

UNITED NATIONS



**REPORT OF THE UNITED NATIONS  
VISITING MISSION TO THE TRUST  
TERRITORY OF  
WESTERN SAMOA, 1959**

**TOGETHER WITH THE RELEVANT RESOLUTION  
OF THE TRUSTEESHIP COUNCIL**

**TRUSTEESHIP COUNCIL**

**OFFICIAL RECORDS: TWENTY-FOURTH SESSION**

**(2 June - 6 August 1959)**

**SUPPLEMENT No. 2**

**NEW YORK**

UNITED NATIONS



# **Report of the United Nations Visiting Mission to the Trust Territory of Western Samoa, 1959**

**TOGETHER WITH THE RELEVANT RESOLUTION  
OF THE TRUSTEESHIP COUNCIL**

**TRUSTEESHIP COUNCIL**

**OFFICIAL RECORDS: TWENTY-FOURTH SESSION**

**(2 June - 6 August 1959)**

**SUPPLEMENT No. 2**

**NEW YORK, 1959**

## NOTE

Symbols of United Nations documents are composed of capital letters combined with figures. Mention of such a symbol indicates a reference to a United Nations document.

T/1483
--------

# TABLE OF CONTENTS

	<i>Paragraphs</i>	<i>Page</i>
<b>Report of the United Nations Visiting Mission to the Trust Territory of Western Samoa, 1959 (T/1449)</b>		
LETTER DATED 21 MAY 1959 FROM THE CHAIRMAN OF THE VISITING MISSION TO THE SECRETARY-GENERAL .....		1
INTRODUCTION		
Composition and terms of reference .....	1-3	1
Itinerary .....	4-12	1
Methods of work .....	13-20	2
CHAPTER I. PROGRESS OF THE TERRITORY TOWARDS THE OBJECTIVES OF TRUSTEESHIP		
General situation .....	21-34	4
Introduction of cabinet government .....	35-42	6
Head of State .....	43-48	6
Citizenship .....	49-60	7
Domestic status .....	61-67	8
The electoral system .....	68-77	9
Protection of human rights .....	78-81	11
Public Service .....	82-98	11
Judiciary .....	99-104	13
Local government .....	105-108	13
Economic conditions .....	109-122	14
Medical and health services .....	123-125	16
Education .....	126-152	16
CHAPTER II. ATTAINMENT OF THE OBJECTIVES OF TRUSTEESHIP		
Future relationship between New Zealand and Western Samoa .....	153-161	20
Method of ascertaining the wishes of the people .....	162-169	21
Timing of the termination of trusteeship .....	170-176	22
 <i>ANNEXES</i> 		
I. Programme of the Mission in Western Samoa .....		24
II. Memorandum on the political future of the Trust Territory of Western Samoa under New Zealand administration .....		25
III. Resolution on New Zealand Government Proposals .....		31
IV. Map .....		33
<b>Resolution 1951 (XXIV) adopted by the Trusteeship Council on 28 July 1959 .....</b>		<b>35</b>

# REPORT OF THE UNITED NATIONS VISITING MISSION TO THE TRUST TERRITORY OF WESTERN SAMOA, 1959 (T/1449)

---

## LETTER DATED 21 MAY 1959 FROM THE CHAIRMAN OF THE VISITING MISSION TO THE SECRETARY-GENERAL

I have the honour to transmit to you herewith, in accordance with Trusteeship Council resolution 1922 (S-VIII) of 17 October 1958 and with rule 99 of the rules of procedure of the Trusteeship Council, the report of the United Nations Visiting Mission to the Trust Territory of Western Samoa, 1959.

I am glad to inform you that this report has been agreed to unanimously by all four members of the Visiting Mission.

I should be grateful if you would allow an interval of one week to elapse between the transmission of this report to the members of the Trusteeship Council and its general release.

(Signed) Arthur S. LALL

---

## INTRODUCTION

### COMPOSITION AND TERMS OF REFERENCE

1. At its twenty-second session, when it was discussing the arrangements for a periodic visiting mission to the Trust Territories in the Pacific in 1959, the Trusteeship Council had before it a memorandum from the New Zealand Government suggesting, in view of the possibility of the termination of the Trusteeship Agreement for Western Samoa within the next few years, that a separate mission with special terms of reference should be dispatched to that Territory. At its 933rd meeting, on 29 July 1958, the Council decided to send a separate mission to Western Samoa.

2. During its eighth special session, the Council completed the arrangements for the dispatch of the Mission. At its 938th meeting, on 17 October 1958, it approved the nomination of the following persons as members of the Mission:

Mr. Arthur S. Lall (India), *Chairman*;  
Mr. Jacques Kosciuszko-Morizet (France);  
Mr. Omar Loutfi (United Arab Republic);  
Sir Andrew Cohen (United Kingdom of Great Britain and Northern Ireland).

3. At its 939th meeting, on 17 October 1958, the Council adopted resolution 1922 (S-VIII) setting forth the Mission's terms of reference. By that resolution, the Mission was directed:

(a) To investigate and report as fully as possible on the steps taken in the Trust Territory towards the realization of the objectives set forth in Article 76 b of the Charter of the United Nations, taking into account the terms of General Assembly resolution 321 (IV) of

15 November 1949 and other relevant General Assembly resolutions;

(b) To give attention, as might be appropriate in the light of discussions in the Trusteeship Council and in the General Assembly and of resolutions adopted by them, to issues raised in connexion with the annual reports on the administration of the Trust Territory, in petitions received by the Council relating to the Territory, in the reports of the previous periodic visiting missions to the Territory and in the observations of the Administering Authority on those reports;

(c) To receive petitions, without prejudice to its acting in accordance with the rules of procedure of the Council, and to investigate on the spot, after consultation with the local representative of the Administering Authority, such of the petitions received as, in its opinion, warranted special investigation;

(d) To examine, in consultation with the Administering Authority, the extent to which the objectives of trusteeship had been attained by the Trust Territory and the future steps necessary for their attainment;

(e) To submit to the Council as soon as practicable a report containing its findings with such observations, conclusions and recommendations as it might wish to make.

### ITINERARY

4. The Mission left Headquarters on 14 March 1959 and arrived on 18 March at Wellington, New Zealand, where it held a series of preliminary discussions with the Right Honourable Walter Nash, the

Prime Minister, the Honourable J. Mathison, Minister of Island Territories, and senior officials of the Departments of External Affairs and of Island Territories.

5. It arrived by air in Western Samoa on 25 March, and the following day it was officially welcomed with all the customary ceremony and pageantry at Mulinu'u, the traditional seat of Government close to Apia. In the afternoon, it met with the Executive Council primarily to discuss its programme and methods of work.

6. During the Easter holidays, which are observed with great respect in Samoa, the Mission was able to meet with certain ministers and senior officials and to hear a considerable number of deputations. On 30 March it met the recently established Working Committee on Self-Government and on 31 March, first the *Fautua*<sup>1</sup> privately and then the *Fautua* and elected members of the Legislative Assembly in a broadcast session, explaining to them the constitutional matters on which it wished to have their considered opinion. The preliminary views of the Samoans on these points were communicated to the Mission at a meeting held on 4 April. In the meantime, the Mission had received further officials and deputations, had visited Samoa College and Avele Agricultural College and had attended the formal opening of the Bank of Western Samoa.

7. On 3 April the Mission began a series of field trips to the outlying districts. The first of these trips, to the eastern part of Upolu, not only took it along a recently constructed route of great scenic beauty, but enabled it to observe the banana export scheme in an area only recently opened to production. From 5 to 8 April, the Mission made an almost complete circuit of the island of Savai'i, holding meetings in five separate localities. On 10 April it went to Saanapu and Poutasi on the south coast of Upolu, while on 11 April it visited some of the plantations of the Western Samoa Trust Estates Corporation. In places where it made a major stop, the Mission would first be received by the titled people of the District in a formal kava ceremony,<sup>2</sup> which would be followed by the traditional events including a programme of Samoan dances and of marching by school children. The Mission was repeatedly assured by Samoan orators that it was being given "the very best" according to Samoan custom. It wishes to express its deep gratitude for the honours paid to the members as representatives of the United Nations, realizing as it does that the extending of such honours might sometimes impose on the kindness of the people of a village. The leaders in all but one of the localities visited complied with the wishes of the Mission in fitting some exchange of views into the ceremonial programme.

8. The remainder of the Mission's stay in the Territory was mainly devoted to additional meetings with the *Fautua* and members of the Legislative Assembly, at which further constitutional questions were explored and discussions on economic and educational questions also took place. At a final meeting on 16 April, the Chairman of the Mission made a statement,

in which he reviewed the points on which the Mission had received the considered views of the Samoan representatives and gave the Mission's point of view on a number of outstanding issues. The Honourable Tupua Tamasese replied on behalf of the *Fautua* and the members of the Legislative Assembly.

9. The Mission returned to Wellington by air on 17—18 April, and held a second series of meetings and a further exchange of views with the Prime Minister, the Minister of Island Territories and other officials. The Mission then returned to Headquarters, where the present report was adopted on 21 May 1959.

10. The Mission was accompanied during its stay in the Territory by the following members of the United Nations Secretariat: Mr. Ian E. Berendsen (Principal Secretary), Mr. Myles Minchin (Assistant Secretary), Mr. Hisham Rifai (Assistant Secretary) and Mr. John J. Gray (Administrative Officer). Mr. H. A. Wieschhoff (Director of the Division of Trusteeship) joined the Mission for the final series of meetings in New Zealand.

11. In carrying out its task, the Mission received the full co-operation of the New Zealand and Samoan authorities. In particular, it wishes to express its appreciation to the Prime Minister and his colleagues and the officials concerned for the very frank exchange of views which the Mission had with them and for their unfailing courtesy and hospitality. It wishes similarly to acknowledge the great assistance, courtesy and friendliness which it received from the High Commissioner, Mr. G. R. Powles, and his officials; the two *Fautua*, the Honourable Tupua Tamasese and the Honourable Malietoa Tanumafili, who presided over and contributed greatly to the fruitful interchanges between the Samoan representatives and the Mission; the Leader of Government Business, the Honourable E. F. Paul; the Deputy Leader, the Honourable Mata'afa; and their colleagues in the Executive Council of Western Samoa. It wishes also to acknowledge the assistance of Mr. J. M. McEwen, Secretary of Island Territories, Mr. Paul K. Edmonds of the New Zealand Permanent Mission to the United Nations, who travelled to the Territory with the Mission, and Mr. H. A. Levestam, Secretary to the Government of Western Samoa, as well as of the other officials and interpreters who accompanied the Mission in its visits outside Apia. To all these persons, the Mission wishes to express its sincere thanks.

12. The Mission has already described the honours paid to it on ceremonial occasions. It wishes to add that it was treated with great courtesy and received with gracious hospitality on a wide variety of official and unofficial occasions. It wishes to place on record how deeply it appreciated this warm and generous welcome accorded to it by all sections of the population.

#### METHODS OF WORK

13. In addition to reporting on the steps taken towards the realization of the objectives of trusteeship, the Mission had to set forth the steps which needed to be taken before these objectives could be fulfilled in the Territory. The latter task had been assigned to the Mission by the Trusteeship Council at the suggestion of the Administering Authority, in view of the rapid constitutional advances, which had brought the Terri-

<sup>1</sup> The two Samoan members of the Council of State.

<sup>2</sup> According to Samoan custom, the offering of kava (a drink prepared from the root of the pepper bush) is a mark of respect to honoured guests. The drink is prepared and served according to an elaborate and time-honoured ritual.

tory within sight of the goal of self-government or independence.

14. In consequence of this situation and the overriding preoccupation of all sections of the community with issues connected with the emergence of a new Western Samoan State, the Visiting Mission devoted particular attention to the Territory's future constitutional development and to other matters which, in its opinion, the Trusteeship Council and the General Assembly would wish to take into account in considering Western Samoa's transition to self-government or independence. Consequently, it devoted relatively less attention to certain aspects of economic and social progress. Moreover, these questions are largely within the competence of the legislature of Western Samoa.

15. While progress towards self-government or independence is largely taking place in accordance with the recommendations of the 1954 Constitutional Convention, there remain a number of constitutional and related matters which have yet to be determined, including issues connected with the establishment of cabinet government, citizenship, domestic status, the electoral system, control of the public service and judiciary and the method of appointment of future Heads of State. Consideration of these matters has been entrusted to a sixteen member Working Committee on Self-Government composed of the two *Fautua*, the seven elected members of the Executive Council and seven other members of the Legislative Assembly named by the Assembly itself. The Committee, which was established early in 1959, has chosen as its constitutional adviser Dr. J. W. Davidson, Professor of Pacific History in the Australian National University. The principal task of the Committee is to draft a future Constitution for Western Samoa and to place it before the Legislative Assembly. When these proposals have been approved or modified by the Legislative Assembly, they will be submitted to a constitutional convention, which it is intended to hold towards the end of 1960. Owing to the fact that the Legislative Assembly had been in continuous session since January 1959, the Working Committee was still in the early stages of its work when the Mission arrived in the Territory.

16. On its arrival for the first time in Wellington, the Mission was provided with copies of an important memorandum<sup>3</sup> on the political future of Western Samoa, which set out the views of the New Zealand

Government on the outstanding issues and contained the proposal that cabinet government should be introduced by the beginning, rather than at the end, of 1960. This memorandum was published immediately after the Mission's arrival in Western Samoa and enabled the Mission to base its discussions with the Samoan leaders largely on the proposals which it contained.

17. As the Mission was anxious to ascertain the views of the leaders and representatives of Western Samoa on the main constitutional issues, the Legislative Assembly and the Working Committee, which till then had been in the early stages of constitutional planning, were good enough to accelerate their consideration of the New Zealand proposals and other constitutional issues. Despite the shortness of its stay in the Territory, the Mission was able to obtain at least their preliminary views on most political issues together with formal resolutions of the *Fautua* and members of the Legislative Assembly on certain matters, particularly the introduction of cabinet government, the holding of a plebiscite in connexion with termination of the Trusteeship Agreement and the future relationship between a self-governing or independent Western Samoa and New Zealand.

