A (V), Suppl. No. 4 (A/1306), p. 11.

363/ See, in particular, T C resolutions 250 (VII), 345 (IX) and 643 (XI); and G A resolutions 555 (VI), 652 (VII) and 750 (VIII).

emphasis on the "desirability of taking into account, before any administrative, customs or fiscal union is established or extended in its nature or scope, the freely expressed wishes of the inhabitants of the Trust Territories concerned". ^{364/} Examples of action taken by the Council in this respect are set forth below.

124. In the case of one Territory, the Council expressed the hope ^{365/} that the Administering Authority would take all possible steps to inform the people of the operations and implications of the union in question and would consult with them before any review of the present arrangements was undertaken, it also noted ^{366/} an assurance on behalf of the Administering Authority that the fullest consideration would be given to the wishes of the people in the matter of the extension of existing arrangements, as in other matters. Two years later the Council, having been informed that any review of the arrangements would be preceded by full consultation with the territorial legislature, reiterated ^{367/} its expression of hope for consultations with the people.

125. In another case, the Council took note ^{368/} of a statement made on behalf of the Administering Authority that the people of the Trust Territory were satisfied with an existing administrative union and wished it to be continued. In a further case, the Council noted ^{369/} a statement that there was no substantial opposition to the existing arrangements.

126. The investigations of the Council were also extended to two Trust Territories, the Cameroons under French administration and Togoland under French administration, which formed part of the French Union, embracing the metropolitan country and its overseas possessions. The Trusteeship Agreements for the Territories in question provide that the Administering Authority shall take measures in due course to arrange appropriate consultations to enable the inhabitants freely to express an opinion on their political régime and ensure the attainment of the objectives prescribed in Article 76. With regard to the question of the consultation of the wishes of the inhabitants, the Trusteeship Council took note of statements by the Administering Authority that the peoples concerned would, when the Trusteeship System came to an end, be free to achieve their aspirations outside the French Union if they so desired (see paragraph 110 above).

C. Article 76 c

1. *Terms of the Trusteeship Agreements*

127. Most of the Trusteeship Agreements contain, in addition to a general article stating that the Administering Authorities agree to administer the Trust Territories in such a manner as to achieve the objectives of the International Trusteeship System laid down in Article 76, separate articles which relate specifically to Article 76 c under which the Administering Authorities agree to guarantee to the inhabitants of the Trust Territory freedom of conscience, and, subject only to the requirements of public order and security, freedom of speech, of the press, and of assembly, as well as freedom of worship, and of religious teaching, of migration and of movement.

^{364/} G A resolution 326 (IV).

^{365/} G A (VII), Suppl. No. 12 (A/2151), para. 37.

^{366/} *Ibid.*, para. 76.

^{367/} G A (IX), Suppl. No. 4, (A/2680), p. 46.

^{368/} G A (VII), Suppl. No. 12, (A/2151), para. 112.

^{369/} *Ibid.*, para. 270.

2. Recommendations of the General Assembly and the Trusteeship Council

128. Some of the questions already dealt with in the section relating to Article 76 b (see paragraphs 59-80 above) also relate to the implementation of Article 76 c. In particular, it may be noted that the General Assembly based itself on the provisions of Article 76 c in adopting a resolution 370/ by which it expressed its satisfaction at the recommendation of the Trusteeship Council concerning the prohibition of such uncivilized practices as child marriage, and by which it recommended the abolition of corporal punishment, and the adoption of measures to solve such problems as migrant labour and penal labour sanctions. The Trusteeship Council also expressed the view 371/ that corporal punishment was inconsistent with the letter and spirit of the Charter and the Universal Declaration of Human Rights.

129. Similarly, the General Assembly recommended 372/ the abolition of discriminatory laws and practices contrary to the Principles of the Charter and the Trusteeship Agreements in all Trust Territories in which such laws and practices still existed, and it further recommended that the Trusteeship Council examine all laws, statutes and ordinances, as well as their application, and make positive recommendations to the Administering Authorities concerned. Acting upon this recommendation, the Council urged 373/ all the Administering Authorities to take the necessary measures to ensure that no such laws or practices existed in any Trust Territory, and called upon those concerned to include in their next annual reports all data needed to enable the Council to make any further positive recommendations which it might deem necessary.

