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CONDITIONS IN THE TRUST TERRITORY OF WESTERN SAMOA

Draft report of the Drafting Committee

Chairman: Mr. John G. Bacon (United States of America)

1. At its 1077th meeting, on 10 May 1960, the Trusteeship Council appointed a Drafting Committee composed of representatives of Australia, the Union of Soviet Socialist Republics, the United Arab Republic and the United States of America to propose, on the basis of the discussions which had taken place in the Council, conclusions and recommendations on conditions in the Trust Territory of Western Samoa and to make recommendations concerning the chapter on that Territory for inclusion in the next report of the Council to the General Assembly.
2. The Drafting Committee held six meetings, at the first of which it elected Mr. John G. Bacon (United States of America) as its Chairman. The Committee had the assistance of the Special Representative of the Administering Authority and also of the representatives of UNESCO and WHO.
3. In the light of the general discussion by the Council on conditions in the Territory, the Committee drafted a number of conclusions and recommendations which it considered as reflecting the opinions of the Council as a whole and which are set forth in the annex to the present report.
4. The Committee recommends to the Trusteeship Council that it adopt the working paper on conditions in the Trust Territory of Western Samoa (T/L.966 and Add.1) as the basic text for the chapter on that Territory to be included in the next report of the Council to the General Assembly and that it adopt

the conclusions and recommendations set out in the annex below and include them at the end of each appropriate section or subsection of the chapter.

5. The Committee further recommends to the Trusteeship Council that it adopt the separate section set out in annex II below and include it at the end of the chapter.

6. During the discussion in the Drafting Committee the representative of the Union of Soviet Socialist Republics made the following proposals:

A. To include in chapter II Political Advancement in the section "Electoral system: development of universal adult suffrage and direct elections"

(a) a paragraph reading:

"The Council notes that the Prime Minister of Western Samoa expressed the desire that universal suffrage should be introduced in the Territory."

A vote was taken on this paragraph. There was 1 vote in favour, 2 against and 1 abstention. The proposal of the representative of the Union of Soviet Socialist Republics was not adopted.

(b) a paragraph reading:

"The Council recommends that the question of the introduction of universal suffrage should be included as one of the questions in the forthcoming plebiscite, so as to allow the whole adult population of the Territory to express their opinion on this essential issue."

A vote was taken on this paragraph. There was 1 vote in favour, 2 against and 1 abstention. The proposal of the representative of the Union of Soviet Socialist Republics was not adopted.

B. To include in annex II entitled "Attainment of the Objectives of Trusteeship"

(a) a paragraph reading:

"The Council notes with satisfaction the statement of the Administering Authority that it does not intend to set up military bases or station troops in Western Samoa, or to include Western Samoa in the sphere of action of security agreements to which New Zealand is a party."

A vote was taken on this paragraph. There were 2 votes in favour and 2 votes against. In accordance with rules 38 and 67 of the rules of procedure of the Trusteeship Council, after a brief recess a second vote was taken. There were 2 votes in favour and 2 votes against. The proposal of the representative of the Union of Soviet Socialist Republics was not adopted.

(b) a paragraph reading:

"The Council expresses the hope that the proclamation of independence and transfer of all powers to the Government of Western Samoa will be advanced from 31 December 1961 to an earlier date."

A vote was taken on this paragraph. There was 1 in favour, 2 against and 1 abstention. The proposal of the representative of the Union of Soviet Socialist Republics was not adopted.

(c) a paragraph reading:

"The Council considers that the question of the conclusion of the proposed Treaty of Friendship should not be included in the proposed plebiscite nor should its terms be submitted to the General Assembly for consideration."

A vote was taken on this paragraph. There was 1 vote in favour and 3 against. The proposal of the representative of the Union of Soviet Socialist Republics was not adopted.

(d) a paragraph reading:

"The Council is of the opinion that the future relationship between Western Samoa and New Zealand should be determined on a basis of sovereign equality by the independent States themselves and that it accordingly lies outside the competence of the General Assembly."

The proposal of the representative of the Union of Soviet Socialist Republics was not adopted.

7. The representative of the Union of Soviet Socialist Republics reserved the position of his delegation concerning:

(b) Head of State

5. The Council, recalling that at the twenty-fourth session it had pointed out the need for agreed arrangements governing the method whereby the two joint Heads of State would exercise their constitutional functions in any case of disagreement, expresses the hope that the Working Committee will soon be able to recommend a solution to this problem. The Council notes with interest in this connexion the recommendation of the Working Committee on Self-Government to the effect that on the death of one of the present Fautua the second Fautua will occupy the office of Head of State and on his death the office of the Head of State will be held by one person elected for a term of five years.

6. The Council notes with satisfaction that the functions of the Head of the Executive Government have been transferred from the High Commissioner to the Council of State.

Citizenship

7. The Council views with satisfaction the enactment of a Western Samoa Citizenship Ordinance and notes that only Western Samoan citizens will be allowed to vote in the forthcoming elections or take part in the Constitutional Convention.

