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VERBATIM RECORD OF THE ONE THOUSAND AND THIRTY-SIXTH MEETING

Held at Headquarters, New York,
on Monday, 3 August 1959, at 2.30 p.m.

President:

Mr. VITELLI

(Italy)

Examination of conditions in the Trust Territory of New Guinea:
report of the Drafting Committee (T/L.914 and Add.1, T/L.939,
T/L.941) (continued)

Note: The Official Record of this meeting, i.e., the summary record, appeared in mimeographed form under the symbol T/SR.1036 subject to representatives' corrections. It will appear in final form in a printed volume.

EXAMINATION OF CONDITIONS IN THE TRUST TERRITORY OF NEW GUINEA: REPORT OF THE DRAFTING COMMITTEE (T/L.914 and Add.1; T/L.939, T/L.941) (continued)

The PRESIDENT: The Council will continue its consideration of paragraph 13 of the annex to the report of the Drafting Committee (T/L.939). The paragraph on which the Council will vote reads as follows:

"In this connexion, the Council endorses the views of the mission that, in order to accelerate the rate of progress, the Administering Authority might also seek financial assistance from international institutions such as the International Bank for Reconstruction and Development, and expert assistance from the specialized agencies of the United Nations and other international bodies."

Mr. OBEREMKO (Union of Soviet Socialist Republics) (interpretation from Russian): At our last meeting other proposals were made concerning paragraph 13, and I should like them also to be taken into consideration. For example, we agreed that no specific specialized agency should be singled out and mentioned and that if any are to be mentioned, then all twelve should be listed. When I proposed not to mention any specialized agency, I was following up the proposal which had previously been made by the representative of the United Kingdom. I believe that some agreement had already been reached on this point. Therefore, I should like to read out paragraph 13 as we would like to propose it for the approval of the Council:

"In this connexion, the Council endorses the views of the mission that, in order to accelerate the rate of progress, the Administering Authority might also seek financial assistance and expert assistance from the specialized agencies of the United Nations and other international organizations."

Mr. KELLY (Australia): I shall have to reserve my position with respect to paragraph 13 as redrafted. I shall not detain the Council by spelling out the difficulties that I still perceive in the paragraph as redrafted.

Mr. CASTON (United Kingdom): I would like to make one suggestion concerning the last proposal made by the representative of the Soviet Union which, it seems to me, expresses the position very well. Instead of saying "might also seek financial assistance and expert assistance", we should just say "financial and expert assistance".

The PRESIDENT: The Council will now vote on the first amendment, namely, the proposal of the representative of the Soviet Union to delete from the paragraph the words "assistance from international institutions such as the International Bank for Reconstruction and Development".

The proposal was adopted by 9 votes to none, with 4 abstentions.

The PRESIDENT: The second amendment comprises the Soviet Union proposal to replace the words "international community" by the words "United Nations" and the United Kingdom proposal to add the words "and other international bodies" at the end of the sentence. We can take one vote on both these proposals since they are part of the same sentence.

The proposals were adopted by 10 votes to none, with 3 abstentions.

Paragraph 13, as amended, was adopted by 10 votes to none, with 3 abstentions.

Mr. KIANG (China): The reason why my delegation abstained in the vote was that, in our opinion, the original draft more correctly reflected what appeared in the Visiting Mission's report, in which emphasis was placed on financial assistance. In view of the great magnitude of the task of the Administering Authority in the economic development of New Guinea, all the members of the Visiting Mission shared the feeling that the Australian Government had to seek some financial assistance from outside, either from the International Bank or from private sources.

Mr. KELLY (Australia): My delegation abstained in the vote for several reasons. First, the paragraph as adopted does not faithfully reflect the views of the Visiting Mission. Secondly, I am at a loss to understand how the Administering Authority might seek financial assistance, even if it so wished,

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from the specialized agencies, such as the ILO, FAO and WHO. I do not know whether it is within the competence of specialized agencies to enter the field of granting financial assistance to Member States or to the Administrations of Trust Territories. That minor point was presumably overlooked in the discussion.

Mr. CASTON (United Kingdom): My delegation voted for the text as amended because we wished to leave to the Administering Authority the discretion to seek financial assistance from those bodies which grant financial assistance, expert assistance from those which grant expert assistance, and both from those which grant both.

Mr. OBEREMKO (Union of Soviet Socialist Republics) (interpretation from Russian): I wanted to say approximately what the representative of the United Kingdom just said. When the Administering Authority proceeds to implement this recommendation, it will very easily learn where financial assistance may be received and where expert assistance may be found. I do not think there are any practical difficulties to be found in that field.

Paragraph 14 was adopted by 12 votes to none, with 1 abstention.

Mr. OBEREMKO (Union of Soviet Socialist Republics) (interpretation from Russian): In the vote on paragraph 15, I should like to request a separate vote on the first and second sentences. We shall abstain in the vote on the first sentence and vote in favour of the second sentence.

The first sentence of paragraph 15 was adopted by 12 votes to none, with 1 abstention.

The second sentence was adopted by 9 votes to none, with 4 abstentions.

Paragraph 15 as a whole was adopted by 12 votes to none, with 1 abstention.

Paragraph 16 was adopted unanimously.

The PRESIDENT: We come now to the addition which has been suggested by the representative of India (T/L.941, paragraph 6). Does the representative of India have any elucidation to give on this particular point?

Mr. GUPTA (India): I elucidated this paragraph this morning. We find that there is a gap in this report in that it does not mention anything about the development of industry in the Trust Territory. Therefore we have proposed this paragraph.

Mr. CASTON (United Kingdom): I find myself in some difficulty about this paragraph because, while the first sentence undoubtedly relates to industry, which is the heading suggested by the representative of India, the second sentence relates almost entirely to a question of agriculture. It refers to climate and soil conditions and suggests that special attention should be given to the production and cultivation of sugar-cane and, as a quite subsidiary question, to the establishment of a sugar industry, presumably a processing industry, in the Territory. In the first sentence we have already referred to the establishment of secondary industries based on the Territory's produce, and I wonder therefore whether this is the place to introduce this quite new consideration about giving special attention to the production of sugar-cane. I wonder whether the representative of India would agree to leave his paragraph with just the first sentence, which I think expresses the general point of view that he is anxious to get over.

Mr. GUPTA (India): I am afraid that the second part of this paragraph is really essential because the fundamental idea is to indicate or suggest on behalf of the Council that there is a possibility for the establishment of a sugar industry in the Territory. As the Council will recall, the Indian delegation quoted during the general debate a statement by a member of the Legislative Council, Mr. Downs:

"In New Guinea and Papua we have never grown sugar on a commercial scale, although the Territory is the source of the world's best sugar plant variety."

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(Mr. Gupta, India)

So the whole idea of this paragraph is to suggest that on the basis of this possibility of sugar-cane production there is a possibility of the establishment of productive industry in the Territory.

The additional paragraph proposed by the Indian delegation was adopted by 6 votes to none, with 7 abstentions.

The PRESIDENT: The delegation of India has proposed that at the end of paragraph 17 the following be added:

"In the acquisition of land, and in the leasing thereof to non-indigenous farmers, special care in the Council's view needs to be taken to ensure that in future needs and interests of the indigenous people are not in any way jeopardised."

Mr. KELLY (Australia): I should like a separate vote taken on the words "in future" in the proposed Indian amendment. If those words remain in the Indian amendment, there appears in that amendment the implication that in the past the needs and interests of the indigenous people have been jeopardized, and naturally that is a proposition which my delegation could not, having regard to the facts, endorse.

Also I should like a separate vote taken on the words "with concern" appearing towards the beginning of the first sentence in paragraph 17. The Council will be aware that the Administering Authority is endeavouring to persuade the indigenous inhabitants no longer to confine their attention exclusively to subsistence agriculture but to go in for cash cropping. In certain isolated areas, our very efforts to persuade the people to go in for cash cropping might mean that the land in certain given areas is insufficient both for subsistence agriculture and for cash cropping and, of course, additional land will have to be provided for those inhabitants. The mere fact that, because of intensive agricultural development, a shortage of land might develop in two or three areas is in itself not an occasion for concern but an occasion for congratulation. It is this very insistence on development that leads, or may lead, to a possible shortage of land in certain circumstances. Therefore, I think it would be inappropriate of the Council to express concern at the consequences of intensive agricultural development, and I suggest, with respect, that those words might be deleted.

(Mr. Kelly, Australia)

The second sentence of paragraph 17, as it stands, we naturally can fully endorse.

We have certain reservations about the third sentence because the projects in the Warangoi Valley and at Vudal are of their nature experimental resettlement projects -- test projects -- and I do not think that anybody ever considered that these test projects in themselves would provide a definitive solution for pressures arising as a result of a more intensive agricultural development. However, I do not wish to record positive disagreement with the views of the Visiting Mission with respect to these matters and would propose to abstain on this third sentence if it were put to the vote.

Mr. GUPTA (India): I wish to point out a typographical error. The words "in future" in the third line of the proposed amendment should be "the future". I hope that this takes care of the point made by the representative of Australia.

Mr. KELLY (Australia): I am very grateful indeed for the correction made to this text by the representative of India. In the circumstances, as we intend to take this special care, I will vote for his proposed addition.