18. The Mission was also interested to hear the views of all sections of the Samoan people on constitutional and other matters. In general, it found in its tour of the Territory that the Samoan people seemed to prefer to leave it to their chosen leaders and representatives to speak on their behalf. Some interesting exchanges of views took place in several localities. Moreover, the Mission received a considerable number of deputations at its headquarters in Apia. Finally, informal conversations between members of the Mission and a great number of Samoans of all backgrounds helped it to appreciate more fully the views of the population.

19. The Mission took the view that while the details of the Constitution must be decided by the Samoans for themselves, the United Nations would be interested to see that the objectives of the Trusteeship System and the principles of the United Nations Charter were fulfilled by these proposed constitutional provisions. The Mission explained to the Samoan leaders the ways in which the Constitution might give effect to these objectives and principles and made certain suggestions and observations on particular topics, which are dealt with in the present report.

20. Finally, in its discussions at Wellington, the Mission informed the New Zealand authorities in some detail of its views which led to frank and fruitful discussions.

---

<sup>3</sup> This memorandum is reproduced in annex II of the present report.

## PROGRESS OF THE TERRITORY TOWARDS THE OBJECTIVES OF TRUSTEESHIP

## GENERAL SITUATION

21. Consisting of a small group of islands situated roughly in the centre of the Pacific Ocean a few degrees south of the Equator, Western Samoa has been one of the most isolated of the Trust Territories; it is also the third smallest such Territory in area and population. The Territory is composed of two large islands, Savai'i and Upolu, with areas of about 700 and 430 square miles respectively, together with the two small islands of Manono and Apolima and several islets with a total area of under two square miles. The islands are volcanic in origin; the two main islands contain rugged mountain ranges rising to several thousand feet and are covered with dense tropical forests. Much of the interior is still uninhabited though, as roads are built, banana and cocoa plantations are steadily being extended inland. Most of the Samoans live in coastal villages and derive their livelihood partly from subsistence agriculture (taro, ta'amu, yams, bananas, etc.) and fishing in the coral lagoons and partly from the cultivation of cash crops (bananas, cocoa and copra) mainly for export.

22. The smaller of the two main islands, Upolu, contains roughly two-thirds of the total population of the Territory. On its north coast is situated the seat of government and the only town, Apia, with a population approaching 19,000. Ever since the late nineteenth century, when it was a foreign concession, Apia has been the main point of contact with the outside world. Today it is the commercial centre with the only deep-water harbour in use. The town and its neighbourhood are also the focal point for the relatively small minority of persons of European descent, almost all of whom are part-Samoans and who either own their own plantations or engage in commerce and trading, thereby contributing to the Territory's economic life.

23. At the end of 1958, the population of Western Samoa was estimated at 102,860 and, with an average annual rate of increase of 3.1 per cent, is one of the fastest-growing populations in the world. The significance of this rapid growth for both the economic and social future of the Territory can be appreciated from the fact that the population has doubled since 1930 and, at its present rate of growth, is expected to double again in the next twenty years. In 1956, 58.4 per cent of the population was under twenty years of age.

24. For certain purposes the population under existing legislation falls into two groups: persons of Samoan status and those of European status. This distinction, which is based on racial origin, results partly from differences in the way of life of the two groups and partly from concern in the past to protect the Samoans from foreign exploitation. On 31 December 1958, there were 5,886 persons—less than 6 per cent of the population—who possessed European status, a classification which is applicable to persons whose racial origins are partly or wholly non-Samoan. The overwhelming majority of these people is, in fact, part-Samoan closely linked with the Samoan community by marriage and descent. Conversely, many persons of Samoan status are of part-European origin, the distinction in such cases being that those who possess

European status are not under the authority of the traditional *matai*<sup>4</sup> system; as a consequence they are precluded from holding land under Samoan customary tenure and elect their representatives in the legislature by universal adult suffrage.

25. The Samoans, who form the bulk of the population, live for the most part within a complex socio-political system of their own, the outward features of which have changed little under the impact of foreign influence. Theirs is a communal way of life, founded on group ownership of land, in which each individual has his appointed status involving rights, duties and responsibilities towards the group. The basic unit of Samoan society is the *aiga* (or extended family), consisting of persons related by blood, marriage and adoption, who after discussion, in which all adult members of the family participate, choose one member as their *matai* and confer on him the family name or title. In the family and outside it the *matai* is recognized as the leader and spokesman of the group with rights and obligations of long-standing tradition. As the holder of the family title, he is responsible for the performance of its social obligations to the community and in turn receives whatever ceremonial recognition is due it. He is entitled to the services of all members of the family, and not only does he control the disposal and use of lands associated with his title or titles, but in most instances also distributes the produce of those lands which the members of his family cultivate under his direction. The *matai* once appointed usually holds his position for life or until age forces him to relinquish it. In exceptional cases, however, when he fails to perform his duties or abuses his authority, it is possible for the family to remove him by petitioning the Land and Titles Court; but this is a rare development since in practice the *matai* is dependent upon the co-operation of his family, which may refuse to serve him unless he consults with its members and respects their wishes.

26. The village consists of a group of families. Here corporate activity is controlled by the council (or *fono*) of *matai* which meets frequently to consider all affairs that call for a wider and more general control than that exercised by a single *matai*. Each *matai* speaks for the group which he represents, his voice carrying weight according to the importance of his title, and matters are debated until a decision is reached by agreement, rather than by a majority vote, which is deprecated by Samoan tradition. The Samoan village is a closely knit social unit in which each status-group has its own organization and functions, the untitled men performing most of the manual work and serving the *matai*, while the women perform their own specific tasks and, through the women's committees which exist in every village, exercise a considerable influence on local affairs. Indeed the women's committees in the villages are of such importance that reference to them is made in other sections of this report.

27. *Matai* titles vary in importance and in every village there is usually one title which is paramount in precedence and ceremonial honours. Certain titles carry

<sup>4</sup> A *matai* is a titled person, either a chief or an orator, whose particular duty is the leadership and care of the family under his control.



influence which extends over a broader area and forms the basis for the traditional division of the islands into sub-districts and districts. Among the highest of the title-holders are the Honourable Tupua Tamasese and the Honourable Malietoa Tanumafili, the two *Fautua* who share with the High Commissioner the membership of the Council of State. Another important title is held by the Honourable Fiaame F.M. II (Mata'afa), who is related to the present *Fautua* and whose predecessor was also a *Fautua* until his death in 1948. According to the register of *matai* compiled in 1957, there were 5,211 title holders, a ratio of approximately one to every seven adult Samoans. As the population grows the tendency is to increase the number of *matai* by splitting titles between several individuals or by creating new ones.

28. The majority of Samoans have in the past shown remarkable attachment to the *matai* system and strong resistance to change. This is attributable partly to national pride and to a genuine belief in the superiority of the Samoan way of life, and partly to a highly developed sense of loyalty to the family which is the guarantor of the individual's welfare and security. In Samoan eyes the system is a democratic one because any adult may aspire to become a *matai*. However, one criticism expressed by some younger Samoans was that it is normally only older Samoans who hold titles.

29. The existence of this social system has influenced the development of the Territory in virtually every field. Economically there is little want in a society where the fruits of the land are shared and the weak and infirm are looked after by their family groups. Conversely there is little encouragement for individual enterprise except on the part of, or with the help of, a progressive *matai*. The same applies also in the political field where so far it has not proved possible to introduce effective local government organization on a broader scale than the village *fono*, while on the Territorial level modern institutions have had to be superimposed upon and adapted to the traditional system.

30. In these circumstances it is not surprising that political parties are almost non-existent. The majority of Samoans prefer to leave political discussion to their leaders, although they may follow with interest the discussion in the village *fonos* as well as the debates of the legislature, which are broadcast throughout the Territory, and may express their views privately or to their respective *matai*. Among persons possessing European status this situation does not prevail and there are several representative groups of which only one, however, can be said to have a political character. This is the Progressive Citizens League, supported by a relatively large number of persons of European status, whose candidates won four of the five seats reserved for such persons in the 1957 election to the legislature.

31. At the time of the Mission's visit, Western Samoa had made considerable political and constitutional progress. On the basis of certain of the recommendations of the Constitutional Convention of 1954 and following further consultations between the Administering Authority and Samoan representatives, a programme of constitutional development was agreed upon providing for successive advances leading to the introduction of cabinet government and the eventual entry into office of a Samoan Head of State. By the implementation of the Samoa Amendment Act, 1957, most of these steps have been completed and already the

Samoans have a considerable measure of control over their internal government through a Legislative Assembly, composed predominantly of elected representatives, and a body of Ministers appointed from the legislature.

32. As reconstituted by the Act of 1957, the Legislative Assembly consists of a single house presided over by an elected Speaker and composed of forty-one Samoan members elected from single-member constituencies and five elected members of European status. For the time being, pending the introduction of cabinet government, the membership also includes two officials (the Attorney-General and the Financial Secretary) and one of the elected members has been appointed as Leader of Government Business on nomination by the house. As proposed by the Convention, separate electoral rolls exist for persons of Samoan and European status. For those possessing European status there is universal adult suffrage, but in the Samoan constituencies only *matai* are permitted to register as electors or to stand for election. A further concession to custom allows a Samoan candidate to be declared elected if he is nominated by a majority of the *matai* in his constituency. In the 1957 elections only ten of the forty-one Samoan seats were contested and consequently out of a total Samoan electorate of 5,030 *matai*, only 1,141 actually cast their votes. This does not indicate lack of interest on the part of the Samoan electors, but can be attributed to the strength of the traditional system, in which decisions are normally reached by unanimity, and to the absence of political parties.

33. Subject to a possible veto by the High Commissioner or the New Zealand Government, which has never been used, the legislative authority of the house extends over a large number of matters, the exclusions being defence, external affairs, the title to land owned by the Government of New Zealand<sup>5</sup> and certain reserved enactments the most important of which relate to constitutional arrangements, control of the judiciary and public service, the criminal code and the classification of land.<sup>6</sup> In addition the Assembly may not make any laws which are inconsistent with the Trusteeship Agreement or which discriminate between persons on grounds of race.

34. The form of the executive branch of the Government is transitional, pending the introduction of a cabinet system. Although the High Commissioner remains as the head of the executive government, effective control now rests with the representative Ministers who constitute the majority of the Executive Council. The Council consists of the High Commissioner as President, the two *Fautua* (who, with the High Commissioner, compose the Council of State), five ministers appointed from and upon nomination by the Samoan members of the Legislative Assembly, two ministers similarly appointed from the members representing persons of European status, and the two official members of the Assembly (the Attorney-General and the Financial Secretary). Under the terms of the Samoa Amendment Act, 1957, the High Commissioner is required to consult with and act on the advice of the Executive Council in the exercise of all but a few of his

<sup>5</sup> This now consists only of the land occupied by the airfield and the observatory.

<sup>6</sup> The reserved enactment is part IX of the Samoa Act, 1921, which classifies land into Crown land, European land, or Samoan land, and prohibits, except subject to stringent controls, any alienation or disposition of Samoan land or any interest in it except to the Crown.

powers. Since in practice the High Commissioner has delegated all his powers and functions in the field of domestic government to individual ministers, the Executive Council closely resembles a cabinet except for the continued presence of the members of the Council of State and the two officials.

#### INTRODUCTION OF CABINET GOVERNMENT

35. According to the programme of constitutional development agreed upon between the Administering Authority and the Samoan leaders in 1956, cabinet government was to have been introduced at the end of 1960 after the next elections to the Legislative Assembly. During the Mission's first visit to New Zealand, however, the Administering Authority proposed that a form of cabinet government should come into operation by 1 January 1960 in order that the Samoan leaders should have a longer period in which to gain experience of carrying out their responsibilities while the Territory was still under trusteeship.

36. Specifically the proposal was for the seven elected ministers and the two officials (the Attorney-General and the Financial Secretary) to resign from the Executive Council and to be replaced by a Prime Minister designated by the Legislative Assembly and eight other ministers (at least one of whom should be a person of European status), who would be chosen by the Prime Minister from the elected members of the Assembly. At this stage the Assembly would no longer contain official members, the Attorney-General and the Financial Secretary being replaced by a Minister of Justice and a Minister of Finance chosen from among its elected members.

37. The Executive Council would still be retained, consisting thereafter of the nine ministers and the members of the Council of State (i.e. the High Commissioner and the two *Fautua*). The Cabinet would normally meet as a separate body, but its decisions would be circulated to the members of the Council of State. Should the Prime Minister desire a meeting of the Executive Council or should any member of the Council of State wish a particular decision of the Cabinet to be discussed in his presence a full meeting of the Executive Council would be held. If, after discussion in the Executive Council, a particular decision was disapproved by two members of the Council of State, it would be referred back to the Cabinet for reconsideration; but if the Cabinet adhered to its decision, this would be final.

38. Simultaneously, with the introduction of cabinet government, the Council of State would replace the High Commissioner as head of the executive government. This would mean that a number of powers and functions at present exercised by the High Commissioner, including the appointment and dismissal of the Cabinet, the prerogation and dissolution of the Legislative Assembly, the introduction of financial legislation and the assent to ordinances, would be transferred to the Council of State. In the exercise of most of its powers, including those cited, the Council of State would normally act in accordance with the conventions applicable to the exercise of similar powers by the Governor-General in New Zealand,<sup>7</sup> that is to say,

on the advice of the Executive Council or the Prime Minister. Matters requiring a decision by the Council of State would be decided by a majority vote.

39. One of the results of this change would be a further substantive reduction in the powers of the High Commissioner, who would, however, continue to exercise those powers vested in him as representative of the Government of New Zealand (notably in connexion with defence, external affairs and land owned by the Government of New Zealand). The Government of New Zealand also would retain those legislative powers which it at present possesses in respect of Western Samoa and which are primarily intended to ensure the discharge of its responsibilities under the Trusteeship Agreement. These include the power of the Governor-General to disallow ordinances passed by the Legislative Assembly.