Domestic status

8. The Council welcomes the statement of the Administering Authority that there is a growing feeling among responsible persons in Western Samoa towards abolishing distinctions of domestic status.

9. Recalling its previously expressed opinion on this subject, and particularly its recommendation of the twenty-fourth session, the Council continues to believe that the question of regulating the use of Samoan lands and titles would not in itself necessitate a difference in domestic status. While noting with interest the recommendation of the Working Committee to the effect that any citizen of Western Samoa who is related to a family possessing rights to Samoan customary land should be eligible to hold a matai title in accordance with Samoan custom and usage and to hold the pule (control) over such land, the Council hopes that further efforts will be made to find a satisfactory

formula for the elimination of distinctions based on race before the Territory achieves independence. The Council considers that the best interests of the Samoan people call for the complete removal of such distinctions, and trusts that both the Administering Authority and the Samoan Government will spare no effort to realize this objective.

Electoral system: development of universal adult suffrage and direct elections

10. The Council, noting that no decision has as yet been taken by the Working Committee on the question of suffrage, reiterates its hope that universal suffrage will be accepted by the people of Western Samoa and hopes that the Administering Authority will continue to impress upon the Samoan people the desirability of introducing universal suffrage.

11. The Council considers, however, that the racial basis of the present electoral arrangements should be eliminated. The Council commends to the Working Committee the suggestions of the 1959 Visiting Mission with regard to the electoral system and hopes that they will be acceptable to the people of the Territory.

12. The Council also hopes that it will soon be possible to extend in legislative elections the normal practice of secret ballot.

13. The Council shares the view of the Administering Authority that the plebiscite to be held in Western Samoa on the basis of universal suffrage could play a positive role in educating the people regarding the advantages of universal suffrage.

Local government

14. The Council takes note of the statement of the Administering Authority that further development of local bodies is desirable, especially in the town of Apia. It endorses the view of the 1959 Visiting Mission that local initiative and effort should be canalized towards the improvement of social standards and the increasing of production.

Public service: training and appointment of Samoans for positions of responsibility in the Administration

15. The Council notes with satisfaction that the control of the Public Service has now been transferred to the Samoan authorities and that a Public Service Commission has been established. It notes further that a programme has been undertaken by the Administering Authority and the Western Samoan Government for the training, in the first place, of fifteen Samoan civil servants in New Zealand for positions of greater responsibility in Western Samoa. While expressing satisfaction with this programme, the Council considers that the pace of Samoanization of the Public Service should be intensified and accelerated, since the Territory is on the threshold of independence. In this connexion, it considers that the creation of training facilities within the Territory itself would be the most effective means of relieving the shortage of qualified Samoan personnel in the senior echelons of the Administration.

Judiciary

16. The Council notes the proposal of the Working Committee that a Court of Appeal should be constituted with headquarters in Apia, and that a Judicial Service Commission should be set up to advise the Council of State on the appointment, promotion and transfer of holders of judicial offices, other than that of Chief Justice. The Council expresses the hope that the training of suitable Samoans in law will be accelerated so that qualified Samoan judges may serve in the Territory in the near future, particularly in the Supreme Court of Western Samoa.

III. ECONOMIC ADVANCEMENT

General

17. The Council, while noting with satisfaction the statement of the Administering Authority that the Territory enjoyed a year of record prosperity which was reflected in greatly increased expenditure on economic development, reiterates its view that there is an urgent need for greater efforts on the part of the Government

and people of Western Samoa to achieve an accelerated rate of economic growth and diversification of the economy. The Council hopes that in the remaining period before independence the Administering Authority will take all necessary steps to encourage the development of new export crops in the Territory and to increase agricultural productivity by using modern methods of agricultural technology. The Council commends the work done by the Territorial Department of Agriculture in this field.

18. The Council reiterates its previous view that there is an urgent need for the comprehensive long-term planning of economic development. It notes the assurance of the Administering Authority that the short-term plan for economic development is proceeding vigorously and that the land utilization survey will provide the basis for long-term planning.

19. The Council hopes that steps will be taken to introduce commercial fishing and cottage industries, handicrafts and small industries based on the raw materials available in the Territory.

20. Considering that insecurity of tenure under the traditional land system is largely responsible for the lack of incentive to increased production, the Council hopes that, in order to give the occupier and his descendants security of tenure as long as the land is properly cultivated, the possibility of adopting more generally a usehold system of tenure for Samoan land will be explored at least as a transitional step.

21. The Council, recalling the recommendation which it adopted at the twenty-fourth session, notes with satisfaction the assistance given to Western Samoa by the Administering Authority up to the present and its statement that it envisages the continuation in the future of forms of financial and technical assistance consistent with the Territory's changing status and needs.

22. The Council hopes that possibilities for further international assistance will be explored and is confident that requests made by the New Zealand Government on behalf of Western Samoa to the various United Nations programmes of technical assistance, the Special Fund, the specialized agencies or other appropriate international organs will receive most sympathetic consideration.