130. Examples of actions taken in respect of particular Trust Territories are set forth below. In the case of a Territory which contained, in addition to a large indigenous population, settled European and Asian communities, the Council took an early opportunity to draw attention to the importance of ensuring that there be no discrimination against the indigenous inhabitants, particularly in such matters as employment, wages and salary payments, the enactment and enforcement of labour legislation, and the provision of hospital facilities and medical services. 374/ At a subsequent session, the Council urged 375/ the Administering Authority concerned, to further intensify its efforts, by appropriate legislation or other measures, to eliminate racial discrimination.

131. The Council recommended 376/ to another Administering Authority that it review all legislation involving racial discrimination, particularly the laws on residence, land tenure, alcoholic beverages, firearms and the penitentiary system. It reiterated this recommendation at a subsequent session, at which it also noted that the immigration law of the Territory concerned prohibited the admission as immigrants of persons who were unable to read and write a European language, and recommended that the Administering Authority study the possibility of substituting a measure free from any discriminatory character. 377/ The Council subsequently noted with satisfaction that the Administering Authority had eliminated from the legislation on firearms any aspect

370/ G A resolution 323 (IV).

371/ G A (V), Suppl. No. 4 (A/1306), pp. 25 and 26; also G A (IV), Suppl. No. 4 (A/933), pp. 5 and 36.

372/ G A resolution 323 (IV).

373/ T C resolution 127 (VI).

374/ G A (III), Suppl. No. 4 (A/603), p. 32.

375/ T C resolution 50 (IV).

376/ T C resolution 49 (IV).

377/ G A (V), Suppl. No. 4 (A/1306), p. 25.

of racial discrimination and that a revision of the penitentiary and alcoholic beverages legislation was being considered; it reiterated its previous recommendation, with a particular reference to the questions of residence and immigration. 378/ Later, recalling these recommendations, the Council noted that regulations were in force which by means of a system of transfer passports and a curfew, limited the movement of persons, and, while taking note of an explanation to the effect that these measures were designed particularly as a precaution against theft and other offences, it recommended the possible adoption of alternative measures which would not give an impression of racial discrimination. 379/ Expressing disappointment at a subsequent session that the Administering Authority had not been able to remove the restrictions on personal liberty, the Council again recommended that it should do so. 380/

132. In another case, in connexion with its first examination of conditions in a Trust Territory, the Council noted with special interest an assurance of the Administering Authority that all vestiges of racial discrimination had been eliminated, and expressed the hope that future reports would give an account of the effective implementation of that policy. 381/ At a subsequent session, noting petitions which complained of various forms of racial discrimination in the Territory, the Council commended the Administering Authority for having taken positive measures towards the elimination of discriminatory practices by individuals, and urged it to continue its efforts to eliminate all forms of racial discrimination. 382/

133. In the case of one Trust Territory, the Council found that certain ordinances in force, especially those relating to the movement and to the employment of non-European persons, contained discriminatory provisions. It requested 383/ a review of existing legislation in order to remove all discriminatory provisions as inconsistent with the Charter and the Trusteeship Agreement. Subsequently, the Council noted that the Administering Authority had directed a legal officer to undertake this review, and requested that it be informed of the progress of this review in the following year. At the same time, it requested that certain regulations which it had found to provide for double censorship of films, one for films to be shown to Europeans and another for films to be shown to the indigenous inhabitants, be included in the review. 384/ In the following year, it requested 385/ the Administering Authority to continue its review of the situation. At a later session, it requested that further consideration be given to the modification of the ordinances relating to the movement of non-European persons with a view to removing the restrictions on such movement. 386/ Subsequently, the Council, after taking note of a statement by the Administering Authority that the restrictions on movement were desired by the indigenous inhabitants, recommended that the Administering Authority continue to interpret the ordinance liberally, with a view to abrogating it at a reasonable time. 387/

134. In the case of another Trust Territory, the Council requested the Administering Authority to review all legislation and administrative practices with a view to the abolition of any provisions, especially in the laws on arrest, curfew and immigration, which might involve discrimination, this being contrary to the Charter or to the

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- 378/ G A (VI), Suppl. No. 4 (A/1856), p. 71.
 - 379/ G A (VII), Suppl. No. 4 (A/2150), p. 95.
 - 380/ G A (IX), Suppl. No. 4 (A/2680), p. 88.
 - 381/ G A (IV), Suppl. No. 4 (A/933), p. 22.
 - 382/ G A (V), Suppl. No. 4 (A/1306), p. 53.
 - 383/ G A (IV), Suppl. No. 4 (A/933), p. 77.
 - 384/ G A (V), Suppl. No. 4 (A/1306), p. 138.
 - 385/ G A (VI), Suppl. No. 4 (A/1856), p. 231.
 - 386/ G A (VII), Suppl. No. 4 (A/2150), p. 263.
 - 387/ G A (IX), Suppl. No. 4 (A/2680), p. 275.