40. The New Zealand Government's proposal was published in Western Samoa only at the time of the Mission's arrival and at first it was thought that there was insufficient time for the Samoans to study it in detail. In view of its importance, however, both the Working Committee on Self-Government and the Legislative Assembly gave special attention to this question. As a result, the Assembly was able to adopt unanimously a resolution in which it not only gave its full support for the proposal (subject to certain modifications of a minor nature), but also requested that the date for its implementation should be advanced to 1 October 1959, or as soon thereafter as might be practicable.

41. At Wellington the Mission was informed that the New Zealand Government accepted the minor modifications suggested by the Legislative Assembly and agreed that the proposal for cabinet government should be put into effect as soon as possible. As the reply of the Western Samoan authorities had been received earlier than expected, it was considered that the necessary legislative action could be taken in time to provide for the establishment of the new system on 1 October 1959.

42. The Mission records these decisions with satisfaction. It is of the opinion that the proposal represents a practical approach to the present needs of the Territory, since it gives the new system of cabinet government the chance to operate during a period before the attainment of full self-government or independence. The Mission notes, however, that there still remains a number of subsidiary questions to be determined.

#### HEAD OF STATE

43. The question of the appointment and future role of the Head of State was one of the most delicate problems confronting the Constitutional Convention of 1954. The Convention recommended that the position should be filled in accordance with Samoan custom, which attributes ceremonial prestige to the highest rank of chiefly titles. In Samoan history, however, no single title held permanent pre-eminence, although as explained in paragraph 27 certain titles carried influence over a broad area and from time to time one of them would assume a paramount position.

44. With the advent of foreign administration, the heads of leading families were recognized as *Fautua* (or "high advisers"), an office created in 1912 during the German régime. At the beginning of trusteeship,

<sup>7</sup> The Samoans proposed that this should be altered to read "the Queen in the United Kingdom," since the practice in that country was better documented and this has been accepted by the New Zealand Government.

the holders of the titles of Tamasese, Malietoa and Mata'afa were recognized as *Fautua*; but, on the death of the holder of the last title in 1948, the Samoan representatives<sup>8</sup> requested that the number of *Fautua* should remain at two.

45. The decision reached at the 1954 Convention was that the position of the Head of State should be held jointly by the two present *Fautua*, to be terminated only by death or resignation. Future vacancies in the position of Head of State would be filled in a way to be decided by the legislature when the time came.

46. The Mission did not wish to make any suggestions which might be interpreted as an attempt to influence the Samoans on an issue which is essentially their own concern and which is unlikely to arise for a number of years. Nevertheless it believed that the method of filling future vacancies in the position of Head of State was a matter which should be determined before self-government or independence is achieved and clearly prescribed in the Constitution. The matter was discussed by the Working Committee on Self-Government during the Mission's visit to the Territory. The following resolution was unanimously adopted at a joint meeting of the *Fautua* and the Members of the Legislative Assembly:

"This meeting of the Hon. *Fautua* and Members of the Legislative Assembly endorses the resolution of the 1954 Constitutional Convention, namely, that future vacancies in the Head of State be appointed by the Parliament of Western Samoa from the two royal families."

47. As to the method whereby joint Heads of State would exercise their constitutional functions, the Mission, while impressed by the excellent relations and general community of views of the two *Fautua*, trusts that suitable working arrangements or provisions will be agreed upon, which will apply should an occasion arise in which two joint Heads of State might be in disagreement.

48. At Wellington, the New Zealand Government informed the Mission that it would continue to encourage the Samoan leaders to reach a decision on these problems and would keep the United Nations informed of developments. The Mission hopes that these matters will be satisfactorily decided before self-government or independence is attained.

#### CITIZENSHIP

49. From the point of view of nationality, inhabitants of Samoa fall into various categories. Under present laws full Samoans have no nationality of their own but are New Zealand protected persons. Of the part-Samoan population a number possess by descent from foreign-born parents the nationality of a foreign country, though in many cases their claims to that nationality may have lapsed by failure to register or to fulfil other requirements of the nationality laws of those countries. In such cases they have become, like the full Samoans, New Zealand-protected persons. The small non-Samoan population, consisting mostly of persons who arrived quite recently in the Territory, possess for the most part the nationality of their coun-

tries of origin. A few persons may have availed themselves of the possibility of acquiring New Zealand citizenship by naturalization while residing in the Territory.

50. The need to establish a citizenship for Western Samoa has been stressed in the past by the Trusteeship Council. When the Working Committee on Self-Government was established, the preparation of citizenship legislation was the first major task to which it turned and its proposals on this subject were published shortly after the Mission arrived in the Territory.

51. In brief these proposals provided that there should be one citizenship for Western Samoa, that no person over the age of twenty-one years could hold Western Samoan citizenship while retaining his citizenship of a foreign country, and that persons who were by birth citizens of Western Samoa and of another country should be required, within a short period after attaining that age, to opt for or against Samoan citizenship. There were provisions for citizenship by birth or descent, by naturalization and registration, and for renunciation and deprivation of citizenship. Finally it was proposed as transitional provisions that the following persons born before the enactment of citizenship legislation should be Western Samoan citizens, provided they did not owe allegiance to any foreign Power: (a) any person who was born in Western Samoa and is ordinarily resident in Western Samoa; (b) any person who was born in Western Samoa and is ordinarily resident in some other country, provided that his father was also born in Western Samoa.

52. The Mission discussed these provisions with the Working Committee at a meeting held on 30 March. In doing so, it pointed out that under the transitional provisions residents of Western Samoa at the time of the coming into force of the citizenship legislation would have no automatic right to opt for Western Samoan citizenship, but would have to go through the cumbersome procedure for naturalization if they wished to adopt it. Moreover they would then be subject to the quite stringent conditions proposed for deprivation of citizenship. For instance within five years of obtaining Western Samoan citizenship a naturalized citizen who had been sentenced to a term of imprisonment of not less than twelve months might be deprived of his citizenship. The Mission suggested that the conditions for deprivation of citizenship might be made less severe. The Mission also pointed out to the members of the Working Committee that, in conformity with the practice adopted in several other countries, persons who had resided in the Territory for a reasonable period of time should be given a right to opt for Western Samoan citizenship within a short period after the coming into force of the legislation. The members of the Working Committee undertook to consider these suggestions, and it is believed that they intend to give effect to them.

53. Subsequently, the New Zealand constitutional adviser, Dr. Colin Aikman, visited the Territory and, jointly with Dr. Davidson, the Samoan constitutional adviser, presented to the Working Committee a memorandum on citizenship, copies of which were supplied to the Mission. He pointed out the great difficulty, owing to the nationality laws of some countries, of eliminating dual citizenship entirely and proposed instead that Samoan citizenship should be automatically lost by a person who exercised any of the privileges or per-

<sup>8</sup> Decision taken by the *Fono* of *Faipule*, the Samoan representative body which was abolished in 1957.

formed any of the duties of a foreign citizenship, including the possession of a valid passport issued by such a State, or who took an oath of allegiance to a foreign State.

54. He also suggested as transitional provisions that the following persons should automatically acquire Samoan citizenship: (a) any person born in Western Samoa and ordinarily resident there; (b) any person born in Western Samoa who is resident abroad if his father was born in Western Samoa. The following persons might elect with twelve months to assume Samoan citizenship: (a) any person resident in Samoa for a period of five years during the eight years preceding the coming into force of the Ordinance; (b) any person ordinarily resident abroad if his father was born in Western Samoa.

55. Dr. Aikman suggested to the Working Committee that an oath of allegiance to support the Constitution of Western Samoa and to renounce all allegiance or fidelity to any foreign State of which he was a citizen should be required from a person acquiring Samoan citizenship under the transitional provisions or by naturalization or registration. His proposals take into account the suggestions made by the Mission to the Working Committee. The Mission understands that Dr. Aikman's proposals concerning the problem of dual citizenship were approved in principle by the Working Committee, but that some other parts of his proposals remain to be discussed.

56. At Wellington the Mission was informed that the proposals made by the Working Committee, as modified in the draft scheme prepared by the New Zealand and Samoan constitutional advisers, were acceptable to the New Zealand Government. The Mission understands that, if within a reasonable time an acceptable scheme can be agreed upon, it would be possible for the New Zealand authorities to arrange for the preparation of a draft citizenship ordinance within the next two to three months. The passing of the ordinance would then depend on the action of the Samoan Legislative Assembly.

57. The Mission hopes that if any difficulties still exist they will be settled within a short period of time. This will clear the way for the enactment of a Western Samoan citizenship law sufficiently before the elections to the Legislative Assembly (scheduled for September 1960) to enable the rolls for that election to be drawn up on the basis of a citizenship requirement even after the affected persons have had the necessary twelve months period in which to exercise the options provided by the law.

58. The Mission realizes that for many of the inhabitants of Western Samoa who possess a foreign nationality it will be a serious matter to decide whether to retain their nationality and give up political rights in Western Samoa or to adopt Western Samoan nationality and hence renounce the rights associated with their foreign nationality. A very large proportion of these people genuinely regard Samoa as their home, but before they decide on the question of citizenship they will naturally enough wish to know the details of the proposed new Constitution, and in particular of the rights to be enjoyed by the citizens of the new State. It will, therefore, be essential that, well before the end of the twelve-month period during which these persons are required to opt for or against Samoan

citizenship, at least the main terms of the draft Constitution and electoral laws will have been made public in a definite form, even if they have not been formally approved. Presumably in the case of the Constitution this would be in the form of a draft which the Legislative Assembly had approved for submission to the Constitutional Convention. This point is discussed in connexion with the question of the timing of the termination of trusteeship.<sup>9</sup>

59. On the other hand, there will probably be a small number of persons of European status residing in Western Samoa who will not wish to take up Samoan citizenship. Some of these will doubtless continue to carry on their present economic activities in Samoa, while dispensing with the political and other rights reserved to Samoan citizens. A few persons, particularly some who would thus become stateless persons, feel concern as to their position after the termination of trusteeship. The Mission understands that the New Zealand Government would be prepared at the appropriate time to give sympathetic consideration to the cases of these persons.

60. Various persons raised with the Mission the question of the right of entry of future Samoan citizens into New Zealand, particularly for educational purposes. The Mission was informed at Wellington by the New Zealand authorities that the existing restrictions on the entry of Samoans into New Zealand were based primarily on shortage of employment opportunities for unskilled labourers. As regards entry for educational purposes, the position as it existed was: New Zealand considered itself under an obligation to allow Samoan students to enter for higher education; Samoan students were allowed to enter for secondary education if they were either sponsored by the Samoan Government or were sent to private fee-paying schools at their parents' expense; Samoan students normally were not allowed to enter for primary education, even if their parents were willing to pay for private schooling (this policy was aimed at preventing loss of contact with their Samoan environment). The Mission was pleased to learn that no change in this policy is envisaged on the attainment of self-government or independence by Western Samoa. Naturally, Samoan students graduating in New Zealand would not continue to enjoy the same unrestricted access to employment in New Zealand as they now possess, but would normally be expected to return to Samoa.

#### DOMESTIC STATUS

61. For certain purposes, the inhabitants of Western Samoa possess one of two forms of domestic status—European or Samoan. The basic distinction between the inhabitants possessing these separate forms of status is based on race. In simple terms, persons who are less than half Samoan are deemed in all circumstances to be of European status, while persons of full Samoan blood are deemed to be of Samoan status. In addition to persons who are more than half non-Samoan by blood and hence compulsorily possess European status, direct descendants in the male line of persons of European status as well as other persons who are not more than three-quarters Samoan by blood are, under certain circumstances, including petition to the High Court, considered to be persons of European

<sup>9</sup> See paras. 170-176 of this report.

status; such persons may, however, by petition to the High Court, be declared to be of Samoan status. It should be pointed out that in terms of this complicated legislation, "Samoan" is defined in a very extended sense to include all Polynesians, Melanesians and Micronesians, while "European" is a term covering all those who are not "Samoan." Thus persons of "European" status need have no European blood, although they must have some non-Samoan ancestors. Chinese, for instance, have European status. Of the total part-Samoan population of some 8,000, nearly 5,000 have European status.

62. It has been the concern of the United Nations that a common domestic status should be developed for all inhabitants of Western Samoa regardless of race, and this view has been shared by the Administering Authority. Various discussions have been held in Samoa over the years and some of the legal differences flowing from difference in status have been eliminated. The Mission was informed that a few of the remaining differences, including a quaint provision concerning the depths at which deceased persons of various status should be buried, had been removed by an ordinance adopted early in 1959. The only significant differences remaining are those relating to the election of members of the Legislative Assembly, which will be dealt with in the succeeding section, and to the rights associated with Samoan land and titles.

63. The Mission, in its discussions in Samoa, emphasized the desirability of removing distinctions in domestic status based on racial grounds. As will be noted in the following section, it explored several possibilities of altering the electoral system so as to remove the distinction between the electorates of persons of Samoan and those of European status. It also expressed the view that the question of regulating the use of Samoan lands and titles would not, in itself, necessitate a difference in domestic status, since the courts would not be prepared to recognize claims to Samoan lands and titles, unless they were in conformity with Samoan custom and were based on close relationship with the Samoan families having rights over the land and conferring the titles. The Mission also pointed out that, while it was fully aware of the historical background for the dual domestic status, which had been introduced by the Administering Authority in the first instance to protect the Samoans, this protection seemed no longer to be required when the Samoan people had reached the stage when they were about to take over the full management of their own affairs.

64. Moreover a new pattern is evolving. A citizenship law for Western Samoa is about to be enacted and for the first time there will be a common Western Samoan citizenship which will be related not to race, but to loyalty and allegiance to Western Samoa. The Mission pointed out to the Samoan leaders and representatives that, when persons pledge their allegiance to a country, it becomes very difficult to maintain differences of status between them based on their racial origins. The Mission expressed the hope that, in view of these facts and after the enactment of the new citizenship legislation, favourable consideration would be given to abolishing the existing legislative provisions under which the status of different sections of the community is determined by the percentages of their blood. The Mission considered that such action would

be in accordance with the best traditions of nationhood and with the Charter of the United Nations.

