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CONDITIONS IN PAPUA NEW GUINEA

Report of the Drafting Committee

1. At its 1433rd meeting held on 18 October 1974, the Trusteeship Council appointed a drafting committee composed of the representatives of the United Kingdom of Great Britain and Northern Ireland and the United States of America to propose, on the basis of discussions which had taken place in the Council, conclusions and recommendations on conditions in Papua New Guinea and to make recommendations concerning the chapter on conditions in that Territory for inclusion in the next report of the Trusteeship Council to the General Assembly.
2. The Drafting Committee held two meetings. It had the benefit of the assistance of the representatives of the Administering Authority.
3. In the light of the general discussions in the Council on conditions in the Territory, the Committee drafted a number of conclusions and recommendations which it considered as reflecting the opinion of the majority of the members of the Council and which are set forth in the annex to the present report.
4. The Committee recommends that the Trusteeship Council adopt the revised working paper on conditions in Papua New Guinea (T/L.1186 and Add.1 and 2) as the basic text for the chapter on conditions in that Territory to be included in the next report of the Trusteeship Council to the General Assembly.
5. The Committee also recommends that the Trusteeship Council 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.

Annex

DRAFT CONCLUSIONS AND RECOMMENDATIONS ON PAPUA NEW GUINEA

INTRODUCTION

With the formal attainment of self-government on 1 December 1973, the Government of Papua New Guinea now had full responsibility for all aspects of the internal affairs of the Territory. Consequently, the Trusteeship Council, recalling the observation it made at its fortieth session, feels that it is no longer appropriate for the Council to comment on those matters. The observations which follow are therefore directed in the main, towards those areas where the Administering Authority still retains formal responsibility, as well as towards the general question of Papua New Guinea's approach to independence.

A. GENERAL

Land and people

The Trusteeship Council, recalling its constant support of the principle of national unity, welcomes the vote of the Papua New Guinea House of Assembly in favour of the Territory proceeding towards independence as a single national entity.

The Council notes that negotiations are continuing between the Government of Papua New Guinea and the Government of Australia on the question of the boundary and expresses the hope that these negotiations will lead to a result satisfactory to all parties concerned, preferably before Papua New Guinea attains its independence. It notes the view of the Government of Australia that appropriate division of jurisdiction and an equitable allocation of records should be embodied in a treaty between the two Governments.

B. CONSTITUTIONAL AND POLITICAL ADVANCEMENT

Foreign affairs and defence

The Trusteeship Council notes that although the Administering Authority has ultimate responsibility in the field of foreign affairs until independence, in practice, the Papua New Guinea Government determines its own policies with the full encouragement of the Administering Authority. The Council welcomes the increasing participation of Papua New Guinea in international affairs.

The Trusteeship Council notes the continuing progress in building up a Papua New Guinea defence force and the steps being taken to localize its composition.

The Council welcomes the Special Representative's statement that the defence force would be used, inter alia, to further the task of nation-building and stresses the valuable contribution which the defence force could make in promoting national unity.

Political education

The Council welcomes the continuing stress upon programmes of political education and in this context, welcomes the participation of the citizens of Papua New Guinea in the work of the Constitutional Planning Committee as further evidence of the programme's success.

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

The Trusteeship Council notes with some concern the Special Representative's statement that the loss of expatriates in the public sector has continued at a faster rate than had been anticipated. It further notes his remarks about the need on the one hand not to jeopardize essential government activities and, on the other, the overriding necessity to hasten localization, as well as the need not to hold back the advancement of Papua New Guineans to maintain levels of efficiency or operations inappropriate to the conditions of the country. It commends the valuable contributions of the Australian staff assistance group and is confident that should gaps occur in the public service, the Papua New Guinea public service board will be able to recruit the necessary personnel from overseas.

C. ECONOMIC ADVANCEMENT

General

The Trusteeship Council welcomes the generous pledge of assistance by the Australian Government to a united Papua New Guinea over a three-year period commencing in the fiscal year 1974/75. It expresses the hope that an independent Papua New Guinea will have prompt access to sources of multilateral and bilateral assistance as well as to those already available. At the same time, the Council welcomes recent indications that Papua New Guinea's internal sources of revenue are making a satisfactory contribution to the Territory's economy and self-sufficiency.

Foreign investment

The Trusteeship Council notes with appreciation the valuable indications furnished by the Special Representative in his statement of 18 October 1974 on his Government's attitude towards foreign investment. It endorses the Special Representative's view that while such investment is welcome and is encouraged for the stimulus it can give economic and social development, it must also benefit the people of the Territory as a whole and must therefore be properly controlled by the authorities. In this connexion, it notes with approval the expanding activities of the National Investment Authority and the Investment Corporation.