Trusteeship Agreement. 388/ Taking up the immigration question in the same Trust Territory at a later session, the Council drew attention to a provision prohibiting entry of any person who failed to pass a dictation test in any language, and recommended that the Administering Authority consider the possibility of removing this provision. 389/ At a subsequent session, the Council urged 390/ the Administering Authority to complete its review of the laws on arrest and curfew. Later, the Council noted new legislation under which restrictions on the movement of indigenous persons were to be applied only in declared towns, but recommended that such restrictions affecting freedom of movement be completely abolished as soon as possible. 391/

135. In considering conditions of employment in Trust Territories of mixed population, the Council has, in some cases, deemed it appropriate to recommend equality of treatment. Thus, it recommended 392/ to one Administering Authority that it review existing wage disparities between indigenous, Chinese and European workers to the end that wages might be based on the principle of equal pay for equal work. It subsequently recommended 393/ that steps be taken to increase the wages of non-Europeans. In the case of another Territory, the Council recommended that, in establishing rates of wages for indigenous and non-indigenous workers, the Administering Authority be guided at all times by the principle of equal pay for equal work, 394/ and permit no differentiation except on the basis of skill. 395/ In the case of a Territory where persons of three different racial groups were employed in the civil service, the Council recommended 396/ the institution of a uniform scale of basic salaries regardless of country of origin, to be supplemented, where applicable, by expatriation allowances and efficiency differentials.

136. As an example of another form of differentiation in treatment to which attention has been drawn, the Council noted that in the case of one Territory a distinction was made in prison diet and other matters between European and indigenous prisoners. It recommended that the Administering Authority study the situation with a view to establishing prison conditions no less favourable to the indigenous prisoners than to the Europeans. 397/

137. Instances of action with regard to differences in educational facilities are set forth below. The General Assembly, at its fourth session, made a formal declaration 398/ that discrimination on racial grounds as regards educational facilities available to the different communities in the Trust Territories was not in accordance with the Principles of the Charter, the Trusteeship Agreements, and the Universal Declaration of Human Rights. In cases in which the Council has commented upon the existence of different educational facilities, it has not, however, referred to them categorically as examples of racial discrimination. In the case of a Territory where separate facilities existed for European, Asian and African children, the Council stated that the segregation of the children in different schools might "perpetuate feelings of racial discrimination and superiority". 399/ It expressed concern at an early date at the disparity in

388/ G A (IV), Suppl. No. 4 (A/933), p. 65.

389/ G A (V), Suppl. No. 4 (A/1306), p. 125.

390/ G A (VI), Suppl. No. 4 (A/1856), p. 255.

391/ G A (IX), Suppl. No. 4 (A/2680), p. 258.

392/ G A (IV), Suppl. No. 4 (A/933), p. 77.

393/ G A (V), Suppl. No. 4 (A/1306), p. 138.

394/ G A (III), Suppl. No. 4 (A/603), p. 18.

395/ G A (IV), Suppl. No. 4 (A/933), p. 66.

396/ G A (VII), Suppl. No. 4 (A/2150), p. 36; G A (IX), Suppl. No. 4 (A/2680), p. 45.

397/ G A (IV), Suppl. No. 4 (A/933), p. 23.

398/ G A resolution 324 (IV).

399/ G A (V), Suppl. No. 4 (A/1306), p. 13.

expenditure on, and facilities for, the separate groups, 400/ and subsequently proposed that the possibility be considered of establishing in urban centres a system of inter-racial primary and secondary education whenever teaching was given in a common language. 401/ In the case of another Territory, the Council drew attention to the fact that, although some facilities for general secondary education were available in the Territory for Asian students and in the country of the Administering Authority for the children of Europeans, no such facilities were provided for indigenous students. 402/