Mr. MUFTI (United Arab Republic) (interpretation from French): My delegation has two comments on the Indian amendment. We feel that the recommendation contained in that amendment should be applied to all possible situations. In other words, this recommendation must be of a general nature and not merely a recommendation aimed at specific implementation in cases of resettlement. Therefore my delegation would propose the addition of the following words: "The Council expresses the view that when land is acquired..." and so forth "...the Administration should ensure that this really meets a need." Thus it would be made quite clear that, whenever the Administering Authority acquires land and rents it, it does not do so merely to encourage resettlement. These are two distinctly different things. Therefore, my delegation would propose the addition of the words "as a general rule" after the words "the Administering Authority should".

(Mr. Mufti, United Arab Republic)

The second comment refers to the future interests and future needs of the indigenous population. We feel that some of these interests and needs refer to the present and not merely to the future. Therefore we propose that either the word "future" be deleted or that reference be made to the present by saying "the present and future needs of the indigenous population", or we could merely say "the interests and needs of the indigenous population".

The PRESIDENT: I should like to ask the representative of the United Arab Republic if he would kindly help us with his first suggestion by repeating it, so that all the members may know exactly where they stand on this point.

Mr. MUFTI (United Arab Republic) (interpretation from French): I have before me the French text of the Indian amendment and I should like to read out this amendment as modified by the present proposal of my delegation:

"The Council expresses the view that, whenever it acquires land and leases it to non-indigenous farmers, the Administering Authority should as a general rule duly see to it that the present and future interests of the indigenous people are not impaired."

The PRESIDENT: To sum up the two proposals made by the representative of the United Arab Republic, he has suggested that in this particular paragraph the words "as a general rule" should be inserted between the words "to be taken" and the words "to ensure". In other words, the paragraph as amended by his proposal would read:

"In the acquisition of land, and in the leasing thereof to non-indigenous farmers, special care in the Council's view needs to be taken as a general rule to ensure..."

and so on. The second suggestion made by the representative of the United Arab Republic was to insert the words "present and" before "future". Therefore it would read:

"... to ensure that the present and future needs and interests of the indigenous people are not in any way jeopardised."

Mr. SALOMON (Haiti) (interpretation from French): I wish to point out one thing with reference to the remark made by the representative of Australia. He seemed to indicate that the Drafting Committee, by the phrase, "The Council notes with concern that a shortage of land, due to the expanding needs of indigenous agriculture...", was suggesting that the Council note with concern that the indigenous inhabitants are asking for more land for agriculture. I think the meaning of the sentence is quite clear. The concern which should be shown by the Council does not arise from the fact simply that there is a shortage of land. As stated in paragraphs 140 and 141 of the Visiting Mission's report, the fact is that in certain regions, although the people do not have land, there is land which is unoccupied, and the Mission emphasized that this question gives rise to great agitation in the area which is affected. I think that this is a fact which the Council should note with concern. For this reason, my delegation will vote in favour of retaining the words "with concern" proposed by the Drafting Committee.

The PRESIDENT: We had not reached that stage yet, but at any rate the Council has taken note of the observations of the representative of Haiti.

I think we can now proceed to a vote on the amendments proposed by the representative of the United Arab Republic.

Mr. KELLY (Australia): I ask the President to ascertain whether the amendments proposed by the representative of the United Arab Republic are acceptable to the representative of India or whether they are being maintained as a separate and distinct proposition.

The PRESIDENT: I should think that these amendments could be taken as separate amendments proposed by the representative of the United Arab Republic. I was therefore proceeding to the vote on them, if that is agreeable to the Council.

Mr. KELLY (Australia): I would, of course, be much happier if the Indian proposal and the proposal of the United Arab Republic were cast in a somewhat different form, that is, if they were cast in such a way as to indicate that the Council noted that the Administering Authority had given certain assurances. However, they have not been cast in that form. Our present practice is to take fully into account, as a general rule and in particular circumstances, the present and future needs and interests of the indigenous peoples in the matter of the acquisition of land. Therefore, I cannot possibly vote against the primary thought contained in the Indian representative's proposal or the thought contained in the proposal of the representative of the United Arab Republic. The two proposals say in effect that, in the Council's view, action ought to be taken which we are already committed to take. I will not quarrel about words. I will vote for the amendment of the United Arab Republic and, if the Indian amendment is amended by the United Arab Republic proposal, I will vote for that too, because I want to make it quite clear that, in the matter of land, the present and future needs, as estimated or even as imagined, will be taken fully into account by the Administering Authority.

Mr. GUPTA (India): The amendments proposed by the representative of the United Arab Republic are quite acceptable to the Indian delegation.

Mr. OBEREMKO (Union of Soviet Socialist Republics)(interpretation from Russian): Before the Indian amendment to paragraph 17 is put to the vote, I should like to point out that the amendments proposed by the representative of the United Arab Republic and accepted by the representative of India do include the original text of the Indian amendment. Yet, they do not make that text quite satisfactory as far as we are concerned, since the Soviet delegation has always supported the principle that the lands belonging to the indigenous inhabitants must not be alienated at all in favour of non-indigenous persons. That is why we cannot support the Indian amendment -- even though we are fully aware of the motivation of the Indian delegation in this case.

The PRESIDENT: We will now vote on the Indian amendment as amended in accordance with the proposals of the representative of the United Arab Republic.

The Indian amendment, as amended, was adopted by 12 votes to none, with 1 abstention.

The PRESIDENT: The Council has the text of paragraph 17 before it. We shall now proceed to vote on the words "with concern", which appear in the first line of paragraph 17. The vote is on the question of whether to retain those words.

There were 6 votes in favour and 6 against, with 1 abstention.

After a brief recess in accordance with rule 38 of the rules of procedure of the Trusteeship Council, a second vote was taken.

There were 6 votes in favour and 7 against, with 1 abstention. The words "with concern" were not adopted.

Paragraph 17, as amended, was adopted by 10 votes to none, with 3 abstentions.

Mr. OBEREMKO (Union of Soviet Socialist Republics)(interpretation from Russian): I should like to draw attention to what is perhaps a not very accurate translation of the first sentence of paragraph 18. In the Russian text, there is a statement referring to a transition to individual holdings from traditional holdings. In the English text, there is a reference to "a change from customary tenure to individual holdings". I wanted to point out this discrepancy in order to align the Russian translation with the English text.

The PRESIDENT: The Secretary will take note of the observation made by the representative of the Soviet Union.

Paragraph 18 was adopted by 10 votes to none, with 3 abstentions.

The PRESIDENT: We turn now to the section on social advancement. Are there any observations on paragraph 19?

Mr. OBEREMKO (Union of Soviet Socialist Republics)(interpretation from Russian): I do not know how the text actually reads in English. In the Russian translation, however, which in my view is quite correct, the text does not read quite clearly. It is stated here that it is necessary to take measures to eliminate any discriminatory provisions which are not in the interests of the indigenous people. We should like a clarification here. Are there any discriminatory provisions which would be in the interests of the indigenous people? Perhaps the representative of Australia can provide this clarification.

The PRESIDENT: Before I give the floor to the representative of Australia, may I point out to the representative of the Soviet Union that the original text is in English.

Mr. KELLY (Australia): I am quite happy to supply certain elucidations for the benefit of the representative of the USSR. There are maintained at the present time in the Trust Territory certain discriminatory provisions which are certainly in the interests of the indigenous people. I need, for a start,

mention only one: the fact that the indigenous people are not allowed to dispose of their lands to non-indigenous people. Here is a discriminatory measure which discriminates against non-indigenous inhabitants in the interests of the indigenous people.

I might mention another: that non-indigenous persons are not allowed freely to enter areas not yet penetrated by patrols. Again, this is a provision discriminating against non-indigenous persons in the interests of indigenous persons.

At the present stage of development in New Guinea, there must be discrimination for the indigenous inhabitants in certain cases and there must be discrimination against non-indigenous inhabitants, all in the interests of the indigenous inhabitants. There can be no question at the present time of eliminating all discriminatory provisions. Some must be maintained to protect the essential interests of the indigenous inhabitants.

Mr. OBEREMKO (Union of Soviet Socialist Republics) (interpretation from Russian): In the first place, I must express some regret that the representative of Australia did not make this statement when we were discussing paragraph 17, concerning the alienation of land. He then voted in favour of a text which stated that the Administering Authority was entitled to alienate lands in favour of non-indigenous persons. We now hear that there is apparently a special discriminatory provision favouring indigenous persons, to the effect that they may not have their lands transferred to non-indigenous persons.

The point is that, when **discriminatory** provisions are mentioned, the reference is to provisions which establish discrimination that is not in favour of the indigenous people. That is discrimination. If there are discriminatory provisions which protect the indigenous people, they should not be called discriminatory. They should be called, and they are indeed called, provisions protecting the indigenous people.

I therefore feel that this issue should not be confused. There are indigenous people in the land, their interests are paramount -- and this was repeatedly stated by the representative of the Administering Authority -- and

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therefore it should be said that it is necessary to eliminate discriminatory provisions. Nobody is trying to invite the Administering Authority to abolish such discriminatory provisions as do indeed protect the indigenous people. If such provisions do exist, certainly nobody would call them discriminatory inasmuch as they are not directed against the interests of the indigenous people.

I therefore believe that the best formulation of this paragraph would be the following: After the words "discriminatory provisions", put a period -- and delete the rest of the sentence as it now stands. The meaning would then be made quite clear, namely, that at the present time legislation is being discussed in the Territory with the aim of eliminating discriminatory provisions, provisions which are not aimed at protecting the interests of the indigenous people.

