



TRUSTEESHIP COUNCIL
Thirty-first Session
OFFICIAL RECORDS

Friday, 19 June 1964,
 at 3.25 p.m.

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President: Mr. F. H. CORNER (New Zealand).

Present:

The representatives of the following States: Australia, China, France, Liberia, New Zealand, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United States of America.

The representatives of the following specialized agencies: United Nations Educational, Scientific and Cultural Organization; World Health Organization.

<i>Examination of conditions in the Trust Territory of the Pacific Islands (continued):</i>	
(i) <i>Annual report of the Administering Authority for the year ended 30 June 1963 (T/1624, T/L.1073 and Add.1);</i>	
(ii) <i>Examination of petitions (T/PET.10/L.5, T/PET.10/L.6, T/PET.10/L.7 and Add.1);</i>	
(iii) <i>Report of the United Nations Visiting Mission to the Trust Territory of the Pacific Islands, 1964 (T/1620)</i>	

[Agenda items 4 (b), 5 and 6]

REPORT OF THE DRAFTING COMMITTEE ON THE TRUST TERRITORY OF THE PACIFIC ISLANDS (T/L.1077)

1. Mr. SHAKHOV (Union of Soviet Socialist Republics) said that his delegation was in process of studying the Drafting Committee's report (T/L.1077) and was planning to put forward a number of amendments to it. Owing to lack of time, however, it was not ready to submit the amendments immediately. Furthermore, the Council had before it two draft resolutions—one submitted by Australia (T/L.1078) and the other by the Soviet Union (T/L.1080 and Corr.1)—to which delegations would no doubt wish to give further study. He therefore proposed that consideration of the Drafting Committee's report should be postponed until the next meeting.

2. He pointed out that the report of the Drafting Committee on Nauru (T/L.1079) had not yet been translated into Russian, and asked the Secretariat to speed up the translation so that the Council could work under normal conditions.

3. The PRESIDENT suggested that, if there was no objection, consideration of the report of the Drafting Committee on the Trust Territory of the Pacific Islands (T/L.1077) should be postponed until the next meeting.

It was so decided.

Request for the inclusion of minority views on New Guinea in the report of the Trusteeship Council to the General Assembly (concluded)

4. The PRESIDENT reminded the Council of its decision, at the previous meeting, that the Secretariat should draw up a summary of the debate on the draft resolution concerning New Guinea submitted by the Soviet Union (T/L.1076) and that the Council would then decide whether the summary, which would incorporate the text of the draft resolution, should be included in the Council's report to the General Assembly. The summary prepared by the Secretariat (Conference Room Paper No.2)^{1/} was now before the Council. He invited members to state their views on the matter.

5. Mr. Chiping H. C. KIANG (China) said that after giving further study to the idea of summarizing the debate on the Soviet draft resolution, which had not been adopted by the Council, he felt that at the previous meeting he had stated his delegation's position wrongly. Rule 64 of the rules of procedure, under which a statement of minority views could be included in the Council's annual report, had been invoked for the first time in 1948.^{2/} It had been decided then that, since the report did not give the individual views of any delegation, a statement of minority views could in future be included in an appendix; and that was what had been done in the Council's report on its second and third sessions.^{3/} At the next session, however, a different procedure had been adopted.^{4/} The Council had decided to add to its report separate sections giving the observations of members of the Council as individual delegations. That method had been followed since 1949, and it had the advantage that the opinions of all delegations could be given for each item on an equal footing. In his delegation's opinion, to give a minority opinion in an appendix or as a separate statement would be an unjustified departure from established practice. Under the procedure adopted so

^{1/} Circulated to members of the Council only.

^{2/} See Official Records of the Trusteeship Council, Third Session, 42nd—43rd meetings.

^{3/} See Official Records of the General Assembly Third Session, Supplement No. 4.

^{4/} See Official Records of the Trusteeship Council, Fourth Session, pp. 599-601, 611-612.

far, rule 64 had been applied in a satisfactory manner and it did not seem necessary to alter that procedure in order to give the views of delegations on the Soviet draft resolution.

6. It would be contrary to the Council's practice to include in its report the text of a draft resolution that had not been adopted. If, however, the Soviet Union representative insisted on having his draft resolution in the report, the best course would doubtless be to mention it in a footnote, as had been done the previous year with resolution 2137 (XXX) adopted by the Council on the water supply for Nauru.^{5/}

7. Mr. McCARTHY (Australia) said that, like the Chinese delegation, his delegation had come to the conclusion that in accordance with current practice the minority view should appear in the section headed "Observations of members of the Trusteeship Council representing their individual opinions only". The Australian delegation, however, did not share the view of the Chinese delegation regarding the inclusion in the report of the text of a draft resolution that had not been adopted. The opinions of all delegations were to be found both in the verbatim records of meetings and in the official summary records, and to reproduce the text of the Soviet draft resolution in the report might set a dangerous precedent. Every delegation would then be entitled to demand that any of its comments or amendments relating to a particular draft resolution should also appear in the report—in which case it would be practically impossible to draft and adopt a report. Accordingly, while it was perfectly possible to record the Soviet representative's views, it would be absurd to reproduce, whether in the text or as a footnote, a draft resolution that had not been adopted.