138. The generally inferior status of women in the Trust Territories has been called to the attention of the Administering Authorities on several occasions by the Council which has also attached importance to measures to improve the education of girls. Examples of other action by the Council in this matter are set forth below. In the case of one Territory the Council noted that the status of women was inferior to that of men, and expressed the hope that a continuous campaign of education would enable their status to be raised. 403/ It urged 404/ the Administering Authority of another Territory to continue to take all possible steps, particularly in the educational field, to improve the comparatively backward status of women. Subsequently, it suggested 405/ the appointment of additional social workers as one means of achieving further progress in this matter. Activities such as the establishment of domestic science centres, special health work among women, and the appointment of women education officers were supported by the Council in another case. 406/ It welcomed 407/ the adoption, in respect of another Territory, of a decree governing monogamous marriage and giving girls who had reached their majority the right to marry despite the opposition of their parents. In another case, it noted 408/ with approval that new electoral legislation had given women equality with men as far as the right of suffrage was concerned. The Council commended another Administering Authority on its efforts towards the elimination of differences between the rights of men and those of women, and recommended that it continue to take all measures to ensure that the women should have ample opportunities to participate in political life. 409/ It noted with satisfaction 410/ the election of two women to a district congress in another Trust Territory. In the case of a Trust Territory to become independent by 1960, the Council expressed the hope that adult suffrage might be granted to women at an early date, and called upon the people to collaborate with the Administering Authority to that end. 411/

139. The extension of education, the creation of representative organs, the growth of modern political activity, and other forms of development in some of the Trust Territories have given increasing practical importance to the question of the exercise of human rights and fundamental freedoms and, in a number of cases, have impelled the Council to take action designed to ensure that such rights as those of assembly, speech, suffrage and personal status were freely and equally enjoyed. Examples of such action are set forth below.

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- 400/ G A (III), Suppl. No. 4 (A/603), p. 32.
401/ G A (V), Suppl. No. 4 (A/1306), p. 13.
402/ G A (VIII), Suppl. No. 4 (A/2427), p. 108.
403/ G A (V), Suppl. No. 4 (A/1306), p. 93.
404/ G A (VI), Suppl. No. 4 (A/1856), p. 44.
405/ G A (IX), Suppl. No. 4 (A/2680), p. 62.
406/ G A (VII), Suppl. No. 4 (A/2150), p. 156.
407/ Ibid., p. 182.
408/ Ibid., p. 207.
409/ G A (V), Suppl. No. 4 (A/1306), p. 106.
410/ S/1628, p. 24.
411/ G A (IX), Suppl. No. 4 (A/2680), p. 116.

140. In the case of a Trust Territory where the existence of a relatively large degree of political activity was reported to the Council by a visiting mission and was also reflected in petitions received, some of which complained of persecution or discrimination, the Council expressed the hope that the political party leaders would increasingly emphasize the constructive aspect of their role, and at the same time urged the Administering Authority to put into effect as soon as possible a new law regulating political party activities to replace legislation enacted during a previous military administration. ^{412/} The Council subsequently took formal note ^{413/} of repeated assurances by the Administering Authority as to its determination to maintain the free activity of political groups. In regard to another Territory, where political activity had increased, the examination of certain petitions, which included an allegation of the persecution of the leaders of one party, led the Council to express the hope ^{414/} that the Administering Authority would continue to accord all political movements adequate opportunity, subject only to the requirements of public order and security, to advance their political views.

141. The General Assembly and the Trusteeship Council have also, from time to time, taken action on complaints which have arisen periodically in connexion with a question of unification affecting two adjoining Trust Territories, to the effect that one of the Administering Authorities concerned had by various means sought to repress or hamper legitimate political activity. Under its initial resolution on the question, the Council referred to a congress which had been forbidden, and recorded an assurance given to it on behalf of the Administering Authority that it was its policy to grant full freedom of assembly to the people of the Trust Territory concerned and that tribal meetings and meetings of various sections of the population involved would not and could not be forbidden or repressed. ^{415/} Two years later, the General Assembly noted complaints by one political party, as well as of contrary statements by another, of electoral interference by the Administering Authority concerned, and recommended a prompt investigation by that authority. ^{416/} A report ^{417/} on the investigation defending the conduct of the elections was received subsequently by the Council, which, however, expressed no judgement upon it. In dealing with some of the subsequent petitions from the political parties which claimed discriminatory action against them by the Administering Authority, the Council suggested that the Authority take appropriate measures to ensure that the territorial police detailed to maintain law and order did not overstep their authority, and expressed the hope that persons returning after having presented oral petitions to the United Nations would have adequate opportunity, compatible with the maintenance of public order, to report to their supporters. ^{418/} When it examined some further petitions of this kind, the Council suggested ^{419/} that the political parties might consider holding their meetings outside the town, where freedom of assembly might be more easily guaranteed by the Administering Authority, and it expressed the hope that the use of police at public meetings might be reduced to a minimum and that incidents of the kind described in the petitions would be less frequent in the future. On another occasion, the General Assembly, having heard representatives of the political parties, also recommended ^{420/} that all necessary measures be taken to ensure freedom of speech, movement and assembly throughout the two Territories concerned in the question of unification. Informed later that there had been some lessening of

^{412/} G A (VII), Suppl. No. 4 (A/2150), p. 113.