Mr. CASTON (United Kingdom): I should like to say that I would regard any measures discriminating against me in the Territory of New Guinea as discriminatory. If we were to eliminate the words following "discriminatory provisions", as suggested by the representative of the Soviet Union, the text which would remain would have a meaning quite different from that which he has just said he would like to have it express. Therefore, I think we should keep the present version of paragraph 19.

Mr. MUFTI (United Arab Republic)(interpretation from French): I should like to propose that the following words be added at the end of this paragraph: "and invites the Administering Authority to forward the results of this examination to it".

Mr. KELLY (Australia): I should like to say, with reference to the addition proposed by the representative of the United Arab Republic, that I feel that the expressions he has employed are so vague and so general, having regard to the process of examination involved, that I would find it necessary to vote against the addition. As I understand the position, the total body of legislation in the Territory is being examined clause by clause, sentence by sentence, and I should imagine that before long the Administering Authority will probably propose

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to the Legislative Council the deletion of a number of provisions which are expressed in certain words that might have been justified forty years ago, or twenty years ago, or even five years ago, but that would not be justified at the present time.

Having said that, I feel -- and I speak just for myself -- that if, after investigation, the Administering Authority reaches the conclusion that certain discriminatory provisions must be retained in order to afford protection to the indigenous people, the special representative, next year or the year after, would be in a position to direct attention to the provisions that are retained.

(Mr. Kelly, Australia)

But I cannot at the moment understand the words "the results of this examination". The initial examination will be undertaken presumably by such people as parliamentary draftsmen, who will confer with the different departments. A great deal of research and consultation will have to be undertaken before the Administering Authority will reach the stage in which it will be able to propose the amendment of certain parts of the law. It seems to me that the proper time for communicating to the Council the nature of any such provisions that remain is when the final process of examination is completed and when the necessary legislative amendments have been put into effect. In the circumstances, I suggest that the Council might refrain from adopting the addition proposed by the representative of the United Arab Republic.

Mr. MUFTI (United Arab Republic) (interpretation from French): My delegation fully appreciates the situation in which the representative of Australia finds himself. In order to facilitate this situation, we would propose that the amendment be reworded as follows: "and invites the Administering Authority to forward the results of this examination as they are received". This would be a progressive communication which would be made by taking into account the measures taken to facilitate the consideration of legislation.

Mr. KELLY (Australia): First I want to express my gratitude to the representative of the United Arab Republic for further modifying his proposal. However, I am still unable to accept it, because I do not want to vote for this without the full authority of the Administering Authority. If he insists on putting this proposal to a vote, I shall have to oppose it. I have no doubt in my own mind that as and when this process of re-examination is completed, if there should remain, as there probably will remain, certain discriminatory provisions in the interests of the indigenous people, then the Special Representative will be in a position to communicate the nature of these provisions to the Council. However, not having had even the opportunity of consulting the Administering Authority by cable, I cannot vote for it in its present form. I say this with regret, because I should have liked to consult the Administering Authority

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with respect to the nature of the process which, I understand, is now well under way. Had this been brought up in the form of a specific recommendation by the Drafting Committee, I might have been able to consult the Administering Authority. However, I can only vote against it now, but I do so feeling morally certain that in due course the Administering Authority will do what the representative of the United Arab Republic wants it to do.

Mr. OBEREMKO (Union of Soviet Socialist Republics) (interpretation from Russian): Inasmuch as there appears to be a difference of interpretation of the word "discriminatory", we would suggest its deletion. This would make it quite clear that at the present time legislation is being discussed which is aimed at eliminating all provisions which are not in the interests of the indigenous inhabitants. This would avoid the difficulty and enable us to support this text.

Mr. KELLY (Australia): I have no objection in the circumstances to the deletion of the word "discriminatory", but it will not change the meaning of the phrase, because certain provisions in the interests of the indigenous people will be retained, especially those provisions relating to land, and they will be discriminatory against the interests of non-indigenous inhabitants. I shall not quarrel about the word. If you delete the word "discriminatory", the effect of the word remains.

Mr. OBEREMKO (Union of Soviet Socialist Republics) (interpretation from Russian): I wish to thank the representative of Australia for accepting my amendment. If provisions should remain in the legislation which might amount to discrimination, but not discrimination aimed against the indigenous people but in fact aimed at protecting their interests, we would certainly welcome that type of discrimination, but it would no longer be discrimination as we understand it. It would then be the protection of the indigenous people.

The PRESIDENT: The Council will now vote on the amendment proposed by the representative of the United Arab Republic, which reads as follows: "and invites the Administering Authority to forward the results of this examination to it as they are received".

The amendment was adopted by 7 votes to 2, with 4 abstentions.

The PRESIDENT: Are there any objections to the amendment proposed by the representative of the Soviet Union to delete the word "discriminatory" in the third line of paragraph 19? Since there are no objections, we shall consider this word to be deleted.

It was so decided.

Paragraph 19, as amended, was adopted by 10 votes to none, with 3 abstentions.

Paragraph 20 was adopted by 12 votes to none.

Mr. OBEREMKO (Union of Soviet Socialist Republics) (interpretation from Russian): I should like to request a separate vote on the second part of paragraph 21 beginning in the middle of the second sentence from the words " ... the Council recommends" to the end of the paragraph. This text contains a positive recommendation and we shall therefore vote in favour of this part of paragraph 21.

The PRESIDENT: The Council will now vote on the latter part of paragraph 21, beginning with the words "the Council recommends" to the end of the paragraph.

The latter part of paragraph 21 was adopted unanimously.

Paragraph 21 as a whole was adopted by 12 votes to none, with 1 abstention.

Paragraph 22 was adopted unanimously.

Paragraph 23 was adopted by 11 votes to none, with 2 abstentions.

Paragraph 24 was adopted unanimously.

The PRESIDENT: The delegation of India has submitted an amendment to paragraph 25.

Mr. OBEREMKO (Union of Soviet Socialist Republics) (interpretation from Russian): We should like to submit an amendment to the Indian amendment to replace the words "is confident" by the words "expresses the hope" -- "The Council expresses the hope ..." with the remainder of the sentence as it stands. I hope that this amendment is acceptable to the representative of India.

Mr. GUPTA (India): It is all right with my delegation if it is acceptable to the Council.

The PRESIDENT: Are there any objections to the Soviet amendment to the Indian amendment? Since there are none, we shall proceed to the vote on the Indian amendment as amended by the Soviet delegation.

The Indian amendment to paragraph 25, as amended, was adopted by 11 votes to none, with 2 abstentions.

Paragraph 25, as amended, was adopted unanimously.

The PRESIDENT: The delegation of India has submitted an amendment to paragraph 26.

Mr. KELLY (Australia): I propose to vote against the latest amendment submitted by the representative of India, because, frankly, I do not know what it means or what meaning it is intended to carry.

Mr. GUPTA (India): The idea behind this amendment is to endorse the continuation of the trend of increasing the Administration's control over the educational system, as reported in the Visiting Mission's report.

Mr. KELLY (Australia): On the distinct understanding that that is what it means, I will vote for it.

The Indian amendment to paragraph 26 was adopted by 11 votes to none, with 3 abstentions.

Paragraph 26 as amended was adopted by 13 votes to none, with 1 abstention.

The PRESIDENT: With regard to paragraph 27, an amendment has been presented by the delegation of India, consisting of the addition proposed in paragraph 10 of document T/L.941.

Mr. GUPTA (India): I have a small correction to make here. In the first line of the amendment, instead of "on the higher grades" it should be "in the higher grades".

U TIN MAUNG (Burma): I should like to seek clarification from the representative of India with regard to the second last line of his amendment. What does he mean by "vertical expansion"? Does he mean expansion at the different levels or does he mean the construction of school buildings from one storey up?

Mr. GUPTA (India): The first interpretation given by the representative of Burma is correct.

Mr. CASTON (United Kingdom): I had just the same difficulty as the representative of Burma, and I wonder whether it might not make for a more immediately understandable text if we substituted the word "expand" for "undertake vertical expansion of". I think the direction of the expansion is fairly clear from the context.

The PRESIDENT: If we adopt the wording suggested by the representative of the United Kingdom, the last two lines of this amendment will read as follows:

"primary education it should be necessary to expand these schools by progressive stages."

Mr. GUPTA (India): This amendment is acceptable to my delegation.

Mr. KELLY (Australia): If the Indian amendment simply meant that additional and higher classes should be provided in the primary schools as and when indigenous teachers became available, or as and when non-indigenous teachers became available, I would have no difficulty in accepting it. It is a pious wish on the part of the Council which we could endorse. In the first part of the amendment the Council proceeds to a rather categorical judgement concerning the falling off of attendance in the higher grades of primary schools. I am reluctant, from the facts before me, to endorse that judgement and shall therefore have to abstain on the Indian amendment. I think that the Council should not make a judgement of fact unless it is absolutely certain that its judgement corresponds with the fact.

As far as I am aware, the Council has not undertaken any profound inquiry into this matter. The Drafting Committee, which had the job of reflecting the opinions of the Council as a whole, did not come forward with any recommendation on this matter. I say, with very great respect, that I think the Council is venturing out of its field when on the basis of insufficient evidence it formulates a judgement like that to be found in the first part of the Indian amendment.

The Indian amendment to paragraph 27, as amended by the United Kingdom proposal, was adopted by 5 votes to none, with 6 abstentions.

Paragraph 27 as amended was adopted by 8 votes to none, with 5 abstentions.

Paragraph 28 was adopted unanimously.

