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Held at Headquarters, New York,  
on Monday, 1 July 1957, at 10.30 a.m.

President:

Mr. HOOD

(Australia)

1. Examination of conditions in the Trust Territory of New Guinea: annual report on the administration of the Trust Territory of New Guinea [4b] (continued)
2. The future of Togoland under French administration [13]
3. Examination of petitions: 197th report of the Standing Committee on Petitions [5]
4. Examination of conditions in the Trust Territory of Western Samoa: annual report on the administration of the Trust Territory of Western Samoa [4f] (continued)

Note: The Official Record of this meeting, i.e., the summary record, will appear in provisional mimeographed form under the symbol T/SR.829 and will be subject to representatives' corrections. It will appear in final form in a printed volume.

EXAMINATION OF CONDITIONS IN THE TRUST TERRITORY OF NEW GUINEA: ANNUAL REPORT  
ON THE ADMINISTRATION OF THE TRUST TERRITORY OF NEW GUINEA (T/1326; T/L.776)

[Agenda item 4b] (continued)

At the invitation of the President, Mr. John Herbert Jones, special representative for the Trust Territory of New Guinea under Australian administration, took a place at the Council table.

General debate (continued)

Mr. SALOMON (Haiti)(interpretation from French): A few years ago when the Council was considering conditions in the Trust Territory of New Guinea, the unfortunate impression which was gained during the discussion was that we were dealing with one of the most depressing problems of Trusteeship. The Administering Authority said that it was faced with the difficulties posed by a backward population, cannibalistic, still living in the Stone Age and unwilling to accept modern civilization. Today, the report submitted by the Administering Authority leads us to believe that a decisive step has been taken and that there is good reason for hope.

After only ten years of an enlightened and progressive Trusteeship administration, the Territory presents a completely new aspect in every respect. The Visiting Mission which visited the Trust Territory in 1956 stated in its report:

"... But above all the most favourable feature is the people themselves ... they are full of enthusiasm and confidence about the wonderful avenues of change and development which the new ways are opening up for them ... they want precisely the things which are necessary for their advancement. ... the Mission was deeply impressed by the clamant demand for immediate and spectacular material progress ...". (T/1280, paragraphs 179, 181, 182)

Of course, there are regions which are still not under the full control and effective influence of the Administration. However, we note that the Administering Authority has prepared plans for bringing all parts of the Territory under its complete jurisdiction before the end of 1959.

Thus these inter-tribal struggles, which have ravaged the Territory during the period that we are studying, will come under control. The Administering Authority could not be held responsible for these struggles, although my delegation thinks that more effective measures could be taken to bring police patrols into the troubled areas even before the beginning of hostilities. These police forces seem to lack mobility and means of rapid information on the activities on these populations. We think that special measures should be taken, until such time as the total pacification of the region is reached and while waiting for the results of the persuasion which the Administration is going to undertake in order to stamp out the feeling of injustice and the need for revenge which exists in the Territory and which explodes from time to time in these regions that are not entirely under the control of the Administration.

In the whole of the Territory the political progress, although slow, is however evident. Two natives are sitting in the Legislative Council, which is made up of the Administrator, of sixteen official members and twelve non-official members, all elected or appointed. Obviously, this representation appears to be inadequate in view of the overwhelming majority of the European element. We regret that the Administering Authority has not yet considered the possibility of giving larger representation to the natives in this Council. However, we think that this is an advance which will be imposed by itself in the near future when a greater number of natives have acquired experience and the necessary knowledge.

My delegation was happy to note that the local administrative councils have continued to function effectively. If their number is still inadequate, we are sure that the Administering Authority understands that the constitution of these local democratic governments is the best way to awaken political consciousness in the Territory. We have noted with interest the declaration of the Administering Authority according to which the local administrative councils are presently endowed with all the legal protection necessary to enable them to carry out their functions with the same authority as regards all elements of the population.

The Trusteeship Council was interested in this question last year, following upon a report from the Visiting Mission, and thus it is for us a source of satisfaction to see the Administering Authority following up rapidly the recommendation which the Council had made in this connexion.

(Mr. Salomon, Haiti)

This year's report does not include enough information on the activities of the district consultative councils and the municipal consultative councils. However, we note that the Administering Authority has already taken measures to appoint natives to these councils, in the most advanced regions, who will thus have the opportunity to acquire necessary training under very favourable conditions. In a general way, many of the questions of the Territory come back to this matter of training.

For a number of years we will not be able to count on a sufficiently well trained native staff in the various modern disciplines. Therefore, it will be necessary to rely on Australian officials and officials from the Commonwealth. It will also be necessary to offer exceptionally good conditions to professional staff of all nationalities, since we have been told that there is a shortage of administrative staff and of technicians, and that these people often do not wish to settle in the Territory. With the increasing expansion of services, the problem will become even more acute.

The Administering Authority has realized that in the last analysis, a long-term solution is to be found in the training of the natives themselves. It was in order to meet this urgent need that an auxiliary service of the public service of the civil service has been set up. We listened with interest to the information given to us by the special representative concerning this auxiliary service. This information has dispelled the fears of my delegation that the auxiliary service might delay rather than promote the access of natives to administrative functions. What is important is on-the-job training which will be received by these officials and the courses which they will be given.

We hope that the efforts of the Administering Authority will be fruitful and that the natives admitted to the auxiliary service will, without unnecessary delay, be able to pass on to the senior levels in order to relieve gradually the foreign officials whom, apparently, it is difficult to keep in the Territory.

In reviewing the economic situation in the Territory one is struck by the progress made by the Territory and the part which the native population plays there. The principle criticism would be that the Administering Authority has not yet prepared long-term plans for the development of the Territory. We understand that with the unforeseen changes experienced by the Territory, the unequal development

(Mr. Salomon, Haiti)

of its regions, and of varying degrees of progress of its population, it is difficult to prepare a rigid long-term development plan. However, the system for working out a plan, year by year, by the services under the Administrator, is not suitable for the time when the entire Territory will be under the effective control of the Administration.

Of course, the Administration is waiting for the report from the Scientific Organization for the Study of Industrial Resources of the Commonwealth. We hope that as a result of these studies the Administering Authority will be in a position to draw up flexible plans for the future economic development of the Territory, taking account of all the material and human resources of the Territory.

(Mr. Salomon, Haiti)

In the meantime it would be fitting to pay increased attention to the present problems of development.

My delegation was impressed by the policy of the Administering Authority with respect to the land system. We note that lands belonging to natives cannot be alienated except to the Administration and only when a district commissioner certifies that the voluntary alienation is not being carried out to the detriment to the present or future interests of the natives. Moreover, the policy of the Administering Authority is to grant these lands only on lease. This is a most praiseworthy policy and bears witness to the determination of the Administering Authority to safeguard the essential interests of the population. The Administering Authority has informed us that its policy in the rural regions is designed to avoid parcelling up properties and to retain the family system, which should speed up agricultural development. In the view of my delegation, the Administering Authority should seek ways of building on the basis of this system of family properties a network of community development which would promote the progress of the population concurrently in all fields.