8. Mr. YATES (United States of America) said that his delegation fully shared the views of the Australian delegation. The Soviet representative at the thirtieth session had tried to secure for his comments a place more prominent than was usual for summaries of members' statements. At the 1224th meeting the President had decided that the question raised by the Soviet delegation was not in order and that his observations should be given the same treatment as that accorded to those of other members. There was, moreover, a difference between a summary of a statement and a verbatim presentation. There was no point in asking the Secretariat to save time and space by preparing summary records if the verbatim text of statements was going to be added later. Finally, another important point was that so substantial an addition could hardly be described and treated as a footnote.

9. Mr. SHAKHOV (Union of Soviet Socialist Republics) agreed with the Australian and United States delegations that a minority view should not appear as a footnote. Whether the views of the minority should or should not appear in the Council's report could not be a matter of doubt. Under rule 64 of the rules of procedure, the Soviet delegation was entitled, like any other delegation, to have its views recorded in the report. The question of what form a statement of minority views should take had not been settled. The practice followed in 1948 and then from 1949 onwards showed that no rule had been established. It could not be asserted, therefore, that the Soviet delegation's views must definitely appear under the heading "Ob-

servations of members of the Trusteeship Council representing their individual opinions only".

10. So far as the substance of the matter was concerned, there had been talk of equality among delegations. It was by virtue of the latter principle that the Soviet delegation insisted that its draft resolution should be reproduced in the Council's report in the appropriate place, so that the minority viewpoint would be given. His delegation could not agree to the majority viewpoint being expressed while that of the minority was not. The views of the majority were stated in the conclusions and recommendations adopted at the previous meeting for inclusion in the section entitled "Political advancement" of the chapter on New Guinea in the Council's report to the General Assembly. The USSR draft resolution related precisely to that section and his delegation considered that the minority view should be recorded at that point, namely after the last paragraph of that section.

11. Resolution 2137 (XXX), on the Nauruan water supply, was quite another matter, since it had been adopted by the Council. The draft resolution at present under discussion had not been adopted, which was why his delegation was asking for its view—the minority view—to be recorded in the report. Its request was based on rule 64 of the rules of procedure, and, contrary to what the representatives of Australia and the United States had said, his delegation was not asking for all amendments and observations to be included in the report. It was asking for only one thing—namely, that the substance of its position should be stated in the report, at the appropriate place. The views of the minority must be able to have the attention of the General Assembly and of the indigenous population. If the USSR asked for its views to be given in the report in the form of a draft resolution, that was because the draft resolution recorded its views most concisely.

12. Mr. NORRISH (New Zealand) said that, after further study, his delegation had come to the same general conclusions as those reached by the Chinese representative. Those conclusions were indeed the only ones that could be drawn from the facts, since the form in which the Council's reports had long been presented provided for the expression of minority views. Those reports, however, had never included a section dealing with the way in which the various draft resolutions and amendments had been considered. When the subject under discussion had been debated at the previous meeting, his delegation had said that if the draft resolution were to be included in the report, it would be essential to include also the opinions of members who had opposed it. The comments made on the draft resolution by New Zealand had related not to its substance but merely to the question of whether it was desirable to consider and adopt it when the Council had just adopted conclusions and recommendations which were much wider in scope and conflicted in many respects with the draft resolution. For his delegation, that expression of views had been an important part of the discussion, and could not be omitted if the Soviet representative's wishes regarding the draft resolution were to be granted. The members of the Council could not allow the inclusion of a statement of minority views to be used as a reason for excluding an account of other views.

13. In his delegation's opinion, the Council's work was too far advanced for a change in the procedure followed in the past to be effected. Nevertheless, the question of the form of the Trusteeship Council's report, might well be reviewed at a later session.

^{5/} See Official Records of the General Assembly Eighteenth Session, Supplement No. 4, p. 29.

14. Miss BROOKS (Liberia) said that she did not regard Conference Room Paper No. 2, which had been prepared by the Secretariat, as a statement of minority views and did not feel that she could agree to its inclusion in the report.

15. She recalled that the President had ruled, at the Council's 1217th meeting, held during the thirtieth session, that the section of the report containing observations of members of the Council which represented solely their individual opinions was the section in which a draft resolution rejected by the Council could appear. While prepared to see the Soviet Union's views presented in that section, her delegation doubted whether it could agree to their presentation in the form employed in Conference Room Paper No. 2.

16. Mr. SHAKHOV (Union of Soviet Socialist Republics) said that he insisted on the application of rule 64 of the rules of procedure. Furthermore, his delegation could not accept the draft submitted by the Secretariat. At the 1239th meeting, it had requested the inclusion of its draft resolution in the report, as a minority view, under rule 64.

