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PETITIONS CONCERNING THE TRUST TERRITORY OF NEW GUINEA

Draft 249th Report of the Standing Committee on Petitions

Chairman: Mr. M. RASGOTRA (India)

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Note by the Secretariat: In order to avoid unnecessary duplication of material which has already been circulated in mimeographed form, the present draft report contains only the material to be added to that contained in the Secretariat working paper (T/C.2/L.415) and the draft resolutions. The original material should be considered as forming part of the draft.]

1. At its 535th, 538th and meetings on 13 April and 6 and May 1960, the Standing Committee on Petitions, composed of the representatives of Belgium, China, India, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland and the United States of America, examined the petitions concerning the Trust Territory of New Guinea which are listed in the preceding table of contents.
2. Mr. J.H. Jones and Mr. J.A. Forsythe participated in the examination as the Special Representative and as the representative of the Administering Authority concerned.
3. The Standing Committee submits herewith to the Council its report on these petitions and recommends, in accordance with rule 90, paragraph 6, of the Council's rules of procedure, that the Council decide that no special information is required concerning the action taken on resolution II.

- I. Petition from Mr. To Vetenge, Councillor of the Toma area (T/PET.8/13)
6. The petition was re-examined and discussed at the 535th and meetings of the Standing Committee (documents T/C.2/SR.535 and ...).
7. The Special Representative stated that a Native Affairs officer had recently completed the investigation of all claims relating to Toma 1 and Toma 2, which form part of the Kunabak area and which amount to some 130 hectares. The investigation has shown that a large section of the land claimed by the petitioner, which covers an area of about 700 or 800 hectares, has already been proclaimed a Native Reserve, i.e., it has been set aside for use by the people if ever required; some of the land is even owned by indigenous inhabitants.
8. The Special Representative further stated that, with regard to plantations for which leases had been granted, the Land Commissioner had decided that the properties in Toma 1 and Toma 2 should be held in trust by the Director of Native Affairs and, on the expiration of the present leases in the year 2024, should revert to the indigenous owners. In the meantime, all rents paid on the properties, including those paid from 1925 to the present, will be handed over to the Director of Native Affairs as trustee for the claimants and will be used for the benefit of the community in a manner to be determined by the Director after consultation with the local councils. An appeal could be lodged against that order by the claimants if they so desired, but the people appeared to be quite satisfied with the arrangement.
9. The Special Representative added that, as far as the remaining properties were concerned, the Department of Native Affairs had completed its investigation and was now awaiting a hearing by the Land Commissioner, which would probably take place not later than August 1960. He pointed out that there was no shortage of land in the area in question and that land had been made available to indigenous inhabitants for farming purposes, under pilot schemes inaugurated by the Administering Authority.
10. At its meeting, the Committee approved by votes to with abstention draft resolution I, annexed to the present report, which it recommends that the Council adopt.

I. Petition from Mr. To Vetenge, Councillor of the
Toma area (T/PET.8/13)

The Trusteeship Council,

Recalling its resolution 2005 (XXIV) of 29 July 1959,

Having examined again, in consultation with Australia as the Administering Authority concerned, the petition from Mr. To Vetenge, Councillor of the Toma area, concerning New Guinea (T/PET.8/13, T/OBS.8/6, T/L.),

1. Draws the attention of the petitioner to the observations of the Administering Authority and to the statements of its Special Representative;
2. Notes that an investigation of the claims of the petitioner has been completed and that a final decision in the matter is awaited;
3. Requests the Administering Authority to inform the Council when a final settlement of the claim is effected.

II. Petitions from the President of the Gynea Branch of the Communist Party of Australia (T/PET.8/14) and from the Chairman of the Tasmanian Rationalists (T/PET.8/15)

9. These petitions were examined and discussed at the 535th, 538th and meetings of the Standing Committee (documents T/C.2/SR.535, 538 and).
10. The Special Representative reiterated the Administering Authority's view, as stated above, that these petitions were inadmissible under rule 81 of the rules of procedure of the Trusteeship Council. Nevertheless, he gave the following information on the incident described in the petitions. Mr. Surumbani had received a very light blow from his employer and, according to medical opinion, death ensued only because he had a grossly enlarged spleen. His dependent mother had been granted £100 as compensation.
11. The Special Representative emphasized that this was an exceptional case and that it was not the practice in the Territory for employers to strike workmen. The case under consideration fell within the lowest category of manslaughter since there had clearly been no neglect of human life and the fine imposed was comparatively heavy. He emphasized that there was no discrimination in the laws in force or in the administration of justice in the Territory.
12. The Standing Committee decided to draw the attention of the Trusteeship Council to the general questions raised in these petitions concerning medical facilities, working conditions and labour laws for such action as the Council may consider appropriate.
13. At its meeting, the Committee approved by votes to with abstention draft resolution II, annexed to the present report, which it recommends that the Council adopt.

II. Petitions from the President of the Gynea Branch of the Communist Party of Australia (T/PET.8/14) and from the Chairman of the Tasmanian Rationalists (T/PET.8/15)

A. Draft resolution submitted by the USSR

The Trusteeship Council,

Having examined, in consultation with Australia as the Administering Authority concerned, the petitions from the President of the Gynea Branch of

the Communist Party of Australia and from the Chairman of the Tasmanian Rationalists concerning New Guinea (T/PET.8/14 and 15, T/OBS.8/7, T/L.),

1. Considers that the situation prevailing in the Territory with respect to nationalities permits arbitrary action on the part of white settlers, and that the existing legislation does not guarantee the life, rights and freedoms of the indigenous population;

2. Recommends to the Administering Authority that it take the necessary measures to protect the indigenous inhabitants, in fact and in law, against arbitrary action and coercion on the part of the white settlers.

B. Draft resolution submitted by India

The Trusteeship Council,

Having examined, in consultation with Australia as the Administering Authority concerned, the petitions from the President of the Gynea Branch of the Communist Party of Australia and from the Chairman of the Tasmanian Rationalists concerning New Guinea (T/PET.8/14 and 15, T/OBS.8/7, T/L.),

1. Expresses regret at the death of Mr. Surumbani;

2. Notes that compensation amounting to £100 has been paid to the dependent mother of the deceased;

3. Draws the attention of the petitioners to the observations of the Administering Authority and to the statements of its special representative;

4. Notes the statement of the Administering Authority that there is no discrimination in the laws in force or in the administration of justice in pursuance thereof in the Territory;

5. Expresses the hope that the Administering Authority will take all the necessary measures to obviate any complaints of discrimination in the administration of justice arising from differential treatment based on extraneous considerations such as the one cited in the present case, namely, that imprisonment instead of a fine would have meant banishment of the accused from the Territory;

6. Recommends to the Administering Authority that it take all possible steps to put an end to the infliction of corporal punishment on workers by their employers.