At the 709th meeting of the Trusteeship Council the Secretary-General of the United Nations informed the Council of the principles which govern community planning. His view was that the essential characteristic of the movement was to be found in action to lead people to be conscious of their own latent strength and to use that to forge their own destiny. Testimony to this effect was to be found not only in the increased facilities thus created, such as in the communities, schools, clinics and roads, but also in the lively interest they take in the improvement of their own living standards and in the increase of their material resources, the measure of a continued progress. This conclusion by the Secretary-General may be compared with what we were told last year by the Visiting Mission, namely, that the population is prepared to go to work immediately and with ardour to build landing strips, roads, hospitals, schools and administration buildings, to cultivate coffee, cocoa and rice, to study English and to send their children to school and to send the sick to hospitals.

One cannot but see that in New Guinea an ideal field is opening up for a community planning programme, and we ardently hope that the Administering Authority intends to embark on such a course in order to utilize to the maximum the enthusiasm and good-will of the population. Other regions have welcomed such a system



(Mr. Salomon. Haiti)

enthusiastically and have requested the technical co-operation of the United Nations. We see no reason why the Administering Authority could not do the same.

The agricultural position of the Territory is characterized by the efforts made by the Administering Authority to improve production, to diversify crops and to encourage the natives to play a larger part in the production of agricultural exports. In spite of a decrease in the production of copra in the Territory as a whole, we note that in certain districts, for example, the Madang district, the production doubled. Concurrently, the price of copra on the world market dropped, which led to a decrease in the value of exports. However, the situation is not yet an alarming one, because, thanks to the foresight of the Administering Authority, the Copra Stabilization Fund, a committee of which has just been set up, will be able to go into action by granting bonuses to producers out of the £2,500,000 at its disposal. We regret that this is not also the case with regard to cocoa, production of which is increasing. Cocoa prices have also experienced an unfavourable fluctuation on world markets. We hope that all this will come naturally, as the special representative said, and that the Administering Authority will in the near future take the necessary steps to create the stabilizing organ that is required.

The campaign against diseases affecting agriculture has assumed a remarkable magnitude this year. We hope that the Administering Authority, guided by the methods used in neighbouring territories and taking advantage of the assistance of FAO, will rapidly succeed in ending the scourges which threaten not only agricultural production but also livestock. This is an essential factor in the struggle for increase of production. In passing, I cannot help noting, as indeed the representative of FAO has done, that the number of qualified agronomists in the Territory should be increased.

My delegation would like to express satisfaction at the interest the Administering Authority is taking in the development of fisheries. We note that loans are granted to natives, who can thus obtain small fishing boats. We consider that the efforts of the Administering Authority should not end there. The fishing waters contain reefs; these should be charted and buoys should be placed. The best methods of fishing in these regions should be determined, and the migration of schools of fish should be observed. It goes without saying that a study

of the overseas markets should be carried out before undertaking an expansion of this industry. It might be of interest to organize fishing co-operatives.

The co-operatives formed so far have proved of value to the population. Thirteen new societies have been set up, bringing the total to ninety-six. The Administration does not leave the training of leaders of co-operatives to chance. These leaders are first trained in co-operative schools, where they are initiated into the methods and the spirit of the co-operatives. It is only at that stage that the co-operatives are created, and the trained leaders put in charge of those co-operatives continue to receive advice from the co-operatives officials. The fact that these societies have tripled in a short time and that no complaints have been received with respect to their management indicates that the policy followed by the Administering Authority in the field of co-operatives is a good one. My delegation would like to congratulate the Administering Authority on the results obtained in this field.

I should not like to conclude my observations under this head without saying a few words on the mining resources of the Territory. At the present time the extraction of gold constitutes the principal mining industry. However, we have noted a considerable decrease in production in the Territory. My delegation wonders whether the time has not come for the Administering Authority to carry out more active geological surveys in order to determine whether there is other mineral wealth in the sub-soil. Particular attention might be given to surveys with a view to the discovery of oil. The Administering Authority should ensure that the natives of the Territory participate in companies formed in the future. It is unfortunate indeed to note that the natives do not participate in any way in the activities or the profits of the numerous companies established in the Territory.

The social life of the natives is still far from being what we should have hoped to see. My delegation still cannot accept the restrictions of all kinds imposed on the population without apparent reason. New Guineans living in an urban centre are forbidden to move around during the night or to leave without written authorization. The arguments of the Administering Authority to support these unjust restrictions do not convince us, because if there is an organized police force it should be in a position to maintain order in the urban centres.



(Mr. Salomon, Haiti)

During the year under review there appear to have been no individual or collective complaints concerning salaries. This does not mean that the native workers are satisfied with the minimum salary, which was improved some time ago. It remains true that the proportion of salary paid in cash is still much too small.

My delegation notes with interest that certain assistance might be granted to the population for the construction of housing. We regret that this assistance is not very much in demand, because of the high cost of construction. We think that the Administering Authority should pay greater attention to this question and should offer more assistance while at the same time attempting to bring down the cost of building materials, because it is very important to solve the housing problem, one which is very acute in the whole of the Territory.

In the field of public health, there is no doubt that the services supplied by the Administering Authority are more and more appreciated. Sufficient funds are indeed allocated in order to make it possible to combat the principal diseases in the Territory: malaria, tuberculosis and yaws. Moreover, three new hospital centres have been established. May I say in this connexion that my delegation does not see the need for the artificial distinction created by having hospitals for Europeans, natives and Asians. If we had another reservation to make in the field of public health, it would be with respect to the medical services supplied to populations far from the centres. We have been told that a public health official accompanies the Administration officials in their monthly trips. My delegation considers that the presence of the public health official is much more important than that of the other officials, and in this case we should hope that the Administering Authority will consider the possibility of a more frequent cycle of visits by public health officials to the rural zones.

In the field of education much has been done, but it appears that a serious effort must still be made. A certain confusion is to be found in the nomenclatures of schools and, what is worse, there does not seem to be any uniformity in the programmes of study. We are convinced that the required measures will be taken rapidly in this connexion and with the same enthusiasm as regards technical education.

We were happy to note the appreciable efforts exerted in order to endow the Territory with this nucleus of technical people and artisans, who will progressively ensure the development of industry. The results obtained up to now, of course, have not been spectacular. However, concurrently with this programme the Administering Authority is attempting, by the intermediary of active apprenticeship committees, to train apprentices in most fields.

Before closing on this chapter, my delegation would like to point out the danger of the trend which is noted in the Territory of leaving up to local communities the burden of meeting the needs of primary education. If there is in this method a stimulus for these communities, the Administering Authority should not completely avoid the financial efforts which are often indispensable, particularly in regions where populations are less prosperous.

In concluding, may I be allowed to thank once again the special representative, Mr. Jones, for his patient contribution to the work of this Council. His long experience and deep knowledge of the Territory have helped my delegation very much.

Mr. KOCIANCICH (Italy): We have devoted a great deal of attention to the annual report of the Administering Authority, to the opening statements of the special representative and to the supplementary information given by him in his replies to questions from members of the Council.