^{413/} G A (VIII), Suppl. No. 4 (A/2427), p. 46.

^{414/} T C resolution 977 (XIII).

^{415/} T C resolution 14 (II).

^{416/} G A resolution 441 (V).

^{417/} T/846.

^{418/} T C resolution 802 (XII).

^{419/} T C resolution 1073 (XIV).

^{420/} G A resolution 750 (VIII).

political tension, the Council also urged the political parties to conduct their activities with a sense of high responsibility, and expressed the hope that the Administering Authority would be vigilant in preserving the greatest freedom of expression and assembly which was compatible with the maintenance of public law and order. ^{421/} In the case of another Trust Territory, the Council, considering the formation by African trade union leaders of a "national" political Federation to be a political development of importance, expressed the hope that it and similar organizations would be given every encouragement to play a constructive role in the political life of the Territory. ^{422/}

142. In the case of certain Territories of mixed population, the Council has taken action to favour the earliest possible establishment of political rights based on individual equality. In one such Territory, where the racial groups were separately represented in organs of government, the Council on two occasions affirmed ^{423/} the desirability of eventually basing these institutions on a common electoral roll. In the case of two Trust Territories where electors had been classified into two separate groups -- citizens and non-citizens of the country of the Administering Authority -- the Council recommended ^{424/} that this dual system be superseded by a single electoral college. In the following year, it expressed the hope ^{425/} in connexion with one case that this merger would be accomplished as soon as practicable; in connexion with the other case, it was able to commend ^{426/} the Administering Authority for establishing a single system. In connexion with the former case, the Council, at a subsequent session, again urged ^{427/} the Administering Authority to introduce the single system.

143. In various cases the Council has also proposed the establishment of a common status of citizenship. Thus, in one instance, the Council suggested ^{428/} that an Administering Authority consider the establishment of a status of citizenship applying to all persons, of whatever origin or nationality, genuinely domiciled in the Territory. It subsequently welcomed ^{429/} the fact that the question had been under study by the Administering Authority. The Council took note of a differentiation in another Territory in status and legal and social rights between indigenous inhabitants and Europeans, and mentioned the possible undesirable tensions which might arise from it; it recommended that the Administering Authority intensify efforts to solve this problem. ^{430/} Subsequently, the Council welcomed ^{431/} a constitutional plan which included a proposal to establish a common citizenship for all the inhabitants.

144. Examples of other actions taken by the Council in the field of human rights and fundamental freedoms are set forth below. In two cases, it noted that newspaper ordinances in force empowered the authorities to require any person wishing to establish a newspaper to execute a bond; it trusted that the Administering Authority in

^{421/} G A (IX), Suppl. No. 4 (A/2680), p. 208.

^{422/} G A (VI), Suppl. No. 4 (A/1856), p. 106.

^{423/} G A (VII), Suppl. No. 4 (A/2150), p. 32; G A (IX), Suppl. No. 4 (A/2680), p. 43.

^{424/} G A (VI), Suppl. No. 4 (A/1856), pp. 133 and 183.

^{425/} G A (VII), Suppl. No. 4 (A/2150), p. 169.

^{426/} Ibid., p. 221.

^{427/} G A (IX), Suppl. No. 4 (A/2680), p. 153.

^{428/} G A (VII), Suppl. No. 4 (A/2150), p. 30.

^{429/} G A (IX), Suppl. No. 4 (A/2680), p. 42.

^{430/} G A (V), Suppl. No. 4 (A/1306), p. 105; G A (VI), Suppl. No. 4 (A/1856), p. 208.