65. The Mission recognizes that on the one hand the deep attachment of most of the Samoans to the *matai* system and on the other hand the different way of life of many persons in the public service, in commerce and in the professions and also of their families might necessitate certain distinctions in practice between those who are within the scope of the traditional social pattern and those who are outside it. This distinction should, however, in the Mission's view be based on the free choice of the individual unhampered by regulations with a racial basis. The present legislation preventing part-Samoans with less than 50 per cent Samoan blood from holding titles and having rights to Samoan land—which incidentally was not enacted by the Samoans themselves—unnecessarily separates two closely related groups. Similarly a number of Samoans in salaried posts, commerce or the professions, particularly those residing in Apia, who in practice may have ceased to benefit from access to family lands or to fulfil all their traditional obligations to their *aiga*, are consequently unable to play their full part in the political life of the Territory.

66. The Mission, therefore, believes that the existing legislation regarding domestic status based on race should be abrogated and that such distinction as is required to be made between various groups of people for electoral purposes should be specified in the electoral law itself. Two possible bases of such distinction are set forth in the following section.

67. The question of domestic status had not been considered in detail by the Working Committee before the Mission left the Territory and the reply made to the Mission's suggestion was a somewhat cautious one. The Mission is confident, however, that the Samoans, on due reflection and after seeing the future position with regard to citizenship, will wish to remove the present distinction in domestic status based on race. Since the achievement of that basic objective of the Trusteeship System includes the elimination of discriminations based on race, this is a matter of relevance to a Territory which is emerging from trusteeship.

#### THE ELECTORAL SYSTEM

68. There are two methods used in the Territory for the purpose of elections to the Legislative Assembly. For the forty-one Samoan constituencies the electoral roll consists of persons on the register of *matai*, only *matai* being eligible to vote. For the election of the five Assembly members of European status suffrage is universal, except for a few usual grounds for disqualification, for persons of this status over the age of twenty-one years who have resided continuously in Western Samoa for at least one year. The existence of a restricted franchise for the election of Samoan members has long occupied the attention of the Trusteeship Council, which has, however, in agreement with the Administering Authority, taken the view that, while universal suffrage would be desirable, it should not be forced upon the people of the Territory against their wishes.

69. The Mission gave considerable attention to the various views which were expressed to it by Samoan leaders and representatives and by members of deputations of the general public on this question, in view

of its importance in connexion with the electoral law in which future electoral arrangements will presumably be embodied. In general, at its meetings with members of the Legislative Assembly and with district gatherings throughout the country, the Mission met with no opposition to the present *matai* suffrage, and found that spokesmen for these groups expressed determination to see this system of suffrage retained. On the other hand there is already a limited amount of support, even within the Legislative Assembly, for the adoption of universal suffrage with the *matai* alone being eligible as candidates. The same view was expressed to it by a deputation from the Samoan Democratic Party, which, although it has existed for many years, has not been particularly active and now claims a membership of only 105. Various organizations of persons of European status, in appearing before the Mission, expressed their willingness, and even their desire, to be associated with the rest of the population in a common role based on universal suffrage, while this view was also expressed by a number of educated Samoans. None of these persons, however, were prepared to claim that there was wide support for this view at present among the broad mass of the Samoans.

70. It was often claimed that the *matai* suffrage might be regarded as more representative than would appear at first sight. First, there is approximately one *matai* for every seven adult Samoans, or eighteen Samoans of all ages. Secondly, the greater number of *matai* titles are conferred by the families concerned in a basically democratic way, so that the system of *matai* suffrage may, in some respects, be regarded as a system of election at two stages. On the other hand it should be pointed out that many of the higher and more influential titles appear to be in the gift of particular titleholders or groups of titleholders.

71. The normal method of election for candidates to the former *Fono* of *Faipule* was by general consultation among the *matai* of the district concerned, followed by agreement on the persons to be designated as *Faipule*. No doubt there was scope for the exercise of considerable influence by the holders of the higher titles in the designation of these persons. When the first elections to the enlarged Legislative Assembly took place in 1957, the secret ballot was instituted for the first time, but was used in only ten constituencies. In another twenty-five constituencies, only one candidate was duly nominated and consequently was elected unopposed, while a further six candidates were elected because their nomination papers were signed by a majority of the *matai* in their respective constituencies. The Mission is aware that this last provision is intended in part to reflect the traditional Samoan method of selecting representatives by agreement and acclamation. It does, however, appear to be open to undue influence and pressure and the Mission knows of no similar provision in any other modern electoral system. The accepted and normal practice is that, whenever two or more candidates present duly completed nomination papers, an election is held by secret ballot.

72. The Mission put this point of view to the *Fautua* and members of the Legislative Assembly in the course of its last meeting with them, and, while no favourable response was immediately forthcoming, it was assured that further consideration would be given to the matter. It hopes that on further reflection they will be prepared to accept the suggestion made.

73. As regards the five members elected by universal adult suffrage, the electorate is composed for the present entirely of persons of European status and hence is based on a racial distinction which it is desirable to eliminate. The Mission found that the Samoan leaders were quite prepared to allow this separate electorate to continue, although they felt that when the citizenship provisions had been adopted into law and the other details of the Constitution had been provided for, a considerable number of persons now possessing European status would join the *matai* system and would receive their representation in that way. For those remaining under a separate status, however, they stated that there should be a number of representatives in the Legislative Assembly in proportion to the ratio of that population to the total population of Western Samoa.

74. The Mission, while noting the readiness of the Samoan leaders to afford representation to the population remaining outside the customary system and while agreeing that this is for the present necessary, discussed with the Samoan leaders and representatives various suggestions for removing the racial basis of representation in the Legislative Assembly and replacing it by arrangements which would tend to bring together the various racial groups. First, it referred to a suggestion made at times that universal suffrage should be introduced for all persons residing in the immediately vicinity of Apia, where the great majority of the population of European status and of the commercial and professional community resides, thus changing the basis for separate representation from race to geographical location.

75. Even though the Mission suggested that certain areas close to Apia which consisted of *matai* land could be excluded from the universal-suffrage constituencies, the Samoan leaders repeated as they had done in the past that this proposal was not favoured, as it was an unhappy reminder of the former Apia municipality of the nineteenth century, under which extra-territorial rights had been enjoyed by foreigners in much the same area.

76. During the latter stages of its stay, in particular in its last statement to the *Fautua* and members of the Legislative Assembly, the Mission suggested another and more general solution. This was that, in addition to the general *matai* roll, there should be a roll which might be called the non-*matai* roll, on which all persons, whatever their racial origin, living outside the scope of the *matai* system and not enjoying its privileges or carrying out its obligations should be entitled to register. While ideally the decision whether to be represented through the *matai* system of elections or to register on the non-*matai* roll might be left to the free choice of the individuals concerned, it is unlikely that so wide a provision would gain general acceptance. The Mission, therefore, suggested that a person who wished to register on the non-*matai* roll would have to satisfy the Registrar of Electors that he was not in fact enjoying the privileges of the *matai* system and would, by the very fact of registration, disqualify himself from any use or occupation of *matai* lands.

77. In his reply to the speech in which this suggestion was put before the members of the Legislative Assembly, the Honourable Tupua Tamasese expressed the view that the existing arrangements were satisfactory, but stated that the Samoans would give considera-



tion to this suggestion of the Mission. The Mission is confident that the Samoan people will take steps to eliminate racial distinctions in their electoral arrangements, a matter on which the Trusteeship Council has previously commented.

#### PROTECTION OF HUMAN RIGHTS

78. The promotion and encouragement of respect for human rights and fundamental freedoms is one of the principles of the United Nations, defined in the Charter as one of the objectives of the International Trusteeship System.<sup>10</sup> It has consequently become the practice of nations acceding to independence or self-government to include in their Constitutions provisions guaranteeing the rights and freedoms set forth in the Universal Declaration of Human Rights. Among these are the right of all persons, regardless of race, religion, sex or status, to life, liberty and security of person; to freedom from arbitrary arrest; to fair and equal treatment under the law; to freedom of thought, conscience and religion; to freedom of expression, assembly and association; and to security of their property from arbitrary expropriation.

79. The Mission found that consideration had not yet been given to the question of including some provisions concerning human rights in the Samoan Constitution. It, therefore, suggested that the Constitution should contain provisions on the lines of the Universal Declaration of Human Rights and the constitutions of other States.

80. The Mission also suggested that the Council of State should issue a statement on the land policy of the future Samoan State. The reason why it made this suggestion was that on a number of occasions, in interviews with representative groups and individuals, it had been made aware of the fact that many persons of European status were somewhat apprehensive regarding the situation after the attainment of self-government. One of the fears most frequently expressed was that they might not continue to enjoy security of tenure over land which they held as freehold or under lease from the Government or the Western Samoa Trust Estates Corporation. The Mission was assured in conversations with the Samoan leaders that these fears were groundless and that it had been the intention for some time past that the *Fautua* should make a public statement declaring that the rights of all inhabitants in land would be respected by the future Samoan State and that it was intended to include a provision to that effect in the Constitution. The Mission discussed this matter with the *Fautua* and was subsequently informed that, shortly after its departure from the Territory, the Council of State had, with the approval of the Working Committee on Self-Government, issued the following statement:

"Land and other property rights in Western Samoa which are held in accordance with the law will continue to be respected. It is the intention to make due provision to this effect in the Constitution for Western Samoa. This applies to the land and property rights of all sections of the community."

The Mission considers that, together with the above statement, the inclusion in the Constitution of a general guarantee that private property would not be expropriated except in the public interest and then only as

prescribed by law, on the basis of equitable compensation, would furnish all sections of the community with an adequate and complete reassurance in this respect.

81. In Wellington the Mission found that the New Zealand Government largely shared its opinions.

#### PUBLIC SERVICE

82. The Western Samoa Public Service was established as a separate service in 1950. There is a Public Service Commissioner directly appointed by the Governor-General of New Zealand, assisted by two Assistant Public Service Commissioners, one of whom is a Samoan appointed by the Governor-General on the nomination of the Council of State, the other being the New Zealand Secretary of Island Territories. The Public Service Commissioner is responsible for the recruitment, appointment, promotion, transfer and retirement of officials, as well as for their gradings and salaries; he also has the authority, subject to the approval of the High Commissioner, to make regulations regarding the discipline, dismissal, leave and working conditions, and training of the staff.

83. There is a Public Service Board of Appeal consisting of the Chief Judge as chairman, one person appointed by the Minister of Island Territories upon the nomination of the High Commissioner and one officer elected by the members of the Public Service. The Board may hear and determine the appeal of an officer aggrieved by a decision of the Public Service Commissioner. Its decisions are final.

84. The Constitutional Convention in 1954, the joint session of the Legislative Assembly and the *Fono* of *Faipule* in 1955 recommended that the control of the Public Service should immediately be transferred to the Government of Western Samoa. The Administering Authority considered that the Public Service Commissioners should continue to be appointed by the New Zealand Government until cabinet government was established. The Samoa Amendment Act, 1956, redefining the functions and responsibilities of the Public Service Commissioner, provided that "in the exercise of his powers, he shall at all times have regard to the policies and objectives of the Government of Western Samoa, and of the Government of New Zealand as the Administering Authority."

85. The 1957 report of the Public Service Commissioner indicated that local staff was readily available for most positions in the various departmental services although the standard of education and ability was, on first appointment, not as high as was desirable. However, there was a gradual improvement in the academic standards of new appointees, particularly in the teaching and nursing professions. It was intended that, in the future, no officer would be appointed as a clerical division cadet who had not passed the Samoan Public Service examination.

86. In 1957 and 1958, the manpower of the Public Service was reduced on account of the financial crisis in the Territory. The reduction was mostly felt in the Departments of Education and of Public Works. The Executive Council also extended the working hours of public servants.

87. The Trusteeship Council has previously urged the Administering Authority to press forward with its programmes to train Samoans to assume higher ad-

<sup>10</sup> See Article 76 c of the Charter.

ministrative posts. It has also favoured the seconding of Samoan officials for periods of training in New Zealand Government services. For a number of years there has been some occasional training of staff, almost entirely in the form of on-the-job instruction, the training being geared to the practical requirements of the various departments concerned. On-the-job training has been complemented since the beginning of 1957 with night classes conducted by the Education Department in various trades including motor mechanics, electricity and carpentry, and attended by persons from private industry as well as public servants.

88. Under the scholarship scheme of the Administering Authority about forty former students trained in New Zealand schools have been appointed to positions in the Samoan Public Service, mainly as teachers and clerks. At present eighty officers out of a total of approximately 1,300 public servants have been engaged from New Zealand mainly to fill senior positions, although the heads of ten departments or divisions of departments are locally-born officers. There is need, therefore, for a more diversified range of training which would equip a rapidly increasing number of Samoans capable of taking over such positions. The local training of officers for supervisory functions is still on a very limited scale.

89. The Mission wishes to stress the great importance of training Samoans to fill the high administrative posts now occupied by officers brought in from New Zealand. A special programme, which would be distinct from the ordinary scholarship scheme, is needed to give Samoans selected from within or outside the Public Service administrative training coupled with higher general education. It is suggested that a list of the posts for which Samoans ought to be trained be drawn up as quickly as possible by Western Samoan authorities. This matter is further dealt with in paragraph 149 of the report.

90. Necessarily, for some time to come, a considerable number of senior posts will have to be filled by overseas officials. In its meeting with the *Fautua* and the Legislative Assembly, the Mission was told that the arrangements by which such seconded officers as were required were recruited for a three-year term would be maintained until Samoans were ready to replace them.