We wish to state at the very outset that the picture that we have gained of conditions in the Territory is an encouraging one. As a matter of fact, the achievements in all fields, if weighed against the background of the many difficulties that had to be overcome, are very remarkable.

When assessing the conditions in this Territory, one should always bear in mind that part of it is still to be brought under control of the Administration, and this is an exacting task which draws upon the resources and sometimes, unfortunately, also upon the lives of the men of the Administration. The action of the Administering Power must accordingly develop along two parallel lines: on the one hand, the extension of this control over the whole Territory; on the other, the development of those parts of the Territory which are already under control. And of course the means employed in the former task are not available for the latter.

When all the Territory will have been penetrated and brought under full control, the Administration will be able to concentrate only on the development policy and the present rate of progress will no doubt receive new impetus. It is for this reason that we were especially gratified to hear that full control is expected to be established by the end of 1959.

Turning now to the developments so far achieved in the Territory, my delegation notes that the policy pursued by the Administration rests on two cornerstones: (a) the development of a political consciousness in the population through the practice of democracy, first at the local level and then, as conditions may warrant, at a regional and, eventually, territorial level; (b) the spreading of education in its two main forms, that is literacy and technical skill.

As we said last year, this seems to us to be the only practical approach to the problems of the Territory. We agree that political progress may be slow with such a policy, all the more so as the Administration seeks to avoid too violent a break with pre-existing cultural conditions and to preserve instead in the new patterns whatever elements of the indigenous tradition which may prove useful. But we think that this is the surest way towards an over-all advancement of the Territory and that whatever political, social and economic institutions will ultimately develop out of it, they will not be just an empty facade but something deeply rooted in the conscience of the people.

In this connexion, we welcome the statement of the special representative that four more Local Government Councils have been created; three of which on the New Guinea mainland where there had hitherto been no such organs. We were also told that more villages have asked to be incorporated in the existing Councils and that the Councils are playing a very real part in the administration of their affairs, as may be also inferred from the continuous expansion of the Councils' expenditures for village public services. All this, in our view, bears witness to the growing interest of the inhabitants of New Guinea in the handling of their own affairs.

In the economic field, we were glad to hear that the Administration is actively engaging in the development of a fishing industry and that surveys of the Territory waters in order to locate fishing grounds have yielded good results.

Along with the general development in agriculture, we were interested to note the growth in the number of co-operatives and rural progress societies because, apart from the fact that these organs further the mechanization of agriculture and the introduction of new techniques, we attach to them an important social significance.

As far as foreign trade is concerned, we were informed by the special representative that the import restrictions introduced last year in order to face an adverse situation of the balance of trade -- due to declines in world prices of copra and cacao -- have already had a beneficial influence and that they will be repealed as soon as the situation reverts to normal.

There has been good progress in many other fields, but I do not want to take too much of the Trusteeship Council's time by dwelling on them now. I think that the report gives sufficient evidence of all this and that a glance at the large increase of the Administration's current public expenditure can convey the measure of such an advancement.

A great deal of work of course still lies ahead, a far greater deal, I would suggest, than has already been done, because the requirements of the people will grow to the extent to which they will receive the benefits of

civilization. A significant index of this is the goodwill and enthusiasm of the population in working for their progress, which was underlined by the Visiting Mission in its last report. On the other hand, this very response of the population to the action of the Administration is a factor of paramount importance in the development of the Territory and it augurs well for its future. As for the action of the Administration, we think, as I said before, that the Administering Authority is moving in the right direction and that it deserves the considered praise of the Council for the way in which it is performing its mandate under the Trusteeship System.

Before I close, allow me to thank the special representative for his very valuable contribution to our debates.

The PRESIDENT: As there are no further speakers in the general discussion, we shall leave this item aside now and hear the concluding statements of the Administering Authority tomorrow.

Mr. Jones, special representative, withdrew.

THE FUTURE OF TOGOLAND UNDER FRENCH ADMINISTRATION (General Assembly resolution 1046 (XI)) [Agenda item 13]

The PRESIDENT: In this connexion, the Council has before it General Assembly resolution 1046 (XI), under the terms of which the General Assembly, among other things, resolved to dispatch to Togoland under French administration a Commission of six members, to examine the entire situation in the Territory resulting from the practical application of the Statute of 24 August 1956 and the conditions under which the Statute is being applied. The Commission will submit a report on these matters, with its observations and suggestions, to the Trusteeship Council for its consideration. The General Assembly also requested the Council to study the question, taking into account the report of the Commission, and to transmit the results of its study to the twelfth session of the General Assembly.



We may assume that the report of the Commission will be available to the Council by the middle of August. Thereafter, of course, the members of the Council, and particularly the representative of the Administering Authority, will need some time to study the report. On the other hand, the Council should consider and conclude its consideration of the report as soon as possible so as to have time to prepare its own report to the General Assembly.

(The President)

In the light of these considerations, I think it is appropriate to suggest that a special session of the Council should be convened on Thursday, 12 September, to consider the question of the future of Togoland under French administration. If I hear no objection, I will assume that this suggestion is approved and that a special session of the Trusteeship Council will be convened on 12 September.

It was so decided.

EXAMINATION OF PETITIONS: 197TH REPORT OF THE STANDING COMMITTEE ON PETITIONS (T/L.782) [agenda item 5]

The PRESIDENT: The 197th report of the Standing Committee on Petitions contains, in its annex, two draft resolutions proposed by the Committee, and I would propose to put each of them to the vote separately.

We shall vote first on draft resolution I, concerning a petition from Mr. Yan Kam Wing, T/PET.8/10.

Draft resolution I was adopted by 12 votes to none, with 1 abstention.

The PRESIDENT: We come now to draft resolution II, dealing with a petition from the New Guinea Chinese Association, T/PET.8/11.

Mr. LOBANOV (Union of Soviet Socialist Republics) (interpretation from Russian): I ask that a vote be taken first on the amendment to this draft resolution which has been submitted by the Soviet Union delegation and which appears in paragraph 4 of section II of document T/L.782.

Mr. HAMILTON (Australia): Before a vote is taken, I should like to supplement orally to the Council the observations contained in paragraph 2, on page 5 of document T/L.782. Paragraph 2 contains a record of the observations of the Administering Authority, and those observations should be supplemented by the following statement:

(Mr. Hamilton, Australia)

"As a result of a recent review of immigration policy, the Administering Authority has decided that Asians who were not born in the Territory and who were admitted to the Territory under exemption prior to 30 January 1942 will be allowed to remain in the Territory indefinitely, but still under exemption."

That, I think, will complete the observations of the Administering Authority in this matter.

In connexion with the amendment submitted by the Soviet delegation to the draft resolution proposed by the Standing Committee, I only wish to say to the Council that the subject under discussion is a relatively narrow one. It is not a question of the whole of the immigration policy as it applies to the Trust Territory; the petition concerns merely the question of whether certain families should be allowed, under the regulations, to enter the Territory. It gives rise, therefore, to no such general propositions as that which has been proposed in the amendment. My delegation will therefore vote against the amendment which has been submitted by the representative of the USSR.