Public finance

The Trusteeship Council welcomes the creation of the bank of Papua New Guinea, the three national loans successfully concluded abroad and other indications of Papua New Guinea's increasing autonomy in the international finance field.

F. CONSTITUTIONAL DEVELOPMENTS AND ATTAINMENT OF INDEPENDENCE

Constitutional developments

The Trusteeship Council notes that, following extensive discussions, the Constitutional Planning Committee tabled its final report in the House of Assembly on 16 August 1974. It further notes that the first 5 of the 15 chapters of the reports under which the constitution is being considered have already been debated and adopted by the House of Assembly and that it anticipates that the remaining 10 chapters might be adopted by the end of the year.

The Council welcomes the decision of the Papua New Guinea Government to draw up an independence constitution which reflects Papua New Guinea's own needs and aspirations. The Council considers that the extensive consultations which have characterized the House of Assembly's constitutional debate so far have been essential to the preparation of an acceptable constitution. The Council expresses the hope that this process will continue during the discussion in the House of Assembly of the remaining chapters of the reports.

The Trusteeship Council notes that arrangements for the revision of the constitution after independence are currently under consideration and considers that such arrangements may well be desirable in the light of considerable changes in Papua New Guinea which could be expected in the first few years after independence.

The Trusteeship Council recalls the Special Representative's statement that regional loyalties are a fact of life in Papua New Guinea and, in this connexion, notes the recent establishment of three interim district provincial governments in the Territory.

The Council further notes that the House of Assembly has not yet decided upon the extent of regional governments' responsibilities in relation to the central Government. It recalls its earlier endorsement of the principle of national unity and expresses the hope that a settlement of this matter can be reached which is both consistent with this principle and satisfactory to all concerned.

Attainment of independence

The Trusteeship Council welcomes the attainment by Papua New Guinea of full internal self-government on 1 December 1973, and further welcomes the increasing assumption by the Papua New Guinea Government of responsibilities which formally remain with the Administering Authority.

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The Council takes note of the statement of the Governor-General of Australia on 9 July 1974 that, pending the final decision of the House of Assembly to declare independence for Papua New Guinea, his Government would conduct its relations with the Government of Papua New Guinea as a Government of an independent nation to which Australia had certain special and inescapable obligations. The Council notes that the Administering Authority has reaffirmed its adherence to its obligations in the period preceding independence.

The Council recalls that the General Assembly, in resolution 3109 (XXVIII) of 12 December 1973, noted with respect to the timing of independence, the view of the Administering Authority that there were two elements involved in the determination of the question of independence: the view of the administering Power and the views of the people of Papua New Guinea as expressed through their elected representatives in the House of Assembly, and that, in this regard, the Administering Authority expected independence to come by 1975 and that independence should be achieved in the closest consultation with the Government and the House of Assembly of Papua New Guinea.

The Council notes that the Papua House of Assembly has reiterated its view that it represents the view of the people of the Territory. It also notes that on 9 July 1974, the House of Assembly resolved that the Territory should move to independence as soon as practicable after a Constitution had been enacted, and that any proposed date for independence should be endorsed by it.

The Council further notes that the Administering Authority has indicated on a number of occasions that it is ready to grant formal independence as soon as the Papua New Guinea House of Assembly requests it.

With regard to the timing of independence, the Council notes the view of the Special Representative, speaking on behalf of his Government, that the date would occur in advance of the thirtieth regular session of the General Assembly, beginning in September 1975.

Termination of the Trusteeship Agreement

The Trusteeship Council recalls that a resolution of the General Assembly is required for the termination of a Trusteeship Agreement. It sympathizes with the wish of the Government of Papua New Guinea that the Trusteeship Agreement should be terminated upon independence, and notes that independence may well come before the next session of the General Assembly.

The Trusteeship Council has considered carefully the Special Representative's request in his statement of 15 October 1974 that the Council should recommend to the General Assembly that action should be taken in anticipation of Papua New Guinea's independence. The Council notes that, in response to its request for an official and formal opinion of the Legal Counsel, the latter stated that the procedure proposed by the Special Representative, was in conformity with the practice of the United Nations, the principles of the Charter and international law in general.

Accordingly, the Council recommends that the General Assembly, at its twenty-ninth session, should terminate the Trusteeship Agreement as from the date on which Papua New Guinea attains its independence, and that it should request the Administering Authority to notify the Secretary-General of the date on which independence is to be achieved, and on which the Trusteeship Agreement consequently is to be terminated.