91. The Mission heard complaints to the effect that overseas staff received a somewhat higher salary than local recruits in the basic pay scale, even when their qualifications were the same and in addition to the following allowances: expatriation allowance, inducement allowance, adjustment allowance, increase in children's allowance, a soft furnishings allowance, and a repatriation allowance. The Public Service Commissioner informed the Mission that such allowances were necessary to attract officers from overseas.

92. The Mission considers that officers with the same qualifications and occupying identical posts should be given the same basic salary whether they are recruited locally or from overseas. The extra benefits necessary to attract overseas staff would of course have to be paid. In any case the Mission believes that overseas officers holding senior positions should in the future be engaged on the basis of fixed-term contracts to be concluded with the Samoan authorities.

93. The Mission was informed that the New Zealand Government and the Government of Western Samoa both wished to see a thorough overhaul of the Public Service conducted before the attainment of self-government. To this end two separate investigations were being arranged, a salaries tribunal and an organization and methods investigation. The tribunal's task will be to conduct a full enquiry and recommend a set of salary and wage scales appropriate to the cost of living and the economic and social conditions of the Territory. In particular it will have to consider the question of the treatment of local officers holding overseas qualifications. The Public Service Association will be represented on the tribunal, which is scheduled to hold its first meeting sometime in July 1959. The second investigation is designed to be a comprehensive critical examination of the efficiency of the service and its organization in relation to the functions it performs.

94. Provision is made in the existing law for the independence of the Public Service from political influence. Officials and petitioners who discussed the subject with the Mission emphasized the importance of preserving the independence of the Public Service and its freedom from political interference. The Public Service Association, which covers approximately half the members of the Public Service, suggested that control of the Public Service should be vested in a three-man commission whose members should have equal powers and responsibilities. They suggested that ministers should be bound by the commission's recommendations in respect of appointments, promotions, etc., and that the Board of Appeal should be retained.

95. It is clearly necessary that adequate safeguards should continue to be provided in Western Samoa for an independent and competent Public Service. The Samoan leaders fully appreciate and support this view, which needs no emphasis from the Mission. The present arrangements seem to be satisfactory in many ways, but confer such a high degree of independence on the Public Service Commissioner that the Government of a self-governing Samoan State could not be expected to accept it without some modification. The Working Committee on Self-Government, in a report published during the Mission's stay in the Territory, recommended: (a) that all future vacancies in departmental headships and other key positions concerned with the development of policy should be referred to the Executive Council for an opinion as to the qualifications to be sought in an appointee to any such vacant post, and (b) that no appointment to such a post should be made till the Executive Council had had an opportunity of expressing its opinion as to the suitability of the proposed appointee.

96. The Mission was told by the *Fautua* that the Samoan Government was awaiting a paper from the Administering Authority on the methods practised by various countries to ensure the independence of their Public Services, while at the same time providing that Government policies are carried out.

97. The Mission believes that appropriate provision should be made in the Constitution for the independence of the Public Service. This might well be achieved through a public service commissioner as at present, but perhaps it might be better to have a public service commission consisting of a commissioner, who would carry on the full-time administration of the post, and



two other persons as part-time members, one of whom might be a non-political person of high standing in the community. The commission would, in accordance with the agreed regulations, fill the great majority of posts in the Service while appointments to a few senior posts, such as certain heads of Departments, might be made by the Cabinet in consultation with the public service commission. It would be advisable for the Legislative Assembly to approve the regulations governing the Public Service. The Board of Appeal should be retained to supervise the implementation of these regulations.

98. The Mission notes with satisfaction that it is intended to appoint a Samoan as Public Service Commissioner and that a Samoan Government nominee will be sent to New Zealand for training this year.

## JUDICIARY

99. Jurisdiction for the administration of justice in Western Samoa is vested in a High Court consisting of a Chief Judge, a Puisne Judge, a full-time Commissioner, two part-time commissioners and four Samoan associate judges. Prior to 1958, the Court included fourteen district judges, but this system was abolished and the Samoan associate judges now sit monthly in the Aleipata and Falealili Districts in Upolu and the Fagamalo and Falelima Districts in Savai'i. In January 1959, the High Commissioner issued a new jurisdiction order increasing the jurisdiction of all Samoan judges with special provisions for extended jurisdiction in the case of Samoan judges with two or more years' service. A Samoan judge with extended jurisdiction, in addition to other matters, has power to impose any term of imprisonment up to a maximum of three months either in lieu of or in addition to any fine he may be entitled to impose. The four associate judges also act in an advisory capacity to the judges and commissioners.

100. A case tried by an associate judge can be reheard by a commissioner and again by the Chief Judge. There is a further right of appeal to the Supreme Court of New Zealand, although it is rarely resorted to.

101. The Land and Titles Court has jurisdiction in respect of disputes over Samoan land and succession to Samoan titles. It consists of the Chief Judge assisted by Samoan associate judges and assessors. These are men of standing in the community appointed by the Chief Judge from a panel approved by the High Commissioner.

102. The Working Committee on Self-Government has recommended that, while the eventual policy of Western Samoa must be to appoint Samoan citizens with legal training and experience as judges of the High Court, it would not be possible to do so for some years to come. They considered that the existing system of appointing judges from New Zealand was satisfactory for the present and that it would be of great assistance to Western Samoa if New Zealand were willing to second to the Government of Western Samoa as judges of the High Court for terms of three years persons who were either serving as stipendiary magistrates under the Magistrates Courts Act, 1947, or who would be so serving on their return. The Administering Authority informed the Mission of its willingness to continue to provide persons suitable for appointment as High Court judges.

103. The Mission considers that the independence of the judiciary should be fully provided for in the Constitution. The Samoan leaders informed the Mission that they fully shared this view. For judges appointed from New Zealand the fact that they have security of tenure in the judicial system of that country will be a sufficient guarantee of independence from other branches of the Government. For other judicial posts, in particular the associate judges, the Mission believes that their freedom from political influences might best be assured by providing in the Constitution that a judiciary committee should be set up under the chairmanship of the Chief Judge with the Attorney-General and other non-political personages as members to make recommendations to the Cabinet on their appointment and on other matters concerning the judiciary.

104. The Mission understands that the Governments of New Zealand and Western Samoa will discuss appropriate provisions for the hearing of appeals from the High Court of Western Samoa; it believes that some arrangements for an appeal system would be useful.

## LOCAL GOVERNMENT

105. In the more than 400 villages of Western Samoa, local government is based on the *matai* system, which was described earlier in this report (para. 25 above). Various attempts have been made in the course of Western Samoa's modern history to bring local authorities into a closer association with the central government of the Territory and introduce new forms and institutions of local government. Thus, for many years, a great number of villages have had *pulemu'u* (village mayors) nominated by their *fono* and confirmed by the Minister of Local Government to act as the main administrative link between the central government and the village. The *pulemu'u* keeps the village informed of Government activities, registers births and deaths, supervises the cleanliness and order of the village, etc. In a few large villages two *pulemu'u* have been appointed; other agents of the Administration in the main district centres are the *pulefa'ato'aga* (agricultural inspectors). Intervention by the central government in local affairs has been largely confined to such matters as education, health, sanitation and public works.

106. The Village and District Government Board which is composed of the Council of State and six members appointed by the High Commissioner, is empowered to investigate proposals for the establishment of statutory local authorities. So far nine local bodies have been created upon the Board's recommendations but have remained inactive owing to the lack of funds and of qualified people to manage their affairs. The Board expressed the belief that properly constituted local government authorities were essential to sound self-government and recommended the appointment of a local government officer to assist the progress of local bodies.<sup>11</sup>

107. The Mission recognizes that in a country with a population of the size of that of Western Samoa the central government is likely to be in direct touch with the people over a wide range of activities and the problems of establishing a system of local government are

<sup>11</sup> Report of the District and Village Government Board, 1958.

rather different from those of a larger country. But there are certain fields which, in Western Samoa, can in the Mission's view very greatly benefit from local community effort organized in an appropriate way. Such effort has already been successful in the provision of water supplies, the building of schools, the provision of health services through the voluntary efforts of women, and in other ways.

108. The Mission believes that, in the arrangements to be made for the organization of local government, it would be advantageous to direct attention primarily to the encouragement of local community effort. In other words, more advantage might be derived from the establishment, for example, of local education committees, or committees for whatever purpose is considered to be of practical value at any given time, than from the setting up in the first instance of local bodies covering all the usual fields. The Mission would not of course wish in any way to discourage the establishment of local government bodies on generally accepted lines, but it believes that greater benefit would be derived, at this stage at any rate, from concentrating in all relations with the districts and villages on measures designed to stimulate and canalize local initiative and local effort for the improvement of social standards in each area and for the increasing of economic production. The Mission will have more to say on this subject in dealing with economic development and with education.

#### ECONOMIC CONDITIONS

109. With the exception of a few minor industries catering to local requirements,<sup>12</sup> Western Samoa's economy is exclusively agricultural, and is based on the export of three main commodities: cocoa, bananas and copra. The greater part of these crops (including almost all bananas, roughly 80 per cent of copra and about half the cocoa) is produced on Samoan village land owned and cultivated under the *matai* system. Apart from the large estates operated by the Western Samoa Trust Estates Corporation, a public undertaking whose surplus profits flow to the Government, plantations run on commercial lines are relatively few. For the Samoan community as a whole, the production of cash crops is still only an important supplement to what is basically a subsistence economy of abundance.

110. An important factor relevant to the future of the economy of Western Samoa is that, of its three main export crops, two are subject to severe price fluctuations on the world markets. Another factor is the rapid growth of its population. Western Samoa has one of the highest rates of population increase in the world: the number of its inhabitants rose from 40,229 in 1926 to 102,860 in 1958 and, if the present trend is continued, is expected to reach 200,000 within the next twenty years. Both these factors underline the urgent need to expand and, wherever possible, to diversify the economy. In addition, it must be noted that during the foreseeable future the proportion of non-producers in the population will be exceedingly high (in 1956, children under fifteen years of age constituted over 48 per cent of the population) and will necessitate heavy

expenditures on educational, health and welfare services.

111. In recent years there have been substantial increases in production of the three main export crops and, as the Mission was able to observe during its tour of the Territory, there is also evidence of extensive new plantings on land opened up by the construction of roads which gives some hope that exports may continue to expand at least as rapidly as population. The nature of these increases can be seen from the following figures of exports:

	1954	1957	1958
Bananas (cases)...	307,106	328,569	884,080
Cocoa (tons) .....	2,422	3,076	4,029
Copra (tons) .....	13,664	14,325	13,731

The most remarkable increase was in the export of bananas which in 1958 produced a revenue of over £NZ 1 million or about 35 per cent of the total value of the Territory's exports. This crop is exported under a government scheme which provides for inspection and handling by the Department of Agriculture. Under present conditions, all bananas are shipped to New Zealand where Western Samoan produce enjoys a favourable market. However, it is believed that the capacity of New Zealand to absorb this crop is unlikely to exceed 800,000 cases annually and, other markets are being explored, but have not yet been found.

112. When in the Territory, the Mission heard expressions of some concern about continued access to New Zealand markets after Western Samoa has attained self-government. The Mission raised this question in its discussions with the New Zealand authorities in Wellington. It was assured that the New Zealand Government intended to continue to accept shipments of bananas from Western Samoa subject to the ability of its markets to absorb them and to the claims of Fiji and Tonga to participate in their traditional market in New Zealand.

113. Possibilities of further increase exist in regard to cocoa, copra and coffee, the last of which is still an experimental crop. Cocoa exports have steadily grown in recent years and in 1958 produced a revenue of nearly £1.25 million or about 43 per cent of the value of all exports. Although world demand for both cocoa and copra can be expected to increase in the long run, both commodities are subject to severe fluctuations in price. It is partly due to low prices and also to the ravages of the rhinoceros beetle, which discouraged the replacement of old palms, that copra production has been neglected in recent years. According to information furnished to the Mission it is believed that a fair proportion of the coconut fall remains unharvested. Coffee production is still in the very early stages of development as a commercial crop, although small amounts have been grown in the Territory for many years. Recently, however, an experimental plot of 325 acres was planted by the Western Samoa Trust Estates Corporation and there are indications that there are areas of land in the Territory which are suitable only for coffee-growing. In view of the fact that New Zealand's imports of coffee currently amount to about £1.25 million it would appear that this crop offers considerable possibilities. Other crops which are still in the experimental stage are avocados, spices (i.e., nutmegs and pepper) and manila hemp. At the present

<sup>12</sup> These include two small factories, one manufacturing soap and the other producing aerated drinks, and two small timber mills.

time it is too early to estimate their potential economic importance.

114. From the results of the recently completed soil survey, it would appear that there is sufficient undeveloped land to permit expansion to continue at the present rate for the next thirty years. The major problem of agricultural production is to improve the methods of the Samoan peasant farmer and to rehabilitate about 20 per cent of the existing agricultural land which has deteriorated. The Mission was pleased to learn that since 1956, the Department of Agriculture has been following an active programme of extension services, in the form of district production campaigns and advisory work at the village level, which is supplemented by the valuable educational work being done at the Avele Agricultural College. In addition, experimental and demonstration work is carried on at two farms on Upolu, in both cases with a view to promoting more intensive cultivation, and it is planned to establish a third centre for the same purpose on Savai'i.

115. In the past, many Samoans have been reluctant to recognize the need for technical advice and it is therefore encouraging to note that this aspect of the Department's work is receiving increasing public support. It is to be hoped that similar support will be forthcoming for an active programme of forest conservation and development, both to meet the urgent need for the protection of watersheds and to provide a supply of timber for, among other things, the production of banana cases, most of which are at present imported from New Zealand. Greater attention should also be given to the possibility of developing a livestock industry on Samoan land. Up to the present time, the only large herd of beef cattle is owned by the Western Samoa Trust Estates Corporation, but the recent soil survey has indicated that there are extensive areas of land at higher elevations which are best suited for grassland farming.