^{431/} G A (VIII), Suppl. No. 4 (A/2427), pp. 69 and 70.

each case would constantly bear in mind the necessity for ensuring that this provision did not operate as a restraint upon the freedom of the press, and also the desirability of modifying it as soon as might be practicable. ^{432/} The Council expressed concern at the impression gained by a visiting mission in one Territory that the right of petition was not fully understood or effectively exercised there, and urged the Administering Authority to take appropriate steps to ensure that the place of petitions in the International Trusteeship System was fully understood. ^{433/} In another case, the Council took note of petitions complaining that forced labour still existed in a Trust Territory. Noting assurances of the Administering Authority that such practices were not condoned by it, the Council suggested that the administrative officers concerned guard against any practices which might be construed by the people as meaning that forced labour had not been eradicated. ^{434/} The Council expressed concern, in the case of another Territory, at the length of time which had in some cases elapsed between the arrest and trial of accused persons, and hoped that every effort would be made to improve this situation. ^{435/}

D. Article 76 d

1. Terms of the Trusteeship Agreements

145. Eight of the Trusteeship Agreements contain specific ^{436/} statements of the obligations incumbent upon the Administering Authorities to implement Article 76 d. In addition to using language very similar to that of the Article itself, these Trusteeship Agreements also elaborate certain detailed measures for its implementation. Thus, for example, article 9 of the Trusteeship Agreement for Tanganyika reads as follows:

"Subject to the provisions of article 10 of this Agreement, the Administering Authority shall take all necessary steps to ensure equal treatment in social, economic, industrial and commercial matters for all Members of the United Nations and their nationals and to this end:

"(a) Shall ensure the same rights to all nationals of Members of the United Nations as to his own nationals in respect of entry into and residence in Tanganyika, freedom of transit and navigation, including freedom of transit and navigation by air, acquisition of property both movable and immovable, the protection of person and property, and the exercise of professions and trades;

"(b) Shall not discriminate on grounds of nationality against nationals of any Member of the United Nations in matters relating to the grant of concessions for the development of the natural resources of Tanganyika and shall not grant concessions having the character of a general monopoly;

"(c) Shall ensure equal treatment in the administration of justice to the nationals of all Members of the United Nations.

^{432/} G A (V), Suppl. No. 4 (A/1306), pp. 12 and 37.

^{433/} G A (VII), Suppl. No. 4 (A/2150), p. 81.

^{434/} G A (V), Suppl. No. 4 (A/1306), p. 53.

^{435/} G A (VII), Suppl. No. 4 (A/2150), p. 118.

^{436/} Articles 9, 10 and 11 of the Trusteeship Agreements for Ruanda-Urundi, Tanganyika, Togoland under British administration and the Cameroons under British administration; articles 8 and 9 of the Trusteeship Agreements for Togoland under French administration and for the Cameroons under French administration; articles 15, 16 and 17 of the Trusteeship Agreement for Somaliland under Italian administration and Article 8 of the Trusteeship Agreement for the Pacific Islands.

"The rights conferred by this article on nationals of Members of the United Nations apply equally to companies and associations controlled by such nationals and organized in accordance with the law of any Member of the United Nations."

146. Three of the Trusteeship Agreements, 437/ however, do not specifically refer to Article 76 d but only to Article 76 as a whole. Thus, article 3 of the Trusteeship Agreement for New Guinea reads as follows:

"The Administering Authority undertakes to administer the Territory in accordance with the provisions of the Charter and in such a manner as to achieve, in the Territory, the basic objectives of the International Trusteeship System, which are set forth in Article 76 of the Charter."

147. In the course of the consideration of the draft Trusteeship Agreements by a sub-committee of the Fourth Committee at the second part of the first session of the General Assembly, proposals were made to insert in the draft Agreement for Western Samoa an article which provided for equal treatment for nationals of all Members of the United Nations in Trust Territories, subject only to the requirements of public order and on condition of compliance with the local law.

148. The representative of New Zealand, in commenting on these proposals, stated 438/ that his Government was not concerned with the rights of outside interests, including those of New Zealand, in the Territory, but rather with the welfare of the inhabitants. He considered that New Zealand was included among the "Members of the United Nations" referred to in Article 76 d, and thus could enjoy no preferential advantage.

149. Similar proposals, including one for the addition of the words "without prejudice to the attainment of the objectives of Article 76", were made in connexion with the draft Trusteeship Agreement for New Guinea. The representative of Australia stated 439/ his belief that that modification was unnecessary, since it was merely an elaboration of Article 76, to which Australia subscribed.

150. During the subsequent consideration of the draft Agreements in the Fourth Committee, these amendments to the draft Agreement for New Guinea were again submitted. With regard to the first amendment, which would include provisions similar to articles 9 and 9 (a) of the draft Agreement for Tanganyika, the representative of Australia stated that the interests of the inhabitants were paramount, and the equality of treatment assured under Article 76 imposed upon the Administering Authority the advancement of the inhabitants. His Government felt it unnecessary to repeat obligations included in the provisions of the Charter. The amendment was rejected 440/ by the Committee.