The PRESIDENT: If there are no further observations, I shall put to the vote the amendment to draft resolution II contained in paragraph 4 of section II of the report of the Standing Committee on Petitions.

The amendment was rejected by 7 votes to 6, with 1 abstention.

Draft resolution II was adopted by 7 votes to none, with 7 abstentions.

EXAMINATION OF CONDITIONS IN THE TRUST TERRITORY OF WESTERN SAMOA: ANNUAL REPORT ON THE ADMINISTRATION OF THE TRUST TERRITORY OF WESTERN SAMOA (T/1530, T/L.781)  
[agenda item 4 f] (continued)

At the invitation of the President, Mr. T.R. Smith, special representative of Western Samoa under New Zealand administration, took a place at the Council table.

#### Political advancement

Mr. TOUROT (France) (interpretation from French): On page 28 of the annual report, we are told that administrative districts set up on the basis of the geographical regions of the Territory were created last year. Can the special representative clarify for us whether these districts were in fact created and, if so, can he tell us their number and the official or officials who head them?

Mr. SMITH (Special representative): The administrative districts have been outlined, but no further steps have been taken to implement that action, apart from telling all the Departments that, in making their decisions in the different districts, they should pay heed to the fact that the administrative districts have been so outlined. Apart from that, however, the previous governing system remains unchanged.

Mr. TOUROT (France) (interpretation from French): In paragraph 16 of the Secretariat's outline of conditions (T/L.781), we read that the Samoan Status Committee recommended that:

"aliens living in the Territory and able to comply with certain conditions relating to length of residence should be entitled to apply to be naturalized as citizens of Western Samoa".

I should like to have some more information on this point. Did the Committee have in mind any Europeans living in Western Samoa?

Mr. SMITH (Special representative): I do not think that that recommendation related particularly to Europeans. Its intention was to enable persons making their permanent home in Western Samoa to become citizens. The representative of France will realize, of course, that until full self-government has been attained this question will not arise.

Mr. TOUROT (France) (interpretation from French): That was what I had thought, but I wanted some confirmation.

On page 28 of the annual report, reference is made in the last paragraph to the Aleisa Council, consisting of a mayor and three councillors. Has this Council been functioning for a long time, and has consideration been given to having Samoans participate in it?

Mr. SMITH (Special representative): That Council has been functioning for some ten years now. All the residents of the settlement are entitled to take part in the Council's elections. In fact, however, there are no full Samoans living in the settlement, although there are many persons of part-Samoan ancestry.

Mr. TOUROT (France) (interpretation from French): The Associate Judges and District Judges in Western Samoa are appointed by the High Commissioner, the Associate Judges holding office so long as they remain Samoan Judges of the Lands and Titles Court. If I understand correctly, these two categories of judges hold office at the discretion of the High Commissioner. I know that both appointments are made on a basis of nomination by the Fono of Faipule. It would appear that the independence of these judges could be somewhat interfered with as a result of the fact that they remain in office only so long as the High Commissioner wishes them to do so. Could the special representative comment on this point? My delegation, of course, attaches great importance to the independence of the judiciary vis-à-vis the executive.

Mr. SMITH (Special representative): The Administering Authority completely shares the views of the representative of France on this point. The Administering Authority wishes to see the judges independent, as in fact they are. There must always, however, be some reserved power to remove an unsatisfactory judge. That power is vested in the High Commissioner. The High Commissioner, of course, would not act in such cases without consulting the Executive Council. This is merely a reserved power, which has never been used.

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Mr. TOUROT (France) (interpretation from French): My last question concerns the position of Mata'afa from the constitutional point of view -- that is, with regard to the matter of the Head of the future State. I should like to know whether the position of Mata'afa might not interfere with local government in the future.

Mr. SMITH (Special representative): I am afraid that I do not quite understand the import of that question. Mata'afa is one of the high chiefs who, at present, has no official office, and I do not therefore understand the reference to local government in the question put by the representative of France.



Mr. TOUROT (France) (interpretation from French): Mata'afa is one of the high chiefs in the Territory; he belongs to one of the four royal families. For the time being, he is not taking any part in local administration. It is perhaps precisely because of the fact that he is, as it were, not being allowed to exercise any power that he is opposed to, having the future position of Head of State occupied by two persons. It would appear that a kind of opposition has developed around Mata'afa on this score. What I should like to know is whether Mata'afa is in fact the centre of an opposition movement which might interfere with the normal development of local government.

Mr. SMITH (Special representative): As is well known, Mata'afa was a member of the constitutional convention in 1954. That convention recommended that there should be a joint Head of State consisting of two other high chiefs, Tamasese and Malietoa, so long as they lived. I think that it is provided that the whole position could be reviewed if either of those two chiefs died.

This question will, no doubt be discussed again. It is still being discussed among Samoans. The Administering Authority has taken the view that this matter is entirely up to the Samoans. Mata'afa has said clearly that he does not agree with the present position; he said that at the constitutional convention. The fact is, however, that the majority of Samoans believe that the resolution of the constitutional convention expressed their views. I repeat that the matter is open and can be discussed at any time; I am sure that it will be discussed in the new Legislative Assembly.

Mr. KIANG (China): My first question relates to political organizations. It is stated on page 30 of the annual report that "The Samoan Democratic Party which, although never large, was reasonably prominent about 1953, appears to have lost its force...". I should be very grateful if the special representative could enlighten me as to why this party appears to have lost its force.

Mr. SMITH (Special representative): In reply to the question of the representative of China, I would say that it is not easy to see why a political movement should lose its force and die. One possible reason may be that the leader of it was elected a member of the Assembly and no longer had any interest in arousing an opposition party. There will be an election this year, and possibly it may be raised again. In the period between elections there do not seem to have been sufficient political controversies to keep the Party alive.

Mr. KIANG (China): Am I right in assuming that there is no other political party in the Territory?

Mr. SMITH (Special representative): That is the position. There is no organized political party. There are, of course, different groups with different views, but there are no organized parties at all.

Mr. KIANG (China): My second question relates to local Government. We are given to understand that administrative districts, based mainly on the geographical regions of the Territory, were established towards the end of 1956. In this connexion the report goes on to say: "Experience gained in the administration of these districts should indicate the extent to which public opinion is prepared for the formation of regional or district councils." Could the special representative indicate to the Council the extent to which such experience has shown that public opinion is prepared for the formation of regional or district councils?

Mr. SMITH (Special representative): In answer to that question, I would say that there has been as yet no effect from the establishment of those districts -- at least, none which can be noted. There have been discussions in several districts promoted by the Local Government Board on possible regional government. Not one of those has as yet reached the stage of the formal setting up of an authority, although quite a number have been discussed for some time and the Local Government Board is watching them and trying to foster their development.

Mr. KIANG (China): Last year the Administering Authority informed the Council that the establishment of a full cabinet system would be reached in three progressive stages. The year 1956 has witnessed the establishment of the member system. I think that the special representative may remember the following statement which he made to the Council: "It is not yet possible to see clearly when the first step will be taken, but it is hoped that that will be possible in 1960." (T/PV.724, p. 12) That statement made at that time gave members of the Trusteeship Council a feeling of uncertainty about the final stage of full cabinet government in 1960. Perhaps the special representative could give the Council some information which would be more reassuring than what he told us last year.