Development of adequate public revenue: money and banking

23. The Council notes with satisfaction that a Bank of Western Samoa came into full operation on 1 April 1959.

24. The Council, having noted that 55 per cent of the shares in this Bank are held at present by the Bank of New Zealand and 45 per cent by the Government of Western Samoa, welcomes the statement of the Administering Authority that the Government of Western Samoa has the statutory right to purchase any number of additional shares at any time.

IV. SOCIAL ADVANCEMENT

Human rights

25. The Council notes with satisfaction the statement of the Administering Authority that the Working Committee on Self-Government has recommended that such fundamental human rights as are set out in the Declaration of Human Rights, and are reasonably enforceable in law and appropriate to a constitutional instrument, should be incorporated in the Constitution and that persons suffering from an infringement of any of those rights should have access to the Supreme Court of Western Samoa. The Council hopes that provisions such as those recommended by the Working Committee on Self-Government will be incorporated in the Constitution and that the necessary measures will be taken to ensure that these rights are enjoyed freely by all citizens of Western Samoa.

Public health

26. The Council notes that some progress continues to be made in the provision of medical and health facilities. It hopes that the Administering Authority will take before independence the necessary steps to overcome the shortage of medical personnel and ensure the maintenance of efficient and satisfactory health services. In this connexion the Council notes with interest that the Inspector-General of the South Pacific Commission is making a study of the health services and drawing up recommendations for a long-term health plan.

27. The Council notes that the Administering Authority is providing more opportunities outside the Territory for higher education in medical and paramedical subjects and hopes that every effort will be made to further encourage suitable candidates to enter the medical and health profession.

28. The Council expresses satisfaction at the successful elimination of yaws as a health problem in the Territory and welcomes the undertaking of the anti-tuberculosis campaign with the assistance of the World Health Organization.

29. The Council takes note of the observations and suggestions made by the World Health Organization (T/1523) and commends them to the attention of the Administering Authority and the Government of Western Samoa.

V. EDUCATIONAL ADVANCEMENT

30. The Council notes that a Board of Education consisting of senior officials of the Department, representatives of Missions and several members of the community who have taken an interest in education, was appointed to advise the Minister.

31. The Council welcomes the decision made by the Administering Authority to offer financial and technical assistance to Western Samoa for the improvement of education facilities in the future. It notes that the projects to be carried out are the following: (a) the provision of student hostels at Samoa College; (b) the provision of additional seconded teachers to strengthen teaching in and outside Apia; (c) the expansion of technical education and trades training; (d) a considerable expansion of the scholarship scheme; (e) the provision of additional textbooks and publications for Samoan schools; (f) the provision of housing for seconded teachers. The Council is confident that the Administering Authority and the Government of Western Samoa will take all necessary measures to initiate the implementation of these projects in the near future.

32. Recalling its previous recommendation that Samoa College should become a complete secondary school preparing students for university entrance, the Council is confident that it will now be possible to carry out this reform without delay, and that the number of secondary students will soon be increased substantially. The Council notes that the secondary school in Savai'i has been

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opened and hopes that this school, as well as post-primary classes of district schools, will be further developed in order to provide additional study outlets for qualified pupils completing their primary school studies.

33. The Council endorses the views expressed by the 1959 Visiting Mission to the effect that efforts towards establishing compulsory primary education should be maintained and that local initiative in the districts may contribute greatly towards the expansion of primary education. As the development of secondary education depends on a larger proportion of primary school pupils finishing their studies satisfactorily, the Council hopes that the quality of teaching will be improved in all the schools and consequently recommends an increase in the staff of the Teachers' Training College. The Council is of the opinion that the use of adult education as a means of community development should be explored.

34. The Council, while welcoming the expansion of the scholarship programme undertaken by the Administering Authority in conjunction with the Government of Western Samoa, hopes that more students will receive scholarships for university education.

35. The Council noting that a new Samoan dictionary will shortly be published and, bearing in mind that the Samoan language may become the official language of the new State, emphasizes the importance of advanced instruction in that language in the schools and of the provision of further literature in Samoan.

ANNEX II

ATTAINMENT OF THE OBJECTIVES OF TRUSTEESHIP

1. The Council notes with satisfaction that the plan of political reforms drawn up by the Administering Authority in conjunction with the Government of Western Samoa and endorsed in its broad outline by the Council at its twenty-fourth session is being successfully carried out. It takes note of the fact that the date for holding the Constitutional Convention has been advanced in accordance with the wishes of the Samoan leaders and representatives and expresses confidence that the remaining steps before the proclamation of independence will be successfully carried out.
2. The Council recalls the statement of the Administering Authority that no Treaty of Friendship between Western Samoa and New Zealand will be concluded until after the Territory has attained independence. It notes the assurances of the Administering Authority that the views which have been expressed by members of the Council on this question will be fully taken into account and that they will be brought to the attention of the Samoans and their political leaders.
3. The Council also notes the intention of the Administering Authority to supply to the General Assembly at its fifteenth session information regarding the proposed Treaty.