151. In support of the second amendment, under which a new article concerning equality of treatment in economic and commercial matters would have been included in the draft Agreement, it was pointed out that, although the policy of Australia was not discriminatory towards non-Europeans in Australia, its laws prohibited the immigration of Asian peoples, and since it had refused to delete the provision that New Guinea was to be administered "as an integral part" of Australia, there was a possibility that the

437/ Article 3 of the Trusteeship Agreements for Nauru and New Guinea; article 4 of the Trusteeship Agreement for Western Samoa. This latter article also quotes verbatim the whole of Article 76 of the Charter.

438/ G A (I/2), 4th Com., part II, 12th mtg., p. 91.

439/ *Ibid.*, 23rd mtg., p. 171.

440/ G A (I/2), 4th Com., part I, 24th mtg., pp. 150 and 151.

Australian discriminatory law would apply to the Territory of New Guinea. In reply, the representative of Australia stated: (1) that the laws of Australia were not automatically those of New Guinea; (2) that his Government accepted in their entirety the provisions of the Charter regarding equality of treatment; (3) that these would be applied with due account being taken of the fact that the interests of the inhabitants were paramount; and (4) that it was completely impossible to undertake, at this stage, the consideration of the suggested provisions. The amendment was rejected 441/ by the Committee.

152. The Trusteeship Agreement for the Pacific Islands, designated as a strategic area under Article 83, differs from other Trusteeship Agreements in that its article 8 (1) accords to nationals of each Member of the United Nations and to companies and associations organized in conformity with the laws of such Member, treatment in the Trust Territory no less favourable than that accorded therein to nationals, companies and associations of any other State a Member of the United Nations, except the Administering Authority.

153. During the discussion of the draft Agreement by the Security Council 442/ the deletion of the phrase "except the Administering Authority" was proposed, and it was suggested that the establishment of a privileged position for the United States was not in accord with the terms of Articles 83 (2) and 76 d. In reply, the representative of the United States stated that the exception was for security reasons alone, and that there was no intention here or elsewhere of taking economic advantages to the detriment of the welfare of the inhabitants. He stated further that the text submitted by the United States was justified in view of the qualification contained in Article 76 d which made the application of the principle of non-discrimination subject to the objective of furthering "international peace and security", and that Article 83 (2) provided for the application of the objectives of the Trusteeship System only to the "people of each strategic area" and did not refer to other interests. The proposed amendment to the text of the draft Agreement submitted by the United States was rejected. 443/

a. THE QUESTION OF SAFEGUARDING THE ATTAINMENT OF THE OBJECTIVES GIVEN IN
SUB-PARAGRAPHS A, B AND C OF ARTICLE 76

154. Article 76 d stipulates that, in ensuring equal treatment in social, economic and commercial matters and in the administration of justice for all Members of the United Nations and their nationals, the attainment of the objectives in paragraphs a, b and c is not to be prejudiced. Certain of the Trusteeship Agreements 444/ also contain specific statements to this effect. Thus, for example, the first paragraph of article 10 of the Trusteeship Agreement for Tanganyika reads as follows:

"Measures taken to give effect to article 9 of this Agreement shall be subject always to the overriding duty of the Administering Authority, in accordance with Article 76 of the United Nations Charter, to promote the political, economic, social and educational advancement of the inhabitants of Tanganyika, to carry out

441/ Ibid., p. 151.

442/ S C, 2nd yr., No. 31, 124th mtg., pp. 662-664.

443/ S C, 2nd yr., No. 31, 124th mtg., pp. 664-666.

444/ Article 10 of the Trusteeship Agreements for Ruanda-Urundi, Tanganyika, Togoland under British administration and the Cameroons under British administration; articles 8 and 9 of the Trusteeship Agreements for the Cameroons under French administration and Togoland under French administration; article 16 of the Trusteeship Agreement for Somaliland under Italian administration; article 8 of the Trusteeship Agreement for the Pacific Islands.

the other basic objectives of the International Trusteeship System, and to maintain peace, order and good government."

b. THE QUESTION OF RECIPROCITY AND "MOST-FAVORED-NATION" TREATMENT FOR THE TRUST TERRITORIES

155. In order to ensure that the Trust Territory itself receive from any Power enjoying the equality of treatment referred to in Article 76 d the same special advantages granted by this Power to any other Power, certain of the Trusteeship Agreements 445/ contain specific statements to that effect. Thus, article 11 of the Trusteeship Agreement for Tanganyika reads as follows:

"Nothing in this Agreement shall entitle any Member of the United Nations to claim for itself or for its nationals, companies and associations the benefits of article 9 of this Agreement in any respect in which it does not give to the inhabitants, companies and associations of Tanganyika equality of treatment with the nationals, companies and associations of the State which it treats most favourably."