Mr. SMITH (Special representative): I can only say that that policy has not changed. We shall be taking shortly the next step after the election at the end of this year, when there will be a Cabinet headed by a Samoan Prime Minister. We still see the next step as one to be taken when it becomes possible. We still hope that it will be in 1960, and as yet we see nothing to make us change our previous view. So far, everything is proceeding as it was foreseen.

U PAW HTIN (Burma): Before I address my questions to the special representative, I should like to welcome him, on behalf of my delegation, and to thank him for his informative opening statement.

I note from the statement of the special representative that there have been various constitutional changes which the Administering Authority proposes to proceed with in the Trust Territory. However, the special representative did not touch upon one very vital question which relates to the status of the inhabitants. I wonder whether Mr. Smith could tell us whether the Samoan Status Committee has ventured any further into this question and whether any decision has been taken.

Mr. SMITH (Special representative): First of all, I thank the representative of Burma for his welcome.

This question of status is one which continues to cause difficulty. The Committee has met on several occasions and has prescribed conditions for Samoan citizenship. It has not yet reached any final conclusion on the subject of domestic status and, at the present time, it seems unlikely to do so until full self-government has been attained. The Samoans are quite adamant with regard to reserving Samoan status because that affects particularly the right to Samoan titles and to the holding of Samoan land. Those privileges go with Samoan status, and the Samoan members of that Committee are still determined, at this stage, that those rights shall be preserved.

U PAW HTIN (Burma): May we reasonably suppose that after, say, 1957, when the Legislature will be on its feet, a solution may be reached by the Administering Authority regarding this vital question of the status of the inhabitants?

Mr. SMITH (Special representative): The question is not now for the Administering Authority. It is more for the local government, and I find it difficult to predict what the situation will be. There is no doubt that there is in the Territory a sentiment in favour of preserving, at least until the attainment of full self-government about 1960, the distinction between a Samoan and a non-Samoan, because the Samoan people wish to be certain that their rights to titles and to hold land are fully preserved.

U PAW HTIN (Burma): I come to my next question which relates to universal adult suffrage. We note from the opening statement of the special representative that for the time being, and in accordance with the desire of the Samoans, the suffrage would somewhat be limited in that the Samoan constituency would be based on the Matai system. I wonder if the special representative could tell me whether that idea of universal suffrage is gaining acceptance among advanced and educated Samoans.

Mr. SMITH (Special representative): It is not easy to say whether the idea is gaining greater acceptance. It is certainly being discussed and discussed frequently among Samoans. The Administering Authority has taken every opportunity of bringing the desirability of a wider system of suffrage to the notice of the Samoan people. After I returned from the eighteenth session last year, I reported on that meeting and I reported to the Legislative Assembly with regard to the motion adopted in this Council. That was again discussed, but the preponderance of voting was against the idea of introducing universal suffrage as yet. I would think that among the younger Samoans there is probably a larger measure of agreement with the idea.

Mr. CLAEYS BOUUAERT (Belgium) (interpretation from French): My first question is really a question of detail. I should like to know whether the two Fautuas who are members of the Council of State represent a family pyramid, as it were, and coming from two different islands, or whether it represents one territory or specific territories?

Mr. SMITH (Special representative): In reply to that question, I would say that traditionally the Samoan political system rises up to two separate groups. Those two groups, the Tumua and the Pule have traditionally divided Samoa between them for at least all of the last century. One of the two Fautua represents Tumua, and the other represents Pule. They are divided on a district basis, but each represents part of Upolu. and each represents part of Savai'i. They represent different districts, but there is that definite division which the two Fautua represent.



Mr. CLAEYS BOUUAERT (Belgium) (interpretation from French): My second question will refer to the status of the Samoans, which has already been the subject of a question from the representative of Burma. What at present is the composition of the Committee on the Status of Samoa, referred to on page 16 of the report.

Mr. SMITH (Special representative): That Committee at the present time contains all the members of the Executive Council, with three members of the local European community and five other representatives of Samoans, all of whom, as far as I remember, are members of the Fono of Faipule.

Mr. CLAEYS BOUUAERT (Belgium) (interpretation from French): Is there any divergence of opinion within this Committee according to the community to which the members belong, according to race, for instance, or are the divergencies of much broader character and do they not crystallize in accordance with the racial community to which the members belong?

Mr. SMITH (Special representative): There are divergencies of view, but in general they seem to depend more on individual opinion. For instance, there are two strongly opposed points of view within the European community. One of those groups wishes to seek a common status. The other does not. The other thinks that Samoan status should be preserved as something apart. Samoan opinion varies too, but less markedly. In general, Samoan opinion is in favour of preserving the present state.

Mr. CLAEYS BOUUAERT (Belgium) (interpretation from French): I understand full well then that for the present at least the Samoan members, or at least Samoan public opinion, clings to its customs, its titles and its holding rights, and they, of course, have difficulty in this respect. But the question of status, the question of maintaining these land rights and these traditional customs regarding titles, is not, it would seem to me, indissoluble in connexion with the Samoan status itself, which after all is a sort of definition, as it were, of Samoan nationality.

(Mr. Claeys Bouuaert, Belgium)

It might well be imagined that within a certain nationality, a certain people, a certain State, certain persons might, through hereditary rights, have certain titles and they might be the owners of land and certain goods, whereas others might not have those rights. This question does not seem to me to be an obstacle to the preparation and elaboration of a Samoan statute, and I see that it is in this direction that the Committee seems to be working, since it has made proposals to establish the Samoan nationality on four bases. Would the Samoans, on the other hand, have a tendency to accept the fact that their specific customs would be extended to the whole of the community, including the European community?

Mr. SMITH (Special representative): The Samoan community, to my knowledge, has made no suggestion that their customs should be extended to the European section of the community. The Samoans believe that their own system really gives them complete security, that their whole system is tied to land and land ownership, and that their social security depends on that, and they do not wish to lose it. They see that Europeans are not tied to the land and that they are for that reason not so economically secure. Their insistence on the Matai system and on ownership of land, is, I think, tied mainly to that factor. There was a division, of course, of the two aspects, which the representative has pointed out.

The Committee has separated the problem of national status and has laid down fairly clearly the rules for that. But it has not reached agreement on the other one, of a common domestic status; it still sees a continuance of the present system, where there is a Samoan status depending on the Matai system and Samoan ownership of land, and a European status in which those things are not taken into account at all. The Samoans prefer to maintain their own system and to have the land owned by Samoans.

Mr. CLAEYS BOUUAERT (Belgium) (interpretation from French): This seems to me to be particularly a matter of internal civil right, but, to come back to this question, I should also like to know whether the special representative could analyze for me the divergencies of opinion arising within the European representation in this Samoan Status Committee.