17. The New Zealand representative had observed that if the Soviet draft resolution appeared in the report, the views of other delegations should also appear. But the majority view was set out in the conclusions and recommendations that had been adopted and could not be repeated two or three times in the report while the view of the Soviet delegation, which in the present instance was the minority view, did not appear at all.

18. The members of the Council were afraid to include the Soviet draft resolution because they were unwilling to permit the people of New Guinea and Papua to learn of the minority view. It was surprising to find that attitude taken by the Administering Authorities, which spoke of the right of peoples to choose their own form of government and asserted that they were doing everything possible to meet the wishes of the population.

19. His delegation could not agree that the minority view should not be presented in the Council's report in the form desired by the minority in question. Furthermore, it could not accept the assertions of those who had invoked precedents, since each of the precedents—that of 1948, that of 1949 and that of 1963—was different. There was no rule specifying the form in which a delegation could present its view or the form in which the minority view was to be recorded in the Council's report. On the other hand, there was a specific rule—rule 64 of the rules of procedure—which permitted his delegation to request the inclusion of its view. His delegation had specified where its view was to be presented, since its draft resolution related not to economic, educational or social advancement, but to the inalienable right of the people of Papua and New Guinea to self-determination and independence under the Declaration on the granting of independence to colonial countries and peoples. The Soviet draft resolution was purely political and should therefore appear in the section dealing with the Territory's political advancement, not in a footnote or some other place. His delegation wished its draft resolution to be read.

20. Miss BROOKS (Liberia) said that she could not support the Soviet delegation's view, even though her delegation had proposed amendments to the draft resolution under discussion. She would also recall that the President had stated at the thirtieth session that the Soviet delegation's opinion could appear in the

section of the Council's report setting out the observations of members. Although there was no fixed rule governing the matter, the question could perhaps be settled if the Soviet delegation agreed to present its statement as a minority view.

21. Mr. McCARTHY (Australia) said that, contrary to what the Soviet delegation contended, his Government was not seeking to deprive the Territory's people of the right to learn what the Soviet representative had said. The statements of all representatives appeared in the official records of the Council, which were sent to the Territory and made available to anyone who wished to read them, without regard to race, creed or colour. There was accordingly no sinister motive behind the remarks made by the Australian delegation on the procedural question with which the Council was dealing.

22. The Soviet representative had also suggested that some sort of attempt was being made to deprive his delegation of the right to express the minority point of view. That was quite untrue. The Soviet delegation had the same right as any other delegation to have its view presented in the manner decided by the Council and in the manner mentioned by the Liberian representative in her reference to the decision taken by the President at the thirtieth session.

23. Mr. KING (United Kingdom) said that he fully agreed with the views expressed by the representatives of Australia, New Zealand and the United States.

24. The PRESIDENT observed that the differences among the Council's members were probably not as profound as they appeared to be. Rule 64 of the rules of procedure clearly provided that any delegation was entitled to request the inclusion of its views in the Council's report. That had been a regular practice, and there was a section of the report devoted to minority views. The question on which there was some disagreement was whether rule 64 permitted the inclusion of the full text of a draft resolution which had been rejected. In those circumstances it might be possible to arrive at an agreement under which the full text of the draft resolution would not be reproduced and the Soviet delegation would be asked to draft a statement of its views which did not contain the actual text of the resolution.

25. Mr. SHAKHOV (Union of Soviet Socialist Republics) emphasized that under rule 64 of the rules of procedure a statement of minority views could be appended to a report "or recommendation" of the Trusteeship Council. In the present case a recommendation was involved, since paragraph 5 of the report of the Drafting Committee on New Guinea (T/L.1074) which the Council had adopted at the previous meeting, began with the words "The Committee also recommends".

26. Since the Soviet recommendation related to the political advancement of the Territory, it should be inserted at the end of the section it concerned. It was of course true that the resolution could not be included in the report as a recommendation since it had not received majority support, and it was for that very reason that his delegation requested the presentation of its draft resolution as a statement of minority views. It could be stated, in a new paragraph to be added to the section on political advancement, that under rule 64 of the rules of procedure the Soviet delegation had requested the inclusion of its draft resolution in the report, as that text reflected its

views on the matter; the text of the draft resolution would follow.

27. The PRESIDENT said that he had noted the statements just made and would act in accordance with what he believed to be the majority view: a summary of statements by individual members of the Council on draft resolution T/L.1076 would be appended to the chapter on New Guinea in the report of the Trusteeship Council to the General Assembly, at the end of section VI entitled "Establishment of intermediate target dates

and final time-limit for the attainment of self-government or independence"; the summary of individual statements would not reproduce the text of the draft resolution, which had not been adopted by the Council.

28. Mr. SHAKHOV (Union of Soviet Socialist Republics) said that he could not accept that decision; his delegation reserved the right to revert to the matter at a later stage.

The meeting rose at 4.40 p.m.