The PRESIDENT: With regard to paragraph 29, the delegation of India has proposed an amendment, to the effect of adding the sentence set forth in paragraph 11 of document T/L.941.

Mr. GUPTA (India): I would suggest that this be taken as a separate paragraph after paragraph 29: that is, it might become paragraph 30.

The PRESIDENT: If there are no objections to the proposal of the representative of India, we may proceed to a vote on paragraph 29 as it stands.

Paragraph 29 was adopted unanimously.

The PRESIDENT: We can now proceed to a vote on the amendment submitted by the Indian delegation, which would become paragraph 30.

Mr. KELLY (Australia): I propose to abstain with respect to this proposed new paragraph, for several reasons, the first of which is one already mentioned to the Council by the Special Representative: that the multiplicity of languages to be found in a given plantation makes the formation of adult classes, even with respect to the teaching of English, practically impossible.

The second consideration is this: that the proposed amendment does not contemplate the adoption of measures designed to eliminate illiteracy so far as the majority of the adult inhabitants is concerned. It deals only with a fraction of the adult population -- most of them youths engaged in what the Special Representative described as virtually a form of apprenticeship. In fact, the burden placed on people from primitive areas in acquiring elementary techniques of agriculture involves a heavy intellectual burden at the present time, and to tell a young inhabitant of New Guinea that he cannot take a job on a plantation unless he is prepared to study arithmetic, English, geography and other matters might in fact discourage employment at this time. The total adult population of the Territory must be in excess, I should imagine, of 700,000. There are only about 40,000 indigenous inhabitants employed in these plantations, and again I feel that a closer examination of the facts would discourage the Council from adopting this recommendation. However, I propose to abstain on it, and I hope that the representative of India, who has been most co-operative, will understand the reasons for our abstention.

The PRESIDENT: We shall now proceed to vote on the amendment which was originally submitted by the delegation of India as an amendment to paragraph 29 but would now be an addition to the report as paragraph 30.

The Indian amendment was adopted as paragraph 30 by 8 votes to none, with 6 abstentions.

The PRESIDENT: The final paragraph of the report becomes paragraph 31. Paragraph 31 was adopted unanimously.

The PRESIDENT: I now wish to draw the Council's attention to paragraph 6 of the report (T/L.939). In that paragraph the Committee stated that in regard to the establishment of intermediate target dates, and so on, the Committee was unable to agree on a single draft conclusion and therefore submitted two drafts for the consideration of the Council.

Mr. SALOMON (Haiti) (interpretation from French): I should like to offer some clarification to the Council with reference to the two texts, A and B, which are to be found under paragraph 6 of the Drafting Committee's report. In submitting draft A, my delegation was impelled by the desire to submit a text which would take into account the true situation in the Territory and would at the same time satisfy the views expressed by various members of the Council in regard to the situation. My delegation likewise had in mind safeguarding the intent of the General Assembly resolution. As members of the Council will realize, this text is very flexible, and we were very much pained to find that the delegations of New Zealand and Italy, which showed exemplary understanding with respect to the Territory, could not agree with my delegation despite the conciliatory attitude we showed in the Drafting Committee. I think we would have saved a great deal of the time of the Council if this had not arisen.

I should like to give the reasons why my delegation, to its great regret, could not accept the proposal by New Zealand which is found in draft B reported by the Drafting Committee. First of all, this draft B states that the Council notes the assurance of the Administering Authority that it will continue to adopt plans and so on, but my delegation regrets to state that we have not received here in

(Mr. Salomon, Haiti)

the Council an assurance that such a plan will be worked out. At the 1003rd meeting of the Council a question was addressed to the Special Representative by a delegation here. No positive assurance was given by the Special Representative, and therefore the Secretariat was not able to give the Drafting Committee an introductory text or a sort of heading for the recommendations with regard to paragraph 6. Moreover, the second paragraph of the proposal by the representative of New Zealand reads:

"The Council expresses the hope that the Administering Authority will continue to adopt plans, where appropriate with target dates in all fields..."

(T/L.939, page 3)

In the first paragraph it is stated that the Council notes the assurance given by the Administering Authority that it will continue to adopt plans. I do not see why the Council should still express the hope that the Administering Authority will continue to adopt plans.

(Mr. Salomon, Haiti)

I think that there is some degree of confusion here, which is explained by the fact that the Administering Authority in reality has no plan whatsoever which it will continue to adopt, in order to implement the New Zealand proposal, with the exception of the five-year plan in the field of education, which we ourselves have noted in draft A submitted to the Council. I may add that the absence of any plan for over-all development is what struck the Visiting Mission most, as stated in paragraph 105 of its report. Hence we were not in a position to support the statement:

"The Council expresses the hope that the Administering Authority will continue to adopt plans, where appropriate with target dates in all fields of the Territory's development ... " and so on.

Mr. MUFTI (United Arab Republic) (interpretation from French): My delegation is not in a position to vote for the text proposed by the representative of New Zealand, for the following basic reason. This draft recommendation leaves the Administering Authority full freedom to decide whether or not the adoption of any plan would favour the attainment of the essential aims of the Trusteeship System, whereas the Trusteeship Council itself and the General Assembly did feel that the adoption of such plans and the setting of intermediate and final target dates would foster the attainment of the aims of the International Trusteeship System. My delegation is therefore opposed to leaving such discretionary power in the hands of the Administering Authority when we have very clear resolutions adopted by both the Trusteeship Council and the General Assembly.

My delegation can vote in favour of the text proposed by the representative of Haiti, in view of the fact that this text is in full keeping with the concern which I have just indicated.

Mr. OBEREMKO (Union of Soviet Socialist Republics) (interpretation from Russian): The Soviet delegation wishes to associate itself with the remarks just made by the representative of the United Arab Republic.

In our view, the draft presented by the representative of New Zealand is not consistent with the resolution of the General Assembly concerning the preparation of plans with target dates to foster development in the Trust Territory which would

(Mr. Oberemko, USSR)

be consistent with a given plan and which would promote the attainment of self-government or independence. It must be clearly pointed out that the text proposed by the representative of Haiti was in fact aimed at meeting the views of the other members of the Drafting Committee in order to achieve some general agreement. Therefore it is not quite understandable to us why the representative of New Zealand does not agree to the text submitted by the representative of Haiti. We feel that tribute must be paid to the representative of New Zealand for the skill he exhibited in drafting the text under the heading B. It would be hardly possible to prepare a text more consistent with the views and the interests of any administration -- I say "any administration" because I am not referring specifically to this Administering Authority -- of any administration which does not intend to prepare plans with target dates for the attainment of self-government or independence. Inasmuch as this draft by the representative of New Zealand is altogether inconsistent with the General Assembly resolution, we shall have to oppose it.

Mr. ATKINS (New Zealand): In the Drafting Committee my delegation has already expressed its appreciation of the efforts which the representative of Haiti has made to accommodate his position to our own in order that perhaps an agreed text might be arrived at. This expression of appreciation I am very happy to reiterate in the Council.

None the less, there do remain in the Haitian text elements which my delegation, in the light of the position which it has consistently adopted in the Council in the past, is unable to accept. For example, if I may single out one aspect of the Haitian draft, my delegation is unable to accept as a general proposition the implication that, without the revelation by the Administering Authority of its plans for development in the various fields of development within a Trust Territory, the pre-conditions for the attainment of the objectives of the Trusteeship System cannot be attained. This being the case, my delegation finds itself unable to support the text presented by the representative of Haiti; but again I would like to express my delegation's very profound appreciation of the efforts which the representative of Haiti undoubtedly made in the Drafting Committee to reach an agreed text.

Mr. GUPTA (India): My delegation is in complete agreement with draft A and will vote for it. However, I have a minor suggestion to make to the representative of Haiti. In the third line from the bottom, if, instead of the word "implementation", he would substitute "fulfilment", we could make the draft a little more comprehensive.

Mr. KELLY (Australia): I also had the privilege of attending the meeting of the Drafting Committee when these drafts were under consideration and, along with the representative of New Zealand, I too would like to pay a tribute to the forthcoming and co-operative attitude in this matter adopted by the representative of Haiti. Forthcoming and co-operative attitudes, whether adopted by the representative of Australia or the representative of Haiti, cannot always overcome the profound differences of opinion with respect to juridical issues. On this point I am reminded in particular of an observation let fall by the representative of the United Arab Republic. He said in effect that he was not prepared to leave full freedom to the Administering Authority in this matter. That observation -- and I say this with very great respect -- seems to me to derogate from article 2 of the Trusteeship Agreement for the Territory of New Guinea. Article 2 reads:

"The Government of Australia, hereinafter called the Administering Authority, is hereby designated as the sole authority which shall exercise the administration of the Territory."

That Administering Authority has, as is indicated in the first paragraph of the New Zealand proposal, given quite a definite assurance that it will continue to adopt plans, with tentative target dates -- and it is obvious that intermediate target dates are meant -- with tentative target dates, where appropriate, for the progressive economic, social, educational and political advancement of the indigenous people, whenever it is satisfied -- I refer to article 2 again -- that this will assist in the promotion of the objectives expressed in Article 76 b of the Charter. It is sufficient for me to say that I believe all of us are agreed here that the objectives of Article 76 must be satisfied. In our view, the objectives of Article 76 must be pursued in terms of the Trusteeship Agreement and not exclusively in terms of a subsequent General Assembly resolution which does not, by implication even, modify the terms of the Trusteeship Agreement.