(Mr. Claeys Bouuaert, Belgium)

He has told us that a certain number of these representatives were in favour of a single status applicable to the whole of the Samoan population but that another sector was in favour of maintaining two systems which would be entirely separate. One of these would be applicable to the Samoan community, and the other would be applicable to the other part of the population. Would those in favour of the single system advocate the abolition of any specific Samoan custom in the field of titles and rights to land?

Mr. SMITH (Special representative): No, there has been no suggestion on either side of the abolition of Samoan custom, but basically a few Europeans feel that if there are two separate groups they are in a minority and they think that everyone should be treated equally.

Mr. FELD (United States of America): I have two or three questions in the political field I should like to ask the special representative. The first one relates to a statement in the annual report that the Member System was introduced on 14 September 1956 as a step towards the achievement of full Cabinet government by 1960. Therefore it has been in operation for something over nine months. Would the special representative comment on how the Member System has worked out thus far.

Mr. SMITH (Special representative): I made a brief reference in my opening statement to my belief that the system was working very well. The newly appointed members, with their new responsibilities, have taken full responsibility within the Legislative Assembly and have measured up well to their responsibilities. Some have taken a little time to learn but they are now well in control of their respective sections of the Government, and so far I have every reason to hope that they will be well prepared to take over greater responsibilities next year.

Mr. FELD (United States of America): With regard to the recommendation of the representative committee on citizenship as distinct from domestic status I note that this committee recommended that legislation be introduced in 1957 into the Legislative Assembly providing that Western Samoan citizenship be acquired by four means: that is, birth, descent from people born in Western

(Mr. Feld, United States)

Samoa, naturalization, and registration of alien women married to Western Samoan citizens. Could the special representative indicate what the time-table is for the introduction of this proposed legislation into the Assembly this year?

Mr. SMITH (Special representative): The Legislative Assembly still has one more session this year. That is one of the subjects on the legislative programme. With the knowledge I have of the large volume of projected work for the Assembly, I do not think it will come this year. It is on the programme, but there are other things that are regarded as more urgent at the present time.

Mr. FELD (United States of America): I have a question relating to the comments made in the annual report regarding the function of the Council of State. I note that, following the establishment in 1956 of the new Executive Council which replaced the former advisory Executive Council and which has greatly extended powers, the practice of holding weekly meetings of the Council of State, which is consulted on proposed legislation and matters affecting Samoan custom, has tended to revive. Does the special representative consider that this is a transitional development, or is it likely that the Council of State will become redundant when full Cabinet Government comes into force in 1960?

Mr. SMITH (Special representative): The members of the Council of State, other than the High Commissioner, are the two high chiefs who as at present proposed, will be the Heads of State at a later stage. It is the policy at the present time that any matter which might be considered by the head of State should now be considered by the Council of State, and that body is at the present time doing much more than it has in the past. It meets weekly and, besides considering those matters mentioned by the representative of the United States, it also discusses informally any matters of general importance to the Government.

Mr. FELD (United States of America): I have one other question regarding the recently held session of the Legislative Assembly. It was my understanding that the budget was to be introduced at this session which was held towards the end of March. Could the special representative indicate what the principle provisions of the budget were?

Mr. SMITH (Special representative): The budget introduced at that time had no particular new proposals. Unfortunately, I have not with me at the moment the budget statement, but in general it merely covered the continuance of the ordinary business of Government. It contained the financial proposals, the amount to be voted for each department. I am sorry that I cannot give any more detailed information than that. It was just the ordinary financial programme for the year, with no special new proposals.

Mr. FELD (United States of America): The question I had in mind was whether there were any particular increases in certain departments as against the percentages they had had in previous years.

Mr. SMITH (Special representative): The main increase was in the Department of Agriculture, which was established on a much more workman like basis. The Department of Agriculture, of course, is an important one for the future economic development of the Territory and it received the main emphasis. There were development proposals, mainly for roads on the island of Savai'i and for certain educational buildings, the additions to the Samoa College. I think those were the main changes.

Mr. KESTLER (Guatemala) (interpretation from Spanish): Observing the constitutional changes that have taken place in the Territory, I have been led to question two points. My misgivings may be theoretical, and I should like the special representative to clear up these points so that I may understand how this system is working at the present time. In his opening statement the special representative informed us:

"The formal change provided for by the Samoa Amendment Act 1956 was made shortly afterwards on 14 September when the High Commissioner devolved on the Members of the Council ... authority to administer their departments and made each responsible for the operations of his own department."

(T/PV.828. page 6)



(Mr. Kestler, Guatemala)

Undoubtedly this change is of considerable importance because it tends to convert the system to a future cabinet-type system. I should like to ask the special representative how this responsibility is made effective for the time being and how it would really come into force if an occasion should arise for this responsibility to be exercised.

Mr. SMITH (Special representative): The responsibility is really enforced by the fact that the Legislative Council looks to the member in charge of the department and expects him to explain any requests for finance, to explain any complaints against the administration of the department and generally to act as the person in charge. Previously an official member, in most cases the Secretary of the Government, was looked to to make any explanations to justify appropriations and to take appropriate action in cases of any complaints. Also, the members come to the executive council where agreement of the Council is required on matters affecting their departments. They have to represent the matter in the Council and to justify the action which they propose. In general, they act as the policy makers and as the representatives in the Assembly of their departments.

Mr. KESTLER (Guatemala) (interpretation from Spanish): The special representative, I trust, will pardon me if I dwell a bit longer on this point. Let us take a hypothetical situation. A departmental head becomes responsible for his actions until a full cabinet government system has been set up. I wonder what would be the practical effect of this responsibility in the absence of any cabinet form of government. How would this system operate now?

Mr. SMITH (Special representative): This step was intended as one to lead on to full cabinet government. We have practically now reached the stage where the responsibility is the same. In the earlier stages, the new members required guidance; now very few of them do. Briefly, the difference is that in the earlier stages a good deal of official assistance would be required. We are now practically beyond that stage and going smoothly into the next stage where they have the full responsibility in theory and in fact.

Mr. KESTLER (Guatemala) (interpretation from Spanish): My next question relates to the broadening of the powers of the Executive Council. Among the changes that have taken place, it would appear that the High Commissioner is to seek the advice of the Executive Council except on questions that are very urgent or on very minor matters. This is a very important change and we wondered whether the High Commissioner still has discretion in deciding whether or not a matter is urgent or is of minor importance. Let us suppose that he were to act in a specific instance on these assumptions, how could the Executive Council intervene to control the course of events?

Mr. SMITH (Special representative): If a matter is so urgent that the High Commissioner acts on his own, he is required to report to the Council at its next meeting. If matters are too unimportant, well certainly the member of the Executive Council within whose filed it is would know, and it is always open to him to bring it up again in Council if he wishes. There is no prospect of the High Commissioners being able to act without the knowledge of the Council; if the Council has knowledge the matter is in its own hands.