116. One of the basic problems in increasing agricultural productivity arises from the excessive fragmentation of holdings and the small degree of security to the industrious occupiers who hold their land at the discretion of a superior *matai*. Admittedly, there is a tendency for the system to become modified and for the control of land to be localized in the family group which in fact cultivates it, but uncertainty of occupation tends to discourage the cultivator from making any permanent improvements. It should be possible without violating Samoan custom to introduce a usehold system which would give the occupier and his descendants security of tenure so long as the land is properly cultivated. A further result of the customary system of land tenure has been that in the past the occupiers of land have not possessed the necessary security to raise capital for development purposes. This difficulty will, it is hoped, be partly overcome by the establishment of a development department within the new Bank of Western Samoa which will be empowered to make advances for such purposes on special terms.

117. In view of the small scale of most Samoan production, the existence of a large agricultural organization in the form of the Western Samoa Trust Estates Corporation assumes special importance. This Corporation was created in 1957 to take over the former New Zealand Reparation Estates following the New Zealand Government's decision that they should be

transferred to the Samoan people as a going concern. It is controlled by a board of directors of seven members, five of whom are inhabitants of Western Samoa, and include the two *Fautua* and the Minister for Agriculture; in addition, many of its managerial employees are Samoans. As in the case of its predecessor, the Corporation operates the estates in the interests of the Samoan people and transfers its surplus annual profits to the Government (in the form of a grant) after making provision for its own reserves. Owing to the need to build up a cash reserve, the Corporation was unable to make a grant in 1957 but resumed this practice in the following year when it transferred the sum of £30,000 to the Government. The importance of the Corporation, and its value to Western Samoa, lies not only in these annual payments, but even more in the substantial contribution which it makes to the economy from the produce of over 15,000 acres of scientifically operated plantation and grazing land. The estates serve a most valuable function as a centre for experimentation in and demonstration of new crops. During 1958, the Corporation embarked on a fifteen-year programme of development and replanting which will include the addition of 2,000 acres of new coconut plantations, 1,000 acres of coffee and 500 acres of cocoa. It is understood that the cost of this programme will not prevent the Corporation from making some annual grants to the Samoan Government.

118. From its investigations in the Territory, the Mission got the impression that, although Samoan leaders are beginning to think actively about the need for economic development, there is scope for formulating a planned long-range programme which would take into account all the natural resources of the Territory. Towards the end of 1958, the Legislative Assembly, after considerable debate, adopted a short-range development plan covering a period of three years and calling for a total expenditure of £300,000. The plan envisages: (1) the sub-division and development of five areas of vacant government land (totalling about 18,000 acres) for settlement by selected Samoan leaseholders; one purpose of this would be to stimulate similar development of Samoan customary land; (2) expansion of the extension services and experimental work of the Department of Agriculture; (3) the construction of more feeder roads as a supplement to the existing programme of road construction; (4) the initiation of engineering surveys with a view to the eventual construction of a deep-water berth in the Apia harbour and a deep-water harbour on Savai'i; (5) the investigation and encouragement of secondary industries.

119. With regard to the proposal for harbour development, the Mission was informed that the engineering surveys would begin in 1959 and that the actual construction costs would probably amount to £2 million. If it is decided after completion of the surveys to proceed with the construction of a deep-water berth at Apia, the Mission hopes that the necessary capital can be obtained. The Mission also hopes that it will be possible to establish a deep-water harbour on Savai'i. Not only would this stimulate the development of the larger island which is the main area of potential expansion; it would also tend to stem the present drift of population to Upolu.

120. Another point on which the Mission commends the plan is the proposed increase of agricultural exten-

sion services throughout the Territory and especially on Savai'i where there are at present only two senior and several junior field assistants. The Mission also notes that active measures are to be taken to encourage industrial development, for example, by offering tax and other incentives and loans at low rates of interest. One of the purposes of this would be to help solve the problem of under-employment which exists in Apia. The Mission feels that among the possibilities which should be more extensively explored is the establishment of a commercial fishing industry both for local supply and, if feasible, for export.

121. The plan, however, is no substitute for a long-range comprehensive programme of development which Western Samoa undoubtedly needs and which would enable the Territory to make the best use of the financial resources available to it. The Mission believes that, in view of the particular characteristics of the Territory and its people, any development programme of a comprehensive character should be based to a large extent on encouragement of and support to local community initiative. There is in Samoan life a strong competitive spirit between villages and districts, which has already produced remarkable results when organized and directed into the building of churches, schools and dispensaries, road construction and a variety of other projects desired by the community. It would clearly be of great value to the Territory if this local initiative was fostered and channeled towards desired objectives as, for example, by the organization of inter-village and inter-district competitions in agricultural production and efficiency, soil conservation, etc. The success of any development programme will undoubtedly depend very much on the enthusiasm which it arouses among the people. The Mission accordingly suggests that the Government of Western Samoa might consider the appointment either of an outside expert on community development or of a prominent and highly regarded local official to assist it in organizing and stimulating community development. The Mission also feels that consideration might be given to the advantages of stimulating producer co-operatives in the light of the experience which will be gained by the Territory's first agricultural production society, which was registered in 1957. Heretofore, the development of the co-operative movement has been predominantly in connexion with trading and the provision of credit. Since the previous Registrar of Co-operatives has resigned, the Mission hopes that a successor will soon be appointed.

122. In conclusion, the Mission wishes to recommend that, in view of the responsibilities of the United Nations towards Western Samoa, favourable consideration should be given to any requests which the New Zealand Government may make on its behalf for assistance under the Expanded Programme of Technical Assistance and the Special Fund. The Mission has in mind projects such as the preparation of a comprehensive development plan and also specific technical surveys some of the cost of which might be defrayed by the international agency. Moreover, should Western Samoa ask for the services of an agricultural expert from the Food and Agriculture Organization of the United Nations (FAO) to assist in expanding and intensifying the efforts of the Agriculture Department, the Mission hopes that the Administering Authority will take the necessary steps to secure a suitable officer.

## MEDICAL AND HEALTH SERVICES

123. In view of the limited time the Mission had at its disposal and the need to devote the major part of it to constitutional questions, the Mission was unable to give detailed attention to health problems. However, the Mission was able to note the success of the yaws control programme which had been carried out in conjunction with the World Health Organization (WHO) in 1956. The Samoans expressed their great appreciation for this assistance, as well as for the proposed participation of WHO in an important tuberculosis control project which will be undertaken in 1960, and for which the preliminary arrangements are being completed. Tuberculosis is in fact the principal remaining public health problem in the Territory.

124. The Mission received a deputation of the Samoan medical practitioners who stated, among other things, that the number of medical personnel in the Territory was insufficient and that no new practitioners had been recruited for the last four years. There was a need for further specialized training of practitioners overseas, and more medical officers were needed to work in Samoa and to give refresher courses to local practitioners. The Samoan medical practitioners' petition as well as a petition from the Samoan nurses, were transmitted by the Mission to the Trusteeship Council for examination.

125. In its meeting with the women's committees, the Mission was much impressed by a demonstration of the work of the district nurses, under the auspices of the women's committees in particular villages, in combating infantile mortality and in ensuring the proper care and nutrition of mothers and young children.

## EDUCATION

126. The number of children of school age (6 to 14 years inclusive) in the Territory was roughly estimated at 27,000 in 1958. While the number of children within this age group attending school is not available, total enrolment in primary schools during the same year as 22,280 pupils, of whom, 1,646 were over fifteen years old. The following table contains a summary of school enrolment in the last four years:

	1956	1957	1958	1959
<i>Pupils in primary schools</i>				
Government schools..	19,026	18,457	14,635	16,093
Mission schools .....	7,086	6,764	7,645	8,605
TOTAL	26,112	25,221	22,280	24,698
<i>Pupils in secondary and technical schools</i>				
Government schools..	156	188	253	300
Mission schools .....	190	214	361	573
TOTAL	346	402	614	873

127. The public school system in Western Samoa consists of ninety-seven elementary village schools, eleven primary district schools, one primary-secondary agricultural college at Avele, one primary agricultural school at Vaipouli (Savai'i), one infant school, one primary school in Apia, one primary-secondary school (Samoa College) and one Teachers' Training College.

128. Five different missions (London Missionary Society, Roman Catholic, Methodist, Seventh Day Adventist and Latter Day Saints) maintain approximately 289 pastor catechist schools, forty primary schools, six

secondary schools, one vocational school and two theological colleges.

129. Village schools give six years of primary education (primer I to standard IV) and are staffed by Samoan teachers, most of whom are certified from the Teachers' Training College. At the beginning of 1958, six schools were amalgamated as an economy measure and three were closed. The number of pupils fell off to 12,969 (15,990 in 1957 and 16,348 in 1956). However, the number has gone up to 13,697 during the current year. The villages build and maintain their own schools and house and feed the teachers, while the Government supplies the books and equipment. Samoan *fale* (thatched huts) which are not quite suitable for schools, are gradually being replaced by modern school buildings. Two villages in Savai'i and eight in Upolu completed the erection of new schools in 1958; approximately one-third of the schools are still housed in *fale*. The Mission noted a widespread interest in education and a keen desire for more schools among the population.

130. Eleven district schools give two years of further primary education to selected pupils from the village schools. At the end of this period, pupils can sit for the primary school leaving certificate, which is required to enter the Secondary Department of Samoa College. District schools are staffed by the more competent Samoan teachers, several of whom hold teachers' certificates from New Zealand. There are 763 pupils on the 1959 roll, as against 510 in 1958 and 660 in 1957.

131. Apart from the five mission schools which provide secondary education for some children, the only Government secondary school is Samoa College, with 230 students on its secondary roll for 1959, as against 196 in 1958, 181 in 1957 and 150 in 1956. There are six primary and eight post-primary classes in the College. Only a small proportion of those who pass the primary school leaving certificate examination now have the opportunity to receive secondary education in Samoa College. Out of 261 pupils from Government schools in Upolu and Savai'i who gained the certificate in 1958, sixteen were accepted by the Secondary Department of Samoa College. The New Zealand school certificate comes at the end of the fourth year of secondary education. In 1958, out of twelve students who sat for the New Zealand school certificate examination, three passed and three were held on recount (two out of five passed in 1957). The main difficulty is in English as a subject, since Samoan students living at home do not have sufficient opportunity to use the language. At the conclusion of the third year, students may sit for the Public Service examination. Although positions of secondary importance in the Public Service can still be filled without the examination requirement, the Public Service examination is gradually becoming the academic qualification for those positions. In 1958, seventy-six students from Samoa College and other schools sat for the examination and thirty-four passed.

132. In 1945, following a survey by the New Zealand Director of Education, Dr. Beeby, a scholarship scheme aiming at forming a selected group of Samoans for leadership in the professions and the Public Service was established by the Administering Authority. Scholars were selected at an early age and had to finish their primary as well as their secondary

education in New Zealand. However, in 1954, it was felt that it would be better to keep young Samoans in Samoa as long as possible and send them to New Zealand after they took their school certificate from Samoa College. By 1957, financial stringency became an added reason for giving as much of the education as possible in the Territory. In 1958, only one new student was sent to New Zealand, but four were sent this year.

133. The table below shows the distribution of scholars and ex-scholars from the beginning of the scheme to 1959:

Occupation	Completed	In training	Total
Medicine .....	2	4	6
Law .....	—	3	3
Teaching .....	18	14	32
Science .....	—	1	1
Nursing .....	4	7	11
Agriculture .....	—	4	4
Pharmacy .....	1	—	1
Radiography .....	1	—	1
Clerical .....	11	—	11
Draughtsmen .....	3	—	3
Apprentices .....	4	18	22
Printing (short term courses)....	6	—	6
Surveying .....	—	1	1
Radio announcing .....	1	—	1
Accountancy .....	—	1	1
Still at school .....		17	17
Failures .....			10
Withdrawn .....			5
	51	70	136

134. In 1954, Dr. Beeby carried out a further survey of the education system. He recommended,<sup>13</sup> *inter alia*, the introduction within a ten-year period of compulsory education between the ages of seven and thirteen, the expansion and improvement of teacher training, the development of secondary education in Samoa College and the continuation of scholarships to New Zealand with a progressive transfer from the primary and early secondary stages to university and post school certificate stages on the one hand and to technical and trade training on the other. He also recommended that adult education should be used as a means of community development in Western Samoa and that the Legislative Assembly should enact an ordinance defining the educational programme of the Territory.

135. In its discussion with those working in education in the Territory, the Mission noted some dissatisfaction with the present state of affairs, some frustration and a definite feeling of the need for a more rapid expansion and improvement of the educational system than is at present taking place; the Mission is of course aware that the period of its visit was an awkward one for the Education Department in that it took place during nearly a year's hiatus between substantive Directors. The New Zealand Educational Institute and the Western Samoa Teachers' Association were both concerned about the lack of a clear educational policy established by legislation, the decline of primary education since 1956, the absence of government control over mission schools and the insufficient progress of

<sup>13</sup> C. E. Beeby, *Report on Education in Western Samoa* (Wellington, R. E. Owen, Government Printer, 1954).

secondary education. Samoa College was not yet completed and needed more teachers; many students from Upolu and Savai'i who passed the primary school certificate were turned down by the College each year. The number of scholarships had dwindled to one in 1958. All who spoke on the subject agreed that, had the report submitted by Dr. Beeby been implemented, the situation would have been greatly improved.

136. Educational officials stated that the drop in enrolment of children in primary schools during the last three years had been caused by financial difficulties. Already 20 per cent of the Territory's budget was allocated to education and the Legislative Assembly was reluctant to increase the allocation. The Administering Authority did its best to bring home to the Samoans the necessity of developing both primary and secondary education. With regard to the scholarship scheme, the Administering Authority used to finance it out of the profits of the New Zealand Reparation Estates until the Estates were turned over to the Samoans in 1957. The New Zealand Government had continued to finance the scholarships granted prior to that year and it was now the responsibility of the Samoan Government to provide for the new scholarships.