(Mr. Kelly, Australia)

However, with reference to General Assembly resolution 1274 (XIII), I would make this observation: that the co-operative text advanced by the representative of Haiti in effect goes far beyond the terms of General Assembly resolution 1274 (XIII). That resolution extended an invitation -- only an invitation, but an invitation -- to the Administering Authority to adopt all these successive intermediate targets and dates. In the draft of the representative of Haiti we find no reference to this word "early" but a much more imperative expression employed: the expression "without delay".

So for a variety of reasons, including the very weighty reasons advanced repeatedly by my predecessors in this Council, the Administering Authority is unable to accept the formulation of the representative of Haiti. It cannot do so without abandoning its rights and its responsibilities under the Trusteeship Agreement and the Charter. We are well aware that other delegations have different concepts of their rights and responsibilities. We respect the expression of their views but we feel ourselves completely unable to support in this year a formulation of the character proposed by the representative of Haiti.

The representative expressed some doubts about the second paragraph in the proposal of the representative of New Zealand. My delegation would not insist on the adoption of the second paragraph of the proposal of the representative of New Zealand. We would be quite content if the Council adopted the first paragraph of the New Zealand proposal.

I do not think it is necessary for me to labour this point. We are seized of each other's views; I think we all respect them. But, as the representative of the Administering Authority, it is my duty to make it quite clear that for very many reasons, but particularly for the reason that the formulation of the representative of Haiti goes outside and beyond even the formulations endorsed by a majority of the General Assembly in resolution 1274 (XIII), we cannot accept this proposal A to be found in paragraph 6 of document T/L.939.

Mr. MUFTI (United Arab Republic) (interpretation from French): I apologize for speaking once more, but the statement just made by the representative of Australia compels me to speak for a second time.

(Mr. Mufti, United Arab Republic)

My delegation is not opposed to the Administering Authority's exercising a certain latitude, having a free hand, in order to decide the contents of plans and the dates to be chosen, but we cannot leave it to the Administering Authority itself to decide whether the adoption of such plans would favour the establishment of the prior conditions for the attainment of the essential aims of the International Trusteeship System. Our position must be very clear with respect to this because the Council and the General Assembly themselves have already decided that the very existence of plans did help in favouring the attainment of the essential aims of the International Trusteeship System. Nevertheless, the Administering Authority can continue to exercise a certain discretionary power by deciding the contents of these plans and by deciding the dates for the attainment of the objectives which are indicated.

Mr. SALOMON (Haiti) (interpretation from French): The representative of Australia indicated that the text proposed by my delegation went beyond resolution 1274 (XIII) of the General Assembly. I do not believe that the representative of Australia intends formally to propose what he has said, because I believe that on reading the text he will see that there are other points with respect to which my proposed text does not go as far as the General Assembly resolution. For example, it states that the Council expresses the hope that the Administering Authority will adopt plans, and I believe that the representative of Australia will understand that there is a difference between this and the formal invitation made by the General Assembly in resolution 1274 (XIII). There are other similar points which I do not wish to invoke here.

The PRESIDENT: The Council has heard the presentation of the views of the proponents of both these drafts. I think we could put these drafts to the vote, and I would suggest that we vote first on draft A, which is proposed by the representative of Haiti, as set forth in paragraph 6 of document T/L.939.

(The President)

Will those in favour of draft A please signify? The result of the vote is: 7 in favour, 5 against, and 1 abstention. I suppose that, draft A having been adopted by the Council, there is no need for us to put to the vote draft B. Therefore draft A stands adopted.

Mr. KIANG (China): On a point of information: I think that the result of the vote is 8 for and 5 against.

The PRESIDENT: The result that I announced was 7 in favour, 5 against and 1 abstention. If there are objections to the vote, we can resume the voting.

Mr. KIANG (China): My record is 8 for, 5 against and 1 abstention.

Mr. PRESIDENT: There is a discrepancy, and, if the Council is agreed, we might take another vote, unless we stand by the vote as recorded by the Secretary. If there are no observations or objections, I think we can have this particular vote again.

Mr. de CAMARET (France) (interpretation from French): I have the same count as the one taken by the representative of China.

The PRESIDENT: I think there is one course of action left for the Council: to annul the previous vote and to take another vote on draft A.

Mr. MUFTI (United Arab Republic) (interpretation from French): In order to avoid all confusion, could we not have a roll-call vote on this matter?

Paraguay, having been drawn by lot by the President, was called upon to vote first.

In favour: Paraguay, Union of Soviet Socialist Republics, United Arab Republic, United States of America, Burma, China, Haiti, India.

Against: United Kingdom of Great Britain and Northern Ireland, Australia, Belgium, France, Italy, New Zealand.

Draft A appearing under paragraph 6 of document T/L.939 was adopted by 8 votes to 6.

Mr. CASTON (United Kingdom): I abstained the first time that draft was put to the vote. I voted against it the second time, that being the only way I could think of to protest against what I thought was a most irregular procedure.

Mr. MUFTI (United Arab Republic) (interpretation from French): My delegation would like to know what the irregular procedure is to which reference has just been made.

Mr. CASTON (United Kingdom): Taking two votes on the same question.

The PRESIDENT: I must say that, in the opinion of the Chair, the voting was quite regular. When the representative of China first raised the point, and was then supported by the representative of France, the Chair found itself confronted with a rather awkward situation. The Chair therefore put this question to the Council and said that, if there were no objections, we would take a second vote. I hope that satisfies the representative of the United Kingdom.

(The President)

We shall now turn to paragraph 7 of the report. In that paragraph, the Committee recommends to the Trusteeship Council that it adopt the working paper on conditions in the Trust Territory of New Guinea (T/L.914 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.

Mr. OBTELEKO (Union of Soviet Socialist Republics) (interpretation from Russian): I want to make some comments with regard to the proposal to adopt as the basic text the text contained in documents T/L.914 and T/L.914 Add.1. I want to draw the attention of the Council to the fact that information is to be found in that addendum which relates to a question concerning which differing views have been expressed within the United Nations. For instance, this statement appears in the document:

"The Council was also informed that administrative co-operation continued between the Territorial Administration of Papua and New Guinea, and the Administration of Netherlands New Guinea ...". (T/L.914 Add.1, page 1)
There are also other references to "Netherlands New Guinea" in the text of that document.

It is well known to the Council that several Member States -- above all, Indonesia -- have a different point of view. What is here called Netherlands New Guinea is called by them West Irian, and it is considered by them to be a part of Indonesia.

In the course of the general debate, the Soviet Union delegation outlined its position in respect of this matter. We do not intend to repeat what we stated at that time. Nevertheless, I should like to draw the attention of the Council to the fact that it is undesirable to have in an official report of the Council references as to which the directly interested Member States have not even had an opportunity of stating their views.

I therefore propose that the second paragraph of the first amendment appearing in document T/L.914 Add.1, on page 1 thereof, be deleted, that being a paragraph in which reference is made specifically to "Netherlands New Guinea". If that proposal is accepted, a one-sided view will not be incorporated in the report of the Council.

Mr. MUFTI (United Arab Republic) (interpretation from French): My delegation would like to support the proposal just made by the representative of the USSR. We should also like to ask the Secretariat to tell us the sources of the information found particularly in that second paragraph. We should like to know whether that information was communicated to the Council at its twenty-fourth session, and at what meeting that communication was presented.

The PRESIDENT: The Council will hear from the Secretary a clarification in regard to the particular point raised by the representative of the United Arab Republic.

The SECRETARY: This material was taken from the opening statement of the Special Representative in this Council. Of course, I must add that this particular paper was a Secretariat paper but, since the Drafting Committee has now adopted it, the Drafting Committee recommends to the Trusteeship Council to take appropriate action.

Mr. MUFTI (United Arab Republic) (interpretation from French): The reply of the Secretary is quite satisfactory, and my delegation is quite prepared to state that it is familiar with the situation.

Mr. KELLY (Australia): As is well known to this Council and to the General Assembly, Australia recognizes the sovereignty of the Netherlands in Netherlands New Guinea and it therefore employs the expression "Netherlands New Guinea" in communications it makes to this Council. For that reason, I feel it necessary for me to oppose the suggestion that an expression which we have not used should be substituted for the expression "Netherlands New Guinea" in a communication from the Administering Authority which the Secretariat has here reproduced.

The PRESIDENT: For the benefit of the representative of Australia, I might say that, in the understanding of the Chair, the representative of the Soviet Union had proposed the deletion of the whole second paragraph, and the Chair was contemplating putting the whole paragraph to a vote.

Mr. KELLY (Australia): I am in a Homeric mood after a long session, and I find myself nodding from time to time. Naturally, in the circumstances, having regard to the political objective which it is sought to attain, I must oppose the deletion of the statement made by the Administering Authority.

Mr. OBEREMKO (Union of Soviet Socialist Republics) (interpretation from Russian): Apparently the representative of Australia did not quite understand the purpose of my proposal. I do not intend to reopen the debate on the substance of this matter. The representative of Australia furnished information in his opening statement, and my delegation, in its statement in the general debate, outlined its general position -- a position of principle. We stated that there is no such entity as Netherlands New Guinea. There is a West Irian, and we said that we feel that West Irian is an inalienable part of one of the Member States of the United Nations, namely, of Indonesia. That was our position of principle in the course of the general debate.