156. The Trusteeship Agreement for the Pacific Islands is worded somewhat differently, article 8 (4) providing that:

"4. The Administering Authority may negotiate and conclude commercial and other treaties and agreements with Members of the United Nations and other states, designed to attain for the inhabitants of the trust territory treatment by the Members of the United Nations and other states no less favourable than that granted by them to the nationals of other states. The Security Council may recommend, or invite other organs of the United Nations to consider and recommend, what rights the inhabitants of the trust territory should acquire in consideration of the rights obtained by Members of the United Nations in the trust territory."

c. THE QUESTION OF MONOPOLIES IN THE TRUST TERRITORIES

157. In connexion with the question of monopolies, certain of the Trusteeship Agreements 446/ permit, wherever the interests of the economic advancement of the inhabitants may require it, the creation of monopolies of a fiscal character and also of other monopolies under conditions of proper public control. However, in the selection of the agencies other than the agencies controlled by the Government of the Territory or those in which that Government participates, to be entrusted with these monopolies, the Administering Authority shall not discriminate on grounds of nationality against Members of the United Nations or their nationals.

445/ Article 8 of the Trusteeship Agreements for Togoland under French administration, the Cameroons under French administration; article 17 of the Trusteeship Agreement for Somaliland; article 11 of the Trusteeship Agreements for Nauru, Tanganyika, Togoland under British administration and the Cameroons under British administration.

446/ Article 10 in the Trusteeship Agreements for Ruanda-Urundi, Tanganyika, Togoland under British administration, the Cameroons under British administration; article 16 in the Trusteeship Agreement for Somaliland; article 9 in the Trusteeship Agreements for Togoland under French administration and the Cameroons under French administration.

158. When the draft Trusteeship Agreements were examined by a sub-committee of the Fourth Committee at the second part of the first session of the General Assembly, a proposal was made to the effect that the grant of such private monopolies should be reported to the Trusteeship Council and that, as a rule, this should be done in such a manner as to enable the Council to give an effective opinion regarding their compatibility with Article 76.

159. In support of this proposal, it was stated 447/ that, as a rule, the establishment of monopolies, being a departure from previous general practice, should be subject to the prior review of the Trusteeship Council.

160. The representative of the United Kingdom agreed to have a statement inserted in the Rapporteur's report making it clear that there would be no discrimination in the granting of private monopolies, and that there was no intention of using the grant of such monopolies as a normal instrument of policy; monopolies would be granted for limited periods and only in the interests of the inhabitants.

161. The proposal to report promptly to the Trusteeship Council regarding the grant of private monopolies, was rejected 448/ by the Sub-Committee, which then agreed to the insertion in the Rapporteur's report of the statement noted above.

2. Recommendations of the General Assembly and the Trusteeship Council

162. The provisions of Article 76 d have not been specifically cited as the basis for action in any of the formal resolutions of the General Assembly or the Trusteeship Council.

163. However, the Trusteeship Council has made certain recommendations in connexion with Article 76 d when examining the annual reports submitted to it. It has, for example, at various sessions drawn attention to a preference in customs ad valorem import duties of 11 per cent in favour of the goods of one Member of the United Nations which exists in one of the Trust Territories. At its twelfth session, the Council noted 449/ with satisfaction that the Administering Authority had notified the government of the Territory that it had no objection to the abolition of this tariff, and at the fourteenth session, the Council noted that the whole question of customs tariffs was being examined by the government of the Territory. At the latter session, the Council also observed that, in the case of one Territory, no company engaged in specified economic activities might be formed or registered unless at least two thirds of the shares issued by it were held by, or on behalf of, the nationals of one Member of the United Nations, and recalling the provisions of Article 76 d, the Council noted that this question was being considered by the Administering Authority. It requested 450/ to be informed of the decision reached by the Administering Authority when the next annual report on the Territory was considered.

447/ G A (I/2), 4th Com., part II, 22nd mtg., p. 167.

448/ G A (I/2), 4th Com., part II, 22nd mtg., p. 170.

449/ G A (IX), Suppl. No. 4 (A/2680), p. 234.

450/ Ibid., p. 253.