137. Discussing these matters with the *Fautua* and the Legislative Assembly, the Mission was told that education was a major concern of the Samoans and both the Government and the missions were making efforts to develop secondary education. However, Western Samoa did not have sufficient financial resources to continue the scholarship scheme by itself, which moreover in the past had not been as well adapted as it might have been to the needs of the Territory for trained personnel. The Samoan Government hoped that New Zealand would continue its aid after self-government. As to free and compulsory education, the financial implications of such a step were too great for the Samoan budget to bear. The mission schools charged an educational fee averaging £3 *per annum* and there was a motion before the Assembly calling for Government aid to mission schools.

138. The Mission has formed the impression that the educational situation in Samoa is not satisfactory for a Territory which is soon to be self-governing or independent. Partly because of financial stringencies, the expansion envisaged in the 1954 Beeby report has not taken place and owing to cuts by the Legislative Assembly, the number of children attending school has substantially decreased.

139. While believing that efforts towards establishing compulsory primary education should not be relinquished, the Mission considers that it is of even greater importance further to develop secondary education and vocational training. Otherwise, Samoa will remain dependent on expatriate officials and technicians for an indefinite period.

140. The Mission visited Samoa College and was impressed by the high standards of organization and discipline in both the Primary and Secondary Departments, as well as by the dedication with which the staff were performing their duties. Samoa College is the institution of highest education in the Territory and a national institution which is deserving, in the Mission's view, of very special support. It would be desirable to increase substantially the number of pupils admitted

to the College for secondary studies, but improvement in the standards of district schools must occur before the College can dispense with its own well run Primary Department. Since only in this way can an appropriate environment for the study of English be created, the building of boarding accommodations for the pupils at Samoa College should not be delayed any longer.

141. The Mission discussed with the education authorities in New Zealand the case of two school certificate students who had at first been refused university entrance courses by correspondence for this year, while the Samoan authorities were unwilling to grant them scholarships for study in New Zealand before they had qualified for university. It was explained that Samoan students needed at least one year of preparatory work in New Zealand to be able to follow university courses in English. Furthermore, it was not desirable to build up a correspondence course in Samoa which, by its very nature, could not be entirely satisfactory. The Mission was told in the Territory that the one or two years of study required after school certificate for entrance to New Zealand universities could be done at Samoa College, if two additional teachers were seconded from New Zealand. The Mission believes that the development of Samoa College as a complete secondary school preparing students for university should be pushed forward, although this should not prevent the continued provision of facilities for some Samoans to attend high schools in New Zealand.

142. As yet, there is no secondary school in Savai'i. Out of approximately sixty Savai'i pupils who passed the primary school certificate in 1958, only eight were admitted to Samoa College. The Department of Education had planned to open Vaipouli as a high school this year, but action was deferred because of shortage of prospective pupils and of some difference of opinion in the Executive Council as to the location of the school. The Mission is confident that the secondary school in Savai'i will become a reality in 1960.

143. The Mission visited Avele Agricultural College, where sixty-seven boys from Samoa and other South Pacific Territories are being taught sound agricultural practices with a limited amount of basic theory and academic courses. The Administering Authority, which shares the expenses of the College with the Samoan Government on an equal basis, informed the Mission that the Samoan Legislative Assembly had reduced its contribution from £7,000 to £6,000 for this year. Since this might have most unfortunate repercussions on the future of this highly useful institution, the Mission is confident that the Samoan authorities will reconsider their position. It also hopes that careful consideration will be given to the suggestion by the Principal of the College that a fourth year for purely agricultural studies should be added to the course. The Mission considers this institution to be a most valuable one.

144. The Mission feels that no effort should be spared to improve the quality of teaching in all the schools. More and more certified Samoan teachers are being sent to village schools every year and there are 126 students on the 1959 roll of the Teachers' Training College. It appears, therefore, that more teaching staff is required in the Teachers' Training College.

145. More than one-third of the primary pupils and two-thirds of the post-primary pupils attend mission



schools. However, there is no official control over these schools, though certain co-operative arrangements have been worked out. The Mission's attention was drawn to the unsatisfactory conditions resulting from different curricula, standards of work, examinations and policies. Although every student entering Samoa College is required to pass the form II examination, this is an insufficient guarantee of uniformity owing to the small number of pupils who go to Samoa College from mission schools.

146. The most serious result of this situation is a lack of a sense of common effort among the different groups of educational workers towards the improvement of a single public educational system for Western Samoa. The Mission believes that education in Samoa would develop better if such a sense of common effort were established and built upon. It therefore learned with satisfaction that, on the initiative of the High Commissioner, a first meeting at any rate in recent years had been held between officials of the Education Department and mission educators shortly before the Visiting Mission arrived in the Territory; another such meeting is due to take place during Dr. Beeby's forthcoming visit.

147. In the Mission's view, an advisory committee on education, composed of educators engaged in both administration and teaching from both government and mission schools and including other prominent persons in the Territory interested in education, should be set up to advise the Government of Western Samoa on all matters connected with education. The first task of the committee might be a review of educational policy, which seems urgently necessary; for this particular purpose an outside expert could appropriately be associated with the committee. There is also need for government inspection of mission schools and for the laying down of curricula for such schools in agreement between the Department and the schools concerned.

148. The Mission is confident that the Samoan authorities will continue to support and develop education in the Territory to the best of their ability. It is the Samoan legislature which must find and appropriate the necessary funds to support and expand the school system. In the expansion of primary education the Mission believes that local initiative in the districts may have an even more important part to play than hitherto. The local communities have already done much to this end through the voluntary construction and maintenance of school buildings. As education develops, each district may find it preferable to make part at any rate of its contribution through funds raised and spent under local control. The Mission hopes, therefore, that attention will be paid to the possibility of some devolution of financial responsibility in the field of primary education to local education boards or some other appropriate form of local authority.

149. While thus recognizing the primary responsibility of Samoans for the development of education in their own country, the Mission believes that, with some 20 per cent of their limited revenues already devoted to educational purposes, they will not be able in the immediate future to correct all the deficiencies noted above by their own unaided efforts. The Mission notes that the Administering Authority has made important contributions to Samoan education in such forms as the financing of the scholarship scheme and of much of

the construction work at Samoa College and the provision of certain textbooks. Funds appropriated by the New Zealand Parliament in the previous year's estimates for Samoan education had amounted to £56,420, mainly for the scholarship scheme. The Mission considered that the Administering Authority would feel a special responsibility to continue this assistance and even to grant further educational assistance to Samoa, even after self-government or independence is attained there. After discussions with education officials in both Samoa and New Zealand, the Mission suggested to the New Zealand Government the following concrete steps which it might finance at least for the next few years:

(a) While the ordinary programme of scholarships should be continued with New Zealand assistance, a crash programme for the training of selected Samoans in public administration and further general education should be carried out with a view to filling as quickly as possible the responsible posts in the Public Service now occupied by seconded officers from New Zealand; it is suggested that a list of such posts be drawn up by the Western Samoan Government without delay;

(b) Boarding accommodation should be built at Samoa College and the necessary additional teachers brought in from New Zealand so that the College could begin its expanded role of teaching up to university entrance as early as next year;

(c) The Teachers' Training College should be supplied with two additional teachers from New Zealand;

(d) A few additional headmasters for district schools should be sent from New Zealand.

150. In reply, the New Zealand Government stated that it had, over the past fifteen years, given a great amount of direct and indirect assistance to Samoan education, and was prepared to give further assistance during the period of transition and in the early years after self-government had been attained. It felt that in no other way could so effective a contribution be made to the country's real independence.

151. The New Zealand Government further said that if assistance in the educational field was continued for the next five to seven years, most of it would be aimed at developing as quickly as possible a nucleus of able young Samoans trained to take positions of responsibility. It would, of course, be for the Western Samoans themselves to say whether or not they want this kind of help, and the Government had arranged for the New Zealand Director of Education, Dr. Beeby, to go to Western Samoa to discuss their educational plans with them on the spot. He would be accompanied by Mr. Leggatt the new Director of Education in Samoa, who is at present one of New Zealand's most distinguished secondary school principals. As regards the precise proposals made by the Mission, the Prime Minister stated that the capital and recurrent costs had been estimated at a total of about £400,000 over a five-year period. He could not commit the New Zealand Government in advance, but the possibility of arranging such assistance (which, if given by New Zealand, would obviously have to be taken as New Zealand's main form of capital and technical assistance to Western Samoa) would be closely and sympathetically considered after Dr. Beeby's return.

152. The Mission was much encouraged by its discussions with the Prime Minister of New Zealand as

well as with the Director of Education and other officials. While fully appreciating the value of what New Zealand has already done for the development of education in Western Samoa, the Mission believes that further assistance on the lines just described could be of very special benefit to the Territory during the next few years before both and after trusteeship is terminated. From its conversations in Wellington, and

from the understanding way in which its suggestions were received by the Prime Minister and his advisers, the Mission is confident that the New Zealand Government will be ready to do all it can. It also hopes that the United Nations, its specialized agencies and Member States will be prepared to grant such facilities as are possible to help with the higher education of students from Western Samoa.

## CHAPTER II

### ATTAINMENT OF THE OBJECTIVES OF TRUSTEESHIP

#### FUTURE RELATIONSHIP BETWEEN WESTERN SAMOA AND NEW ZEALAND

153. The leaders and representatives of Western Samoa have always intended that there should be a close and friendly relationship between their country and New Zealand after the attainment of self-government or independence. This view was initially set forth in the petition of 1947 to the United Nations for self-government<sup>14</sup> and was more specifically expressed in the resolutions of the Constitutional Convention of 1954.

154. The question of this relationship was discussed tentatively at Wellington with the New Zealand Government before the Mission went to the Trust Territory. At that stage the Prime Minister of New Zealand informed the Mission that his Government considered that a treaty should be entered into after Western Samoa had attained its independence. He added that his Government would desire to carry out on behalf of Western Samoa only those functions which the Samoan authorities on attaining independence wished New Zealand to carry out.

155. During the Mission's visit to Western Samoa, and after an inquiry from the Mission as to the views of the Samoans on this question, a meeting of the *Fautua* and the Legislative Assembly adopted the following resolution on the recommendation of the Working Committee:

"1. This meeting . . . believes that it is in the best interest of Western Samoa to enter into a Treaty of Friendship with New Zealand. Consideration of the terms of such treaty should be undertaken before the termination of the Trusteeship Agreement but ratification should not take place till after the termination of Trusteeship in order that the two parties to the Treaty shall possess equal status.

"2. This meeting considers that the Treaty should deal with matters of external affairs and defence but would prefer to await a Memorandum being prepared in New Zealand before expressing its views in greater detail.

"3. It is considered that the right of the Government of Western Samoa to conduct trade negotiations on its own behalf should be clearly stated and defined in the Treaty.

"4. Specific provisions for the termination of the Treaty, if this should at any time be desired by one of the parties, should be included.

"5. It is recognized that there are likely to be a

number of administrative matters concerning which Western Samoa and New Zealand will continue for some time to be closely associated. Such matters should be dealt with in some manner less formal than a Treaty in order that they can be easily modified or terminated when desirable."

156. It will be noted from the above resolution that the Samoan leaders and representatives were awaiting a memorandum from the Government of New Zealand before expressing their views in greater detail. Moreover, they stated that the ratification of the treaty of friendship should not take place till after the termination of trusteeship so that the two parties to the treaty should possess equal status, though consideration of the terms of the treaty would be undertaken before the termination of trusteeship.

157. On its return from Western Samoa, the New Zealand authorities emphasized to the Mission that Samoa's attainment of self-government would be in no way conditional upon its concluding with New Zealand a relationship agreement or treaty of friendship, as it might be preferable to describe it.

158. The Mission understood that the New Zealand authorities at present envisaged that the treaty of friendship would be a short document recognizing the independence of Western Samoa, declaring the good will between the two countries and dealing with the conduct of Western Samoa's external relations by New Zealand to the extent and as might be agreed upon by Western Samoa. The New Zealand authorities envisaged also that there would be consultations between New Zealand and Western Samoa on matters of external affairs which concerned Western Samoa. They stated further that the treaty would be one between independent countries, and, as in such treaties, either party would be able to terminate it after a specified period of notice.

159. The New Zealand authorities noted that it had been suggested by the Samoan leaders that New Zealand should undertake the protection (defence) of Western Samoa. They thought that it might be unnecessary to embody that in the treaty of friendship. No provision was intended for the stationing of New Zealand troops in Western Samoa or for the creation of bases (there were none at present). Western Samoa would not be a party to any of New Zealand's defence alliances unless it so wished.

160. The New Zealand authorities further explained that a series of additional agreements on *ad hoc* administrative arrangements could also be worked out, covering such matters as New Zealand staff recruited

<sup>14</sup> *Official Records of the Trusteeship Council, First Session, Supplement, annex 4.*



by the Samoan Government, posts and telegraphs, civil aviation, superannuation, audit, judiciary and so on.

161. As will be observed from the following section of this report, the leaders and representatives of Western Samoa have suggested that the plebiscite to be held before the termination of the Trusteeship Agreement should put to the people of Western Samoa questions which will include the proposed treaty of friendship with New Zealand. In the following section, the Mission has reproduced, and endorsed, a tentative timetable of future steps proposed by the New Zealand Government according to which the question of Western Samoa would be placed on the agenda of the fifteenth session of the General Assembly in 1960. At that time, the General Assembly would have at its disposal all the proposed constitutional instruments for the future State of Western Samoa, in particular the draft Constitution and the draft treaty of friendship with New Zealand. It would then have to decide in the light of these draft instruments what were the appropriate questions for the plebiscite.

#### METHOD OF ASCERTAINING THE WISHES OF THE PEOPLE

162. It is a requirement of the United Nations Charter that self-government or independence should be attained on terms and conditions which are in accordance with the freely expressed wishes of the people concerned and this requirement has been of paramount importance in the discussions of the General Assembly when the question of terminating trusteeship in various Territories has been raised. From an analysis of such cases it appears that, while the General Assembly has been prepared to give effect, without further consultation, to requests for termination of trusteeship on the basis of independence by Territorial legislatures elected by universal suffrage, it has insisted on a plebiscite or other form of consultation on a wide suffrage in cases where the body making the request was elected on a restricted suffrage or where a status other than independence as a separate State was proposed.

163. Applying these principles to the case of Western Samoa, the Mission felt that the General Assembly might regard a plebiscite as desirable in Western Samoa. The Mission has already explained that the Samoan members of the Legislative Assembly are elected on a system of *matiai* suffrage. It has been proposed that the Constitution of the future Samoan State should be finally determined by a constitutional convention composed of all members of the Legislative Assembly, plus two additional representatives from each Samoan electoral district and an additional ten representatives of European status. The additional Samoan representatives would doubtless also be elected by *matiai* suffrage. While the Mission does not wish to assert that a Constitution thus determined would not be in accordance with the wishes and aspirations of the Samoans, it feels that they should have the opportunity, in accordance with the United Nations Charter, freely to express their wishes in regard to it.

164. In view of these considerations, the Mission sought to ascertain from the *Fautua* and members of the Legislative Assembly their views as to the methods of ascertaining the wishes of the people of Western Samoa concerning the future Constitution of the State of Western Samoa, including any future relationship with New Zealand, as a basis for the termination of the Trusteeship Agreement. In doing so, the Mission

expressed the view that a plebiscite by universal suffrage might be necessary. In a preliminary answer, the Samoan representatives stated that they were fully aware of the need to adopt a method for consulting the people of Samoa on these matters which would be acceptable to the General Assembly of the United Nations. Members of the Legislative Assembly considered, however, that because of the great importance of the matter, they should inform their constituents of the circumstances and consult them regarding the action to be taken. This consultation took place before the Mission left the Territory and the *Fautua* and members of the Legislative Assembly adopted the following resolution, it is believed unanimously, on the recommendation of the Working Committee:

"This meeting of the Hon. Fautua and Members of the Legislative Assembly, having now given careful consideration to the procedure for the termination of the Trusteeship Agreement and in particular to the need to satisfy the General Assembly of the United Nations that the request for the termination of the Agreement is in accordance 'with the freely expressed wishes of the people,' recommends:

"(1) That a plebiscite should be held in which the people of Western Samoa would be asked whether or not they agreed to the termination of the Trusteeship Agreement and to the enactment of the proposed Constitution, and Treaty of Friendship with New Zealand.

"(2) That all persons over the age of 21 should take part in this plebiscite."

165. The Mission congratulated the Samoan leaders and representatives on this decision, which it believes will facilitate the termination of trusteeship in Western Samoa. At the same time it stated that it would be for the General Assembly in consultation with the Administering Authority, to determine the precise terms of the questions to be put in any plebiscite. This reservation having been made, the Mission wishes to state that the resolution adopted by the Samoan representatives seems suitably worded and meets the particular circumstances of Western Samoa.

166. During consultations in Wellington, the Mission was informed that the suggestion that such a plebiscite should be held was acceptable to the New Zealand Government, which at the appropriate time would be ready to co-operate with the United Nations and the Western Samoan authorities in making the necessary arrangements. The Mission, therefore, suggests that a plebiscite which has been agreed to by both the Administering Authority and the leaders and representatives of Western Samoa should be held at the appropriate time.

167. There is yet another reason why it would be desirable to hold such a plebiscite. Public opinion in Samoa is not unanimous on the question of terminating trusteeship in the near future. It is true that self-government in the near future was represented as an urgent desire of the Samoan people by the traditional leaders and elected representatives, both in Apia and in all but one of the districts visited by the Mission. Nevertheless, some hesitation and some outright opposition to immediate self-government was expressed. Thus the spokesmen for the district of Falealili, with a population of 3,400 inhabitants, expressed the view that Samoa would not be ready for full self-government for a period of some ten years, since it did not possess the

necessary trained personnel to fill certain positions. A number of educated Samoans considered that trusteeship should not be terminated while the franchise was so restricted although others felt that the aim of widening the franchise could best be pursued in a self-governing Samoa. When the Mission attended a meeting of the women's committees of Western Samoa, supposedly non-political organizations, two women spokesmen made scarcely veiled requests that trusteeship should be maintained. On two occasions the Mission was asked to express an opinion whether the Territory was ready for self-government. The representatives of certain organizations composed mainly of persons of European status, while declaring that they did not wish to oppose self-government in the near future, if that was the wish of the Samoans, felt some hesitation in the matter.

168. The Mission does not wish to exaggerate the opposition to immediate self-government which may exist in Western Samoa. As far as the arguments advanced against granting immediate self-government are concerned, the Mission wishes to observe that, while deficiencies do exist in the preparation of Samoa for self-government, Samoa has been following since 1947, and particularly since the 1954 Constitutional Convention, a planned programme of institutional development aimed at the attainment of self-government in the near future and that the Samoan representatives have achieved some proficiency in the working of these institutions. Persons who will be citizens of the future Samoan State have taken over some of the key positions in the public services and, if the recommendations suggested by the Mission are implemented, this process will be intensified. In the meantime, expert advice is available from officials recruited from overseas. The public revenues are for the time being adequate and a certain amount of economic development is being undertaken. A reasonable standard of social services is maintained.

169. The Mission feels, therefore, that it is for the Samoan people themselves, weighing these various circumstances, to decide whether they are ready for and desire self-government in the near future. A plebiscite would settle the wishes of the Samoan people on that question beyond dispute.

#### TIMING OF THE TERMINATION OF TRUSTEESHIP

170. The preceding sections of the Mission's report will have made clear what steps require to be taken before Western Samoa can attain self-government or independence. First cabinet government, which is to be introduced later this year, should be allowed to operate during a transitional period. Then the new citizenship and electoral laws now under discussion should be adopted in time to serve as a basis for the preparation of the rolls for the next elections to the Legislative Assembly, which is to be held by October 1960. In the meantime, the Working Committee on Self-Government, reporting to the present Legislative Assembly of Western Samoa, would continue its preparation of the draft Constitution of the future Samoan State and would begin to draw up and negotiate the terms of the proposed treaty of friendship with New Zealand. The draft Constitution would be put to a constitutional convention for approval. The General Assembly of the United Nations would be asked to decide to hold a plebiscite by universal suffrage on the questions of the termination of trusteeship, the enactment of the pro-

posed Constitution and the draft treaty with New Zealand.

171. While in two districts the local spokesmen requested that self-government should be introduced at the time of the next elections to the Legislative Assembly, the *Fautua* and members of the Assembly did not suggest a precise date for the termination of trusteeship, but they made it quite clear that termination should not be delayed. They left the Mission in no doubt that they wished it to make recommendations which would lead to self-government in Western Samoa in a brief period of time. Moreover, the Samoan leaders and representatives have accepted the New Zealand proposals for cabinet government and have agreed to a plebiscite prior to the termination of the Trusteeship Agreement. Since these important steps had been agreed to, it was necessary for the Mission to report on the timing of the remaining steps.

172. The Mission accordingly raised this matter with the New Zealand Government in the course of the final discussions at Wellington.

173. The New Zealand Government stated that, until such time as it was able to gauge the success of the proposed cabinet system of government, it must regard any specific time-table as an ideal or tentative one. The New Zealand Government further informed the Mission that, in order to assist planning both in Samoa and New Zealand, it had prepared the following broad time-table on the understanding that it was only tentative and might be subject to amendment. This draft time-table had not yet been discussed with the Samoan authorities. Once an agreed and more detailed, though still tentative, time-table had been arrived at, the New Zealand Government would keep the Trusteeship Council fully informed of any developments affecting it. Should it prove necessary to make major changes in the time-table, the New Zealand Government would naturally wish to consult the Trusteeship Council concerning the measures to be taken.

174. The time-table as handed to the Mission by the New Zealand Government reads as follows:

#### 1959

July/August Samoan Amendment Act 1959 passed by New Zealand Parliament providing for implementation of New Zealand proposals on cabinet government.

August Citizenship Bill passed by Samoan Legislative Assembly, providing option for residents not born in Western Samoa to be exercised within twelve months.

October Cabinet government (New Zealand proposals) comes into effect.

#### 1960

June/July Trusteeship Council asked to recommend that item "Question of Western Samoa" be placed on agenda of fifteenth session of General Assembly.

September Elections to Western Samoa Legislative Assembly based on new Citizenship Law.

October (earlier if possible) Constitutional Convention.

November General Assembly asked to make arrangements for supervising plebiscite in Western Samoa and, in consultation with Administering Authority, agree on questions to be put.

1961

May Plebiscite held in Western Samoa.

June/July Trusteeship Council examines report of plebiscite commissioner and is asked to make recommendation to General Assembly concerning termination of Trusteeship Agreement.

August New Zealand Parliament passes legislation authorizing the issue of an Order in Council abrogating New Zealand powers over Western Samoa upon termination of the Trusteeship Agreement (e.g., after 31 December 1961).

November General Assembly asked to take appropriate action in respect of Trusteeship Agreement (e.g., termination on an agreed date such as 31 December 1961).

1962

January Conclusion of treaty of friendship between New Zealand and Western Samoa.

175. The Mission wishes to endorse this time-table in its broad outline, while recognizing that some of its details may require modification in the future. The Mission trusts that the suggestion made by it in para-

graph 58 of its report will be taken into account in preparing the relevant stages of the time-table. Obviously, the time-table is based on the premise that satisfactory progress will be maintained through each succeeding stage of the above tentative time-table in the political and constitutional fields.

176. The Mission hopes that a time-table along the lines proposed will commend itself to all parties concerned. It should act as an encouragement to those who are engaged in the making of constitutional arrangements for the future State of Western Samoa and assist in the solution of long-standing constitutional questions. Even more so, it should provide a climate in which the new system of cabinet government may work with the assurance that, if it functions successfully and if the people so desire, trusteeship will shortly be terminated and self-government or independence will be attained. It should also help the cabinet and legislature to give even more responsible attention to the economic and social problems of the Territory. The Mission is confident that the Samoan leaders and representatives will address themselves with determination to the solution of those problems which must be disposed of before trusteeship is terminated and in particular to the pressing need to ensure a high standard of administration for the future Samoan State.

## ANNEXES

### ANNEX I

PROGRAMME OF THE MISSION IN WESTERN SAMOA			
25 March	Arrival by flying boat at Satapuala (Upolu). Welcome by the Council of State, ministers and members of the Legislative Assembly. Meeting with the High Commissioner at Vailima.	3 April	All day visit by car to Aleipata District. Brief stop at Lotofaga; kava ceremony and discussions with local leaders at Lalomanu.
26 March	Official welcome at Muluin'u, kava ceremony, entertainment and addresses. Meeting with the Executive Council.	4 April	Discussions with the <i>Fautua</i> and elected members of the Legislative Assembly.
27 March	Hearing of petitioners: (a) Chief Judge; (b) Returned Servicemen's Association. Interview with the Minister for Economic Development and the Financial Secretary.	5 April	Departure by car and boat for Sala'ilua (Savai'i).
28 March	Hearing of petitioners: (a) New Zealand Educational Institute; (b) Samoan Democratic Party; (c) Mr. Harry Moors; (d) Mr. Su'a Paia Iosefo; (e) Mr. Leutele Vaafusuaga Poutua; (f) Aleisa Settlers; (g) Planter's Association. Interview with the Minister and Acting Director of Education.	6 April	Kava ceremony and discussions with local leaders. Departure by car for Asau. Kava ceremony and discussions with local leaders.
30 March	Discussions with the Working Committee on Self-Government.	7 April	Departure by car for Safotu. Kava ceremony and discussions with local leaders. Departure by car for Safotulafai. Kava ceremony and discussions with local leaders.
31 March	Discussions with the <i>Fautua</i> and the elected members of the Legislative Assembly. Visit to Maluafofua School to hear petitioners.	8 April	Departure by car for Satupa'itea. Kava ceremony and discussions with local leaders. Departure from Salelologa by boat and car for Apia.
1 April	Hearing of petitioners: (a) Public Service Association; (b) Samoan Church; (c) Western Samoa Teachers' Association; (d) Ex-Scholarship Students' Association. Interview with the Director of Agriculture. Interview with the Samoan Assistant Public Service Commissioner.	9 April	Discussions with the Working Committee on Self-Government.
2 April	Opening of the Bank of Western Samoa. Visit to Samoa College and Avele Agricultural College.	10 April	All day visit by car to Falealili District. Brief stop at Saanapu; kava ceremony and discussions with local leaders at Poutasi.
2 April	Interview with the Public Service Commissioner. Hearing of petitioners: Samoan Medical Practitioners. Discussions with the High Commissioner.	11 April	Tour of Western Samoa Trust Estates Corporation plantations.
		13 April	Hearing of petitioners: Mr. R. Va'ai and sons and Mr. D. Atoa. Hearing of petitioners: Progressive Citizens League. Meeting with the High Commissioner. Discussions with the <i>Fautua</i> and elected members of the Legislative Assembly.
		14 April	Visit with the Central Women's Committee at Government House, Vailima.
		15 April	Discussions with the <i>Fautua</i> and elected members of the Legislative Assembly. Private meeting with the <i>Fautua</i> .
		16 April	Final meeting with the <i>Fautua</i> and members of the Legislative Assembly.
		17 April	Departure by air for New Zealand.

## ANNEX II

### Memorandum on the political future of the Trust Territory of Western Samoa under New Zealand administration

#### INTRODUCTION

The New Zealand Government appreciates the action of the Trusteeship Council of the United Nations, not only in acceding to the request that a special mission should be sent to Western Samoa, but also in dispatching a group of such individual eminence and collective authority.

The Administering Authority has always attempted to discharge its trust for Western Samoa through a continuing process of consultation with the Samoan people on the one hand, and the Trusteeship Council on the other. This process is advancing to its concluding stages, and the New Zealand Government welcomes the opportunity of having a review by this special mission of the steps proposed for the realization of self-government, and of consulting it on the future of the Trusteeship Agreement.

#### PROGRESS