At the present time, I want merely to draw the attention of the Council to the fact that, if our official report should contain this wording, it would amount to approval of such terminology on the part of the Council -- terminology with which only one of the two parties is in agreement. The other party, Indonesia, is not even present at our debate and is therefore denied the opportunity of stating its views. I feel that one of the main organs of the United Nations should not in an official document favour one or the other version, that this would be entirely inappropriate under the circumstances. That is why we suggest that this paragraph should be deleted altogether from the official report of the Trusteeship Council.

I hope that the representative of Australia will understand our point of view and our purpose. Whatever the representative of Australia stated will be recorded. We are all aware of his statements. Nevertheless, I feel it would be not quite correct to suggest that the Council approve the point of view of Australia without taking into account the point of view of Indonesia or of certain other Members of the United Nations. I feel that that would be altogether unfair and incorrect, particularly since no representative of Indonesia is present here. I believe that without any vote we might reach agreement on deleting this particular paragraph from the report of the Council.

Mr. GUPTA (India): I want to reiterate the position of my delegation on this question. The views of the Government of India are well known. We do not recognize any sovereignty in respect of West Irian other than that of the Republic of Indonesia. Our vote on this paragraph will be guided by those considerations.

Mr. MUFTI (United Arab Republic) (interpretation from French): My delegation would like to know whether it would not be possible to reproduce in this second paragraph the verbatim statement made by the representative of the Administering Authority and to indicate clearly that it is a statement by the Administering Authority. That is the first point I should like to make with respect to this second paragraph. Moreover, I should like to know whether it might not be possible to indicate in this text that three delegations in the Council expressed reservations in regard to this paragraph.

Mr. KELLY (Australia): This is the Trusteeship Council and it is concerned primarily with Trust Territories. It is not competent to enter the field of Chapter XI. I therefore ask the President to rule that this discussion is out of order.

The PRESIDENT: I have listened to the words of the representative of Australia, but I do think that anything of which the Council is seized, particularly if it comes from a Committee set up by the Council for the particular purpose of preparing a report to the General Assembly, is legitimately debatable by the Council. I think that the best course for the Council would be now to take a vote on this proposal.

Mr. KELLY (Australia): If I remember rightly, we have already noted the report of the World Health Organization, in which there is a reference to "Netherlands New Guinea" -- a reference that was made, I think, in complete conformity with the practice of the General Assembly and of the Secretariat of the United Nations.

The Committee on Non-Self-Governing Territories, it is a matter of common knowledge, receives from the Government of the Netherlands information concerning the advancement of that Territory toward self-government.

(Mr. Kelly, Australia)

The suggestion made by the representative of the United Arab Republic has in it, I think, the possibilities, not of compromise, but of overcoming the difficulties experienced by the representatives of the USSR and of India. If he proposes, in effect, that the language of this paper be amended in such a way as to make it clear that what appears in the second paragraph on page 1 of document T/L.914/Add.1 is a statement by the Administering Authority, then I would be quite happy not to pursue the matter further. But, while respecting the statement just made by the President, I still reserve the right of my delegation to contest, if necessary -- and I hope it will not be necessary -- the proposition that the Trusteeship Council must take a hard and fast line with respect to the sovereignty of Territories that are in dispute between several Members of this Organization.

Mr. CASTON (United Kingdom): I think that all we are discussing here is the way in which the Territory should be described in our report -- a Territory with which the Trust Territory Administration has had relations -- and we cannot, in reporting the statement of the Administering Authority referring to this Territory, use any other term than that used by the Administering Authority. I would therefore suggest that, to make this quite clear, we take up the proposal of the representative of the United Arab Republic and insert the words "by the Administering Authority" after the word "informed" in the first line of the second paragraph. I think that any delegations which wish, in a footnote or in any other way, to indicate reservations about the terminology used in our report are free to do so.

Mr. MUTHI (United Arab Republic) (interpretation from French): I wish to thank the representatives of Australia and the United Kingdom for agreeing to my request. However, I should like to point out that my proposal contained two parts. Since the first part has been adopted, I do not think there should be any difficulty in accepting the second part and spelling out clearly in the document that three members of the Trusteeship Council, namely the delegations of India, the Soviet Union and the United Arab Republic, expressed reservations with respect to inserting this paragraph in the text.

The PRESIDENT: In addition to the amendments proposed by the representative of the United Kingdom and the representative of the United Arab Republic, there is also the proposal made by the representative of the Soviet Union. Does the representative of the Soviet Union wish to press his proposal or is he prepared to withdraw it?

Mr. OBEREMKO (Union of Soviet Socialist Republics) (interpretation from Russian): I should like to state again that it is not our intention to resume the debate on the substance of this matter. We appealed to the representative of the Administering Authority, in this case the representative of Australia, not to insist on this language. I do not feel that this should be put to the vote. This actually is a matter of being fair to those States which have various views. We are not supporting here the view of either Australia or Indonesia. However, inasmuch as such a controversial matter exists, it appears to us that in the language of our report such controversial issues should be avoided. Therefore, I feel that it would not be to the detriment of anyone if this particular language were not incorporated in the text. We are trying to furnish an objective description of conditions prevailing in the Territory. The representative of Australia has stated that this discussion was not within the competence and the terms of reference of the Trusteeship Council. I partly share his view, because certain rights of States are involved in the discussions.

Inasmuch as different points of view have been expressed, we feel that these controversial issues should be avoided in our official text. We can then

(Mr. Oberemko, USSR)

unanimously adopt the text prepared by the Secretariat by excluding the second paragraph. I wish again to appeal to the representative of Australia not to press the matter to a vote.

The representative of Australia has one view on this matter and we have a different view. Nevertheless, we must take note of the existence of this difference, and we should not adopt a text which would reflect only the views of one party. My proposal would reflect the most equitable solution of this difficulty.

Mr. HOOD (Australia): I had not thought that my delegation was pressing the matter to a vote. We pointed out that this entirely factual record which is proposed to be added to the working paper on conditions in the Trust Territory of New Guinea, represented strictly the account and description received from the Administering Authority. I would point out that the heading of the proposed sub-section is "International and regional relations". If it is suggested that a substantial part of the description under that heading is to be omitted, then the heading becomes incomplete and possibly misleading. The reference to Netherlands New Guinea is part of the reference to international and regional relations of the Administration of the Trust Territory. The representative of the Soviet Union is entirely within his rights in proposing the omission of a new part of the final text of the report of the Trusteeship Council. He may ask for a vote on that, if he so desires. It is not we who are asking for a vote. We are pointing out that, in the first place, this is a factual rendition of a report submitted by an authority to the Council and that, in the second place, any discussion of a political nature arising out of the contents of that report, in this particular connexion especially, is not within the competence of the Council and is not actually in order.

I repeat what my delegation has already said. We cannot object to any proposal made within the rights of any delegation regarding the treatment of the text which is proposed to be added to the report, nor could we object to any reservations which one of more delegations may wish to attach to any particular phrase. Beyond that, I have nothing to say.

The PRESIDENT: I believe that the correct procedure at this point would be for the Council to vote on the proposal made by the representative of the Soviet Union to delete this particular paragraph.

Mr. KIANG (China): I wonder whether the Council would consider another suggestion, namely to include the paragraph under the observations made by members of the Trusteeship Council.

The PRESIDENT: I would say that it is up to the individual members to take care of these observations. I believe that the Council should now proceed to the vote.

Mr. MUFFI (United Arab Republic) (interpretation from French): I do not think that it would be advisable to press for a vote on this paragraph. The suggestion made by the representative of China is a very wise one which can help us out of our impasse. In the observations we can refer to the statement made by the Administering Authority and also indicate the reservations made by the three delegations.

The PRESIDENT: The position of the Chair is very clear. We have before us the proposal made by the representative of the Soviet Union, and I do not think that we can dispose of it by any means other than by a vote. We also have two other proposals which we can consider subsequently.

Mr. MUFFI (United Arab Republic) (interpretation from French): My delegation is prepared to vote, but it should be made clear that a decision to delete this paragraph would not make it impossible to have the paragraph included in the chapter of the report dealing with observations. The delegations voting in favour of the deletion of this paragraph should clearly realize that the paragraph may be included under observations.

Mr. HOOD (Australia): I am sorry to pursue this point. If the vote went in favour of deleting **this** particular section, I do not really see how the Administering Authority could be asked, by implication, by the Council to include the substance of it or the text of it in any other part of the report. This is not an observation within the terms of the Council's procedure. Observations, in so far as I think we are all familiar with them, are matters of opinion and not matters of fact. This is a matter of fact. It would be for the President's discretion whether or not the Council proceeded to a vote, but I wish to make it quite clear that my delegation **considers itself not necessarily, or indeed at all,** involved by the result of such a vote in pursuing a suggestion made in the utmost good faith by the representative of China.

: Mr. OBERENKO (Union of Soviet Socialist Republics) (interpretation from Russian): We did not expect such a rigid attitude in the Council on this point. All our efforts to reach a compromise without having a vote on this clear question have so far not met with any favourable results. If it is so necessary to have this statement appear in the report, then perhaps it would be best to have it appear verbatim as a quotation from the statement made by the Special Representative. That could be followed by the statements made by certain members of the Council. In this way it would at least be clear that these words were expressed by the representative of the Administering Authority, who is therefore responsible for the statement, and not the Council.

Mr. MUFTI (United Arab Republic) (interpretation from French): It appears that we are coming closer to a solution. The representative of the Soviet Union no longer presses for a separate vote on this paragraph. The representatives of the United Kingdom and Australia have agreed to reproduce verbatim the statement made by the Administering Authority. If delegations agree, we can accept the suggestion made by the representative of the Soviet Union. I do not think that this solution should give rise to any objection on the part of the Council.