Mr. KESTLER (Guatemala) (interpretation from Spanish): My next question has been dealt with, to a certain extent, by the representative of Burma. I am referring to the question of suffrage. In our statement last year, my delegation emphasized the fact that the people of Samoa as a whole have not yet spoken out unequivocally on whether they wished, upon attaining self-government, to express their political powers through the voting of the Matai or by means of universal suffrage. We also stated that bearing in mind that during this year and in 1960 elections would be held for representatives to the Legislative Assembly, it seemed to us that perhaps there were two possibilities for holding a referendum or a popular consultation to remove any possible doubts about the form of voting which the people of Samoa would like to adopt. We suggested specifically that throughout each electoral district a plebiscite or referendum might be carried out by secret ballot among all the people eighteen years of age older in order to decide whether or not they wished to elect their representatives through the voting in the Matai or by universal suffrage.

I should like to ask the special representative whether he would comment on the suggestion that we made last year.

Mr. SMITH (Special representative): As the representative of Guatemala has said, that subject was raised here last year, the discussion in this Council was reported back to Western Samoa and it received the utmost publicity. The question has been discussed since. The Administering Authority has always taken the stand that the Constitutional Convention of 1954 was very representative of the whole of the Samoan people, and it stated its views clearly and unequivocally.

The Administering Authority is not prepared at the present stage to go beyond the recommendations of that Constitutional Convention, and therefore could not agree at the present stage that a referendum would be of value. The question has been mentioned to the representatives of the people, as I have said, and it was discussed in the Legislative Assembly. On a reasonable assessment of all opinions that have been expressed in Western Samoa -- and we regard it as a Samoan problem -- I have no doubt that the majority of the people agree with the view expressed by the Constitutional Convention.

Mr. KESTLER (Guatemala)(interpretation from Spanish): Can the special representative tell me whether, in his opinion, and on the basis of his acquaintance with the people of the Territory, the people would be able to exercise the vote in the way mentioned -- that is to say, whether they would be fitted for a system of universal suffrage?

Mr. SMITH (Special representative): That is a rather large question. It must be remembered that the people of the Territory do elect their own matai by their own method, by popular discussion, and I think it can be said that they express their opinion in that way. I am not quite sure what the representative of Guatemala has in mind.

Mr. KESTLER (Guatemala) (interpretation from Spanish): As has just been emphasized by the special representative, it would appear that the local people vote in accordance with their traditional methods. Naturally a change to a system of universal suffrage would perhaps imply the introduction of modern practices and might perhaps change their present system of voting. For that reason, I was asking the special representative whether there would be any obstacles to putting into effect this new practice.

Mr. SMITH (Special representative): I am not quite certain what obstacles the representative of Guatemala has in mind. If he is thinking of educational obstacles, I would say that there are none. If he is thinking of Samoan custom, there is no particular reason why Samoan custom should prevent it.

Mr. KESTLER (Guatemala) (interpretation from Spanish): I gather from the reply just given that there would be no obstacle as far as the innate ability of the Samonan people is concerned, which was the specific point that I wanted to ascertain.

Mr. SALOMON (Haiti) (interpretation from French): On page 16 of the report, reference is made to the results obtained by the special committee on citizenship in Samoa and the difficulties still met with are enumerated. Could

(Mr. Salomon, Haiti)

the special representative tell us whether the Administering Authority has pointed out, in one way or another, its views on the principles which have already been stated by the special committee, and might these views be known?

Mr. SMITH (Special representative): In reply to that question, I would say that the views of the Administering Authority have been stated quite clearly and, I think, are well known within the community.

Mr. SALAMON (Haiti) (interpretation from French): Is the Chief Judge appointed for any definite term? If not, could the special representative tell us whether the conditions of this official have been considered in terms of the changes that have to take place in 1960?

Mr. SMITH (Special representative): The Chief Judge is appointed for a three-year term. The appointment of the present Chief Judge had twice been renewed. The status of the Chief Judge was considered at the constitutional convention and it was recognized clearly that, because of the lack as yet of anyone in Samoa with the qualifications required of a judge, and particularly the qualification of legal training, it would be necessary to depend on New Zealand for a long time yet for the nomination of a Chief Judge.

Mr. SALOMON (Haiti) (interpretation from French): In reply to a question by the representative of France, the special representative gave some information a few minutes ago which was not entirely clear to me. I apologize for this, but I should like to have the special representative repeat for me what are the numbers of the group forming around Chief Mata'afa, certain opinions of whom are rather different from those prevailing in the Territory generally.

Mr. SMITH (Special representative): It is difficult to give any actual figures as to the groups supporting the Mata'afa. The number of people who nominate to the title of Mata'afa is fairly small. There is, beyond that, a sort of very extended group of families which would support the Mata'afa in some matters and not in others. But, when it comes to the question of the position of Fautua,

Mr. MUFTI (Syria)(interpretation from French): My delegation would like to have more detailed information on the list of subjects which are described as reserved enactments in the explanatory note annexed to the Law of October 1956, adopted by the New Zealand Parliament.

Mr. SMITH (Special representative): I should like, if I may, to give that information at a later stage, since I do not have the relevant documents with me at the present time.

Mr. MUFTI (Syria)(interpretation from French): My delegation would also like to know the extent to which the Legislative Assembly will be authorized to legislate as regards local defence. Does the Law of October 1956 set any conditions in this respect?

Sir Leslie MUNRO (New Zealand): It would perhaps be well if I answered that question.

I am not quite clear as to whether the representative of Syria is carrying this matter further than it was carried last year. As I understand him, however, he wishes to know the jurisdiction of the local government or the local legislature in Samoa in respect of defence. Is that understanding correct?

Mr. MUFTI (Syria)(interpretation from French): Yes, it is.

Sir Leslie MUNRO (New Zealand): The answer, of course, is that the local legislature has no jurisdiction in respect of defence. There has been no change in the evolution and consideration of this subject since last year. The problem will be examined in the light of later political and institutional development. Those stages of development, however, have not yet been reached. The question remains open.

Since the representative of Syria has raised this question, which is of course cognate to the whole relationship between Western Samoa and the New Zealand Government, it may help if I deal with the matter now; in fact, this will really be a case of repetition.



I should like first to read out the resolution of the constitutional convention on this point:

"The special relationship between Western Samoa and New Zealand should be maintained indefinitely, although its form may change with changing circumstances and constitutional developments. This relationship should eventually be based on an alliance or agreement somewhat similar to the arrangement at present existing between the United Kingdom and the Kingdom of Tonga, but it is recognized that the trust status of the Territory may make special provisions necessary.

"There should be a representative of New Zealand resident in Western Samoa. The status, powers and functions of this person will depend upon the nature of the relationship between New Zealand and Western Samoa. New Zealand will no doubt have its own suggestions to make as to what these status, powers and functions should be" -- and this is the point which I wish to emphasize, because it deals with defence -- "but it is clear that in some way they should concern defence, foreign affairs and seconded officers."

I may amplify this point later, but that is the present position concerning defence, which is in the hands of the Administering Authority.