The PRESIDENT: If the Council is prepared to accept the suggestion made by the representative of the Soviet Union, we can dispense with the vote and consider the suggestion as accepted.

(The President)

In that case, if the Council agrees, it is a matter for the Secretariat to handle, so to speak, and it will be done in the terms indicated by the representative of the United Arab Republic.

If there is no objection, the matter will be so decided.

Mr. HOOD (Australia): I have no objection, in general, to that procedure, which is entirely within the rights of the members of the Council. But I wonder what the effect would be if the Secretariat were to consider the inclusion of reservations on statements of fact in a working paper. It would appear to be quite unusual. Here I would take up the suggestion made earlier. If there are in fact reservations as to what is contained in the working paper, those reservations should be contained in the statement of observations of members and not in the working paper. The working paper is a working paper.

Mr. OBEREMKO (Union of Soviet Socialist Republics) (interpretation from Russian): I should like to say that the remarks of the Soviet Union delegation, for instance, or of the delegations of the United Arab Republic or India, are also factual statements. They are statements of fact. We state as a fact that West Irian is to be referred to as West Irian. That is a fact. We further state that West Irian is an inalienable part of the sovereign State of Indonesia. We also feel that that is a fact. The difficulty is that there appears to be no agreement here. You seem to oppose this fact. If you refer to your statement as being a statement of fact, we, on the other hand, feel that our statements are statements of fact.

In order to avoid this dispute, we suggested eliminating completely from the report that part of the text which is controversial, since what we should have here is a factual statement of the conditions in the Territory. But now one of the parties involved wishes to have its views recorded. Other members of the Council with differing views have the same right to have those views reflected in the text. That is one possible solution of the difficulty. If nothing is to be mentioned here, we do not insist on having our point of view reflected.

(Mr. Oberemko, USSR)

However, if the text of a statement by the Administering Authority is given in quotation marks, then we have to insist on having equal treatment, and we have to insist on having our point of view equally reflected in the same portion of the document.

Mr. de CAMARET (France) (interpretation from French): May I draw attention to the difficulty which we will encounter if we follow the suggestion made by the representative of the Soviet Union. If I understand him correctly, he wants to put quotation marks around the statement of the Administering Authority in this case. If we do that in the case involving a reference to Netherlands New Guinea, then we have to do it with all statements made by the Administering Authority which are found in this document or in the report of the Visiting Mission.

Mr. MUFTI (United Arab Republic) (interpretation from French): I do not think that that is an insurmountable difficulty. This text is of particular importance to some delegations because it may have political implications. We do not wish to grant the same treatment to all statements made by the Administering Authority in view of the fact that these statements have unequal importance as regards the specific point which we have discussed at length in the Council.

Mr. de CAMARET (France) (interpretation from French): That is just what I expected to hear. The statement by the representative of the United Arab Republic seems to prove that we shall be discriminating between the statements made by the Administering Authority because some of them seem to have certain political overtones.

Mr. KIANG (China): We have a unique situation today. In order to meet that situation, I wonder whether we could adopt a unique measure -- that is, add a footnote in this working paper which would indicate the exceptions that have been raised by various delegations, mentioning the various delegations. Would that be satisfactory to those who have made objections?

The PRESIDENT: I would say to the representative of China that that suggestion has already been made by the representative of the United Arab Republic.

Mr. MOFTI (United Arab Republic) (interpretation from French): I should like to assure the representative of France that we are in full agreement. Yes, we do want to make a discrimination in the working paper with respect to this particular statement. I should like to point out further that my delegation did not propose that reservations be placed at the bottom of the page; that proposal came from another source.

Mr. KIANG (China): I did follow the remarks made by the representative of the United Arab Republic in one of his earlier interventions. My suggestion was not to record the full text of the remarks of those delegations which have made objections. I merely want to indicate in a footnote the names of those delegations which raised objections to the inclusion of this particular paragraph. There is a difference there. I think there is a world of difference.

The PRESIDENT: It would appear that, owing to the character of the document, only precise proposals can be entertained. In other words, we are now confronted with suggestions and, as far as taking action on these proposals is concerned, I think that we will agree that there is, in practical terms, one proposal -- a double-barreled one, so to speak -- which aims to have this paragraph reworded in direct speech. I should think that the Council might agree on that. If I am not mistaken, the other aspect of the proposal was that a footnote be added -- and that, I suppose, would be a matter for the Council to decide. That being the situation, and since the proposal to have the paragraph reworded in direct speech still stands, and since the Council will agree, I think, that a decision will have to be reached, I imagine that the Council is ready to have a vote taken on the question of whether to reword the paragraph in direct speech.

Mr. HOOD (Australia): While thanking the President for that presentation, my delegation would like to be quite clear as to what would be involved in this -- how much, for example, would be in direct speech, and to what extent this obvious exception in treatment would be applied. Could we have an exact proposal before the Council as to how much would be in direct speech?

The PRESIDENT: In answer to the representative of Australia, I think it can be said that it was the intention of the proponents of the rewording of this paragraph in direct speech to have the entire paragraph so reworded. Does that answer the question of the representative of Australia?

Mr. HOOD (Australia): I wish I could say that it did -- but I would still like to see what the text would be.

The PRESIDENT: I think the Chair will have to wait, then, for the complete proposal to be presented by the proponents of this change.

Mr. CASTON (United Kingdom): I must confess that I just do not understand the purpose of putting some of these remarks in direct speech and between inverted commas. If it is simply to make it quite clear that it is the Administering Authority which is describing the Territory adjoining the Trust Territory of New Guinea as Netherlands New Guinea, and that this is a description which is not used by certain other members of the Council, I would have thought that a far simpler way of achieving that objective -- and I am sure the representatives who have suggested the change would agree -- would be to say "informed by the Administering Authority". Then there would no longer be any need to recast all the grammar of this entire paragraph and to put it in a form quite different from that which we ordinarily use in describing the facts which are put before us by the Administering Authority and which seems to me the most efficient way in which to draft our report.

(Mr. Caston, United Kingdom)

I am sure that this is the kind of question which is constantly coming up in United Nations documents. A way has always been found to make plain the reservations which some delegations have in regard to descriptions used by other delegations. My own delegation has very often had to make its reservations clear. I should have thought that a similar device could have been used here and that we might revert to what I understood was the original suggestion of the representative of the United Arab Republic: to include the phrase "by the Administering Authority", and then to include his reservations to the terms used by the Administering Authority in a subsequent part of the document -- perhaps in a sentence at the end of the paragraph, or in parentheses immediately after the first time that the expression appears, or wherever he thinks it most appropriate to insert his reservations.

Mr. MUFTI (United Arab Republic) (interpretation from French): In order to help the Council, my delegation would like to propose that the beginning of the second paragraph be amended as follows: "The representative of the Administering Authority, at the _____ meeting of the Council, made a statement according to which" -- and then we would reproduce exactly what is found in this second paragraph. Immediately after that declaration, we could add the following passage: "The Council noted the specific reservations made by the representatives of India, the Soviet Union and the United Arab Republic regarding the expression 'Netherlands New Guinea' which is found in the statement made by the representative of the Administering Authority."

Miss TENZER (Belgium) (interpretation from French): I think we must amend somewhat the latter sentence proposed by the representative of the United Arab Republic. I do not believe that it is up to the Council to note any statement with respect to Netherlands New Guinea. We do not have to bother with such things here. I think we must use a more direct style and say merely that the delegations -- and then we would indicate the names of the delegations concerned -- made reservations with respect to certain terminology, or something to that effect.

Mr. MUFTI (United Arab Republic) (interpretation from French): To show our good will and to speed up further the work of the Council, my delegation is prepared to accept the suggestion made by the representative of Belgium.

Mr. de CAMARET (France) (interpretation from French): To help further, I should like to remind the Council that in this very hall, two months ago, the problem came up before the Committee on Information in the very same way and, when the French delegation made an identical proposal to the one made here, it was turned down by the Committee.

Mr. MUFTI (United Arab Republic) (interpretation from French):

I am sorry that the representative of France has injected a debate which is not on the agenda for today. We are all doing our best to facilitate the work of the Council, and I do not think that such a comment will contribute to such a result.

Mr. de CAMARET (France) (interpretation from French): I did not name the Territory of Portugal.

Mr. HOOD (Australia): This kind of occasion, of course, is not unfamiliar in the United Nations, and all of us can recall quite similar ones in which certain delegations have expressed reservations in regard to one or more parts of a text of a report to the General Assembly. Surely it has become well established practice that if no other way can be found out of the difficulty -- and very often it cannot -- these reservations are expressed, by agreement with the originating body, in the presentation of the report in question to the particular committee of the General Assembly. Why cannot this be done in the present instance? The President of the Council, in introducing the report as a whole, can be enabled to say surely, with the agreement of all of us, that in respect of any particular passage -- and let us take this one -- reservations were expressed to this effect by such and such delegations. This is a right which has never been refused and never has caused difficulty.

Mr. OBEREMKO (Union of Soviet Socialist Republics) (interpretation from Russian): I feel that the proposal by the representative of Australia deserves support. We are in agreement that the views of the three delegations should be added and that the President of the Council should, when presenting the report, draw attention to these reservations. This would offer a double guarantee.

Mr. de CAMARET (France) (interpretation from French): I am sorry that I cannot agree with the representative of Australia for once. The proposals my delegation made with regard to the reservations which we wished to have stated were refused by the Committee, and the argument raised by a good number of

delegations which rejected it was that the reservations I wished to make on the adoption of the report were made at another meeting. If we accept the Soviet proposal, we should have to spell out at what meeting these reservations were made. This was not when the report was discussed, but at the end. This is very important, in my opinion.

The PRESIDENT: We have been trying to overcome a fairly complicated degree of confusion with amendments, counter-amendments, proposals and so forth, and I hope we have managed to reach the correct conclusion. The representative of the United Arab Republic, in an effort to solve this rather complicated problem, suggested that we adopt a formula of this kind: instead of having the second paragraph as it stands now, to have a sort of preface to it which would be as follows:

"The representative of the Administering Authority at the 1001st meeting of the Council stated that ..."

Then the verbatim text of the statement would follow, or the relevant part, and, in accordance with a suggestion by the representative of Belgium, we would then have, at the end of the verbatim text, this note added:

"The representatives of India, the USSR and the United Arab Republic made reservations with regard to this statement."

Miss TENZER (Belgium) (interpretation from French): Mr. President, the representative of the United Arab Republic will correct me if my statement is incorrect, but I believe I understood that the idea of a word for word reference to the statements by the Administering Authority had been forsaken and that we had reached a formula according to which the statement would begin with the words you indicated, and afterwards we would use exactly the words which we have before us. In that case, there is no need for brackets, quotation marks or verbatim texts. That is how I understood it.

The PRESIDENT: I can see that mine was a midsummer night's dream. I was hoping that we had really reached some sort of conclusion. Would the representative of the United Arab Republic please help us?

Mr. MUFTI (United Arab Republic) (interpretation from French): I am prepared to accept any proposals which are in keeping with the essential points of what I had in mind. I am not such a stickler.

The PRESIDENT: I thank the representative of the United Arab Republic. Restating the position of the Council, I shall say that we shall agree to modify this paragraph by replacing the words "the Council was also informed" by the words which have been suggested and which read as follows:

"The representative of the Administering Authority at the 1001st meeting of the Council stated that ..."

Then it would continue:

"... administrative co-operation continued between the Territorial Administration of Papua... "

and so on down to the end of this paragraph. Also at the end of the paragraph there would be the sentence:

"The representatives of India, the USSR and the United Arab Republic made reservations with regard to this statement."

Mr. KIANG (China): If I remember correctly, the main objection to recording those objections is in relation to the question of the status of the working paper. The inclusion of those objections in the form you have stated, Mr. President, may affect the status of this working paper. It is for that reason that I propose adding an asterisk to the words "Netherlands New Guinea", with a footnote saying that so and so has made objections to the use of this expression -- because I understand that in a working paper the observations of individual delegations are not supposed to be recorded.

Mr. MUFTI (United Arab Republic) (interpretation from French): This is a very simple situation. If the representative of China feels that the statement of the Administering Authority does not affect the status of the working paper or the nature of the working paper, we feel that our statements and our reservations do not affect the nature of this document.

Mr. KIANG (China): The reason why I raised this point was in the light of the objections made by the representative of Australia in one of his earlier interventions. If he has changed his mind, I certainly would agree to what is already proposed by the representative of the United Arab Republic.

Mr. MUFTI (United Arab Republic) (interpretation from French): I should have preferred that the representative of Australia reply to the representative of China, but it seems that the representative of Australia did not object and that he showed his goodwill by recognizing the wishes we expressed. That is my impression, but if we are trying to encourage the representative of Australia to raise objections that is something else.

Mr. CASTON (United Kingdom): I think it is in any case for the representatives of the Soviet Union, the United Arab Republic and India to phrase their reservation as they wish, but it did seem to me that the terms in which it was first phrased by the representative of the United Arab Republic, when he first suggested it, would have met all these difficulties. If you will permit me, I shall read it out. It was:

"Reservations were made by the representatives of India, the USSR and the United Arab Republic regarding the expression 'Netherlands New Guinea' which figured in the statement by the representative of the Administering Authority."

That statement was the original suggestion, and it seems to me to meet the case completely. It does not prejudice all the rest of this paragraph at all.

Mr. MUFTI (United Arab Republic) (interpretation from French): If the Council feels that the formula just read out by the representative of the United Kingdom is not objectionable, my delegation is quite prepared to accept it, but we must get out of this fruitless discussion.

Mr. HOOD (Australia): I should like to assure my colleague from China that I have not changed my opinion. I still think that an expression of reservations which is an expression of opinion and not of reservations as regards facts ought not to be included in a working paper. That is still my opinion.

However, I think I would be ready enough to go along with his own suggestion that the reservations be indicated by an asterisk followed by a footnote. Would this meet the difficulty? Otherwise, I would return, with all deference to the representative of France, to the suggestion which I thought had been agreed to by the representative who first raised this matter, namely, that the reservations should be expressed in the presentation of the report itself before the General Assembly Committee.

Mr. MUFTI (United Arab Republic) (interpretation from French): My delegation cannot accept the idea that the statement made by the Administering Authority would have greater weight than a statement made by three delegations in the Council. Hence my delegation insists that the statements of the three delegations and the statement of the Administering Authority be treated on a footing of full equality.

Mr. OBEREMKO (Union of Soviet Socialist Republics) (interpretation from Russian): Mr. President, if you intend to suggest a general rule of conduct to the members of the Council, may I draw your attention to the manner in which the documents of the United Nations are usually drawn up, for instance, in regard to our meetings. Members are all acquainted with the press releases issued by the Office of Public Information. In these texts it is made perfectly clear who the speaker was, what he said and at what meeting. The name of the speaker is given, and very often direct quotations are given. Sometimes summaries are provided, and if summaries are provided very often we see that whole sentences or separate words,

(Mr. Oberenko, USSR)

especially words or sentences which might deal with controversial matters and could be differently interpreted by different delegations, are placed in quotation marks. For instance, when the Soviet delegation spoke in this Council on the question of the representation of China and we spoke of the People's Republic of China, these references appeared in quotation marks. When we state, for instance, that the conditions in this or that Territory are unsatisfactory, the word "unsatisfactory" usually appears in quotation marks. The Secretariat may have its own rights to place such sentences in quotation marks. I merely wish to point out that such a practice does exist, and when certain words are placed in quotation marks this is obviously done in order to show that these were the actual words employed by a given speaker.

(Mr. Oberemko, USSR)

Therefore, in this case, by accepting the proposal of the representative of the United Arab Republic to the effect that the statements of the Administering Authority appear in indirect speech, we would at least propose that the words Netherlands New Guinea appear in quotes. This would make it perfectly clear that this was the precise language used by the representative of the Administering Authority and that the Trusteeship Council, therefore, is not responsible for this particular wording. Then, the reservations of the three delegations appearing later would show what their positions were. This would rid us of the difficulty, which indeed would not be a very great one if all delegations were desirous of arriving at an agreement.

Mr. CASTON (United Kingdom): It is quite clear to me that delegations would prefer a version of dealing with this problem which is slightly different from the versions which all other delegations would prefer. I would suggest, therefore -- I move this formally and ask, if a vote is necessary, that it be taken forthwith -- the replacement of the words "The Council was also informed" by the words "The representative of the Administering Authority at its 1001st meeting made a statement" and the addition at the end of the paragraph in this draft of the sentence, "Reservations were made by the representatives of India, the Soviet Union and the United Arab Republic regarding the expression 'Netherlands New Guinea' which figured in the statement by the representative of the Administering Authority."

This is not the way which my delegation itself would prefer ideally to express these terms, but I think that it is language which perhaps will command general support in the Council and enable us to come to a decision on this matter.

The PRESIDENT: The representative of the United Kingdom has made a formal proposal. If there are no objections, I suggest that the Council adopt it. This would solve our problems. We have reached a point where any other suggestion such as this is most welcome.

Mr. OBEREMKO (Union of Soviet Socialist Republics) (interpretation from Russian): We are prepared to accept the proposal of the representative of the United Kingdom, but if the statements of the representative of the Administering Authority are given in indirect speech, then the words Netherlands New Guinea should appear in quotes. This would be very consistent with the usual practice followed in the United Nations. If this is not the case, I will stand corrected, and I invite the Secretary of the Council to correct me.

Mr. de CAMARET (France) (interpretation from French): We know that the custom in the United Nations is not to put Netherlands New Guinea in quotes. I should like to know whether the Secretary-General puts the words Netherlands New Guinea in quotes when he receives information from these Territories.

Mr. MUFTI (United Arab Republic) (interpretation from French): My delegation formally proposes that discussion on this point be closed so that we may vote upon it. It is already past 6 o'clock and we are still discussing this proposal.

The PRESIDENT: (A formal proposal has been made by the representative of the United Arab Republic that the debate be closed on this. Therefore, I ask the Council to vote on the formal proposal just made by the representative of the United Kingdom.

The United Kingdom proposal was adopted by 8 votes to none, with 5 abstentions.

Paragraph 7 of document T/L.939 was adopted by 10 votes to 1, with 2 abstentions.

Mr. KELLY (Australia): I note that there has been no reference in recent days to a meeting of the Sub-Committee on the Questionnaire with regard to the examination of the proposed questionnaire for the Trust Territory of Nauru. The Special Representative, of course, is in New York at the present time

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(Mr. Kelly, Australia).

and would have been happy to participate in any such meeting had it been scheduled.

The meeting rose at 6.10 p.m.