Section 2 of part I of the Samoa Amendment Act No. 2, 1956 -- which is numbered 46 -- provides that:

"Section 8 of the Samoa Amendment Act 1947 is hereby amended by repealing sub-section 2 and substituting the following sub-section:

"The power conferred by this section to make laws for the peace, order and good government of Western Samoa shall, save as is otherwise provided in the principal Act, including this Act, extend to the imposition of tolls, rates, dues, fees, fines, taxes and other charges, and to the imposition of conditions, restrictions and prohibitions upon the export or import of goods from or into Western Samoa; but" -- and this is the point to which I should like to draw the attention of the representative of Syria --

"shall not extend to the making of laws relating to defence, except

in relation to the taking of land for defence purposes and the recruitment and maintenance of a volunteer force for local defence, or relating to external affairs or affecting the title of the Crown to any land except land vested in the Crown in right of the Government of Western Samoa."

I am very anxious that we should give the representative of Syria the fullest possible answers. If it suits his convenience, I would suggest that he discuss the previous question which he put with the special representative after this meeting has been adjourned, and I am sure that the special representative will then be in a position to amplify on the matter.

Mr. MUFTI (Syria) (interpretation from French): I thank the representative of New Zealand for the clarification which he has given, but in my question I referred to the law of October 1956 which seems to allow the Legislative Assembly to legislate for the creation of a local defence force. That is the specific question which I wanted to ask, but perhaps I may receive that information at a later stage.

Mr. SMITH (Special representative): I should like to clear up what appears to be a slight misunderstanding. The answer which was just given by the representative of New Zealand quoted from that law of October 1956, and the specific reference to defence was that the "power of the Legislative Assembly to make laws relating to defence shall not extend to the making of laws relating to defence except in relation to the taking of land for defence purposes and to the recruitment and maintenance of a voluntary force for local defence". Those two matters -- the taking of land and the recruitment and maintenance of a voluntary force -- are, by that law, placed within the competence of the Legislative Assembly.

Mr. MUFTI (Syria) (interpretation from French): This reply is quite satisfactory, and I shall now proceed to my next question.

My delegation would like to know whether, since the special representative stated in his opening address that the Legislative Assembly controlled the finances of the Territory, such control can be exercised adequately by an organ which does not have the final word.

Mr. SMITH (Special representative): I think that the Legislative Assembly has the final word on finance. Financial proposals are made to it by the Government; the Legislative Assembly answers yes or no to those proposals, and its answer is final.

Mr. MUFTI (Syria) (interpretation from French): I should like to know also whether it is possible to assume that the judicial power is independent of the executive power as long as the executive power has the possibility of putting an end to the services of a judge.

Mr. SMITH (Special representative): The principle on which the legal system in New Zealand is based, and which has been followed in Western Samoa, is that a judge is completely free. There is, however, as I have said, a reserve right to terminate the term of office of a judge. I know of no occasion on which this right has been exercised; it is purely a reserve power. But the judge is not in any way affected by the views of the executive organs.

Mr. MUFTI (Syria) (interpretation from French): Could the special representative tell me what are the subjects which are not considered sufficiently important to require the opinion of the Executive Council? On this point I return to a question which was partially raised by the representative of Guatemala. My delegation would like to know whether there exists a list enumerating all the subjects which are not considered important.

Mr. SMITH (Special representative): There is no such list. The general principle is that anything of any importance at all is brought to the Executive Council, but that provision is designed to free it from consideration of quite trivial matters; very minor matters do at times come to be decided upon by the High Commissioner.

Mr. MUFTI (Syria) (interpretation from French): I should also like to know what criterion has been established for subjects considered urgent by the High Commissioner in order not to require the opinion of the Executive Council. My delegation would like to know if "urgent" can refer to important subjects and whether the local authorities do have the possibility of later reviewing decisions taken by the High Commissioner on urgent matters.

Mr. SMITH (Special representative): It is a matter for judgement whether a situation is urgent, but the Executive Council can be called together on quite short notice. I know of no matter that has been decided in that way because of urgency, but it is there as a reserve power. However, there is also the requirement that any matter decided on that basis must be reported to the Executive Council, which then has the opportunity of discussing and reviewing it.

Mr. MUFTI (Syria) (interpretation from French): I should like to ask the special representative what are the principal objectives and achievements of the South Pacific Commission whose membership includes Australia, France, the Netherlands, New Zealand and the United Kingdom. We should like to know, in particular, whether this Commission deals with political questions and security matters.

Mr. SMITH (Special representative): The South Pacific Commission is concerned with social and economic matters, but not in any way with political or security matters. The field of government is excluded from its consideration.

Mr. MUFTI (Syria) (interpretation from French): My delegation would like to know until what date the members of the Legislative Assembly, outside of the Fatua, will continue to be appointed by the High Commissioner.

Mr. SMITH (Special representative): In November of this year an election will be held for the members of the Legislative Assembly. The present Assembly will continue in office until just before that election.

Mr. MUFTI (Syria) (interpretation from French): We know that even the elected members of the Legislative Assembly are appointed by the High Commissioner; the fact of holding new elections will not change anything. I should like to have some clarification on that subject.

Mr. SMITH (Special representative): As a matter of form, the present members are appointed by the High Commissioner on the nomination of the Fono of Faipule. The new Assembly will be elected in November of this year and there will be no appointments. When they are elected they assume office.

Mr. MUFTI (Syria) (interpretation from French): The electoral system, even when revised, will still be on the basis of two-degree election, since the Matai will always have to intervene in future elections. My delegation would like to know whether the Administering Authority intends to introduce into the Territory an electoral system based on single stage elections.

Mr. SMITH (Special representative): The Administering Authority does not propose to force that system on the local people, who have stated clearly that, at the present stage, they wish to follow their own system -- first, election of the Matai, and then election of the representatives by the Matai. It may be that in the future there will be a change, but that change will be made by the Samoan people and not by the Administering Authority.

Mr. MUFTI (Syria) (interpretation from French): My delegation would like to know what means of appeal are at the disposal of people who may be expelled from the lands called "Samoan customary land", occupied by them after a decision of the Land and Titles Court. We should also like to know if this would be affected by the change in the second clause of the law of October 1956, which allows the Government of Western Samoa to control its own land.

Mr. SMITH (Special representative): The land directly owned by the Government, of course, does not come under the Samoan customary system.



Mr. SMITH (Special representative): The land directly owned by the Government does not, of course, come under the Samoan customary system. The Land and Titles Court refers only to Samoan customary land, and there is no appeal from its decision in land cases.

Mr. MUFTI (Syria) (interpretation from French): The special representative said in his opening address that the Legislative Assembly would have the possibility to legislate even if the amendments proposed by it were to be opposed to the original provisions to which they refer. This statement is not very clear and I think it requires further clarification.

Mr. SMITH (Special representative): The provision, of course, is that in those subjects laws made by the Legislative Assembly are invalid if they are repugnant to the overall law; and that is only so that the overall law may not be changed when the Administering Authority still has responsibility under the Trusteeship Agreement. The power of the Legislative Assembly has been extended there in some matters; for instance, education is a reserved subject. It is felt that there is no reason for that to be so in the future. So that even though it is nominally a reserved subject, education may now be dealt with by the Legislative Assembly.

There are other matters as well, of which I do not have a list here. But the power is extended to legislate on those powers and in due course those matters will be removed from the category of reserved subjects.

The meeting rose at 12.45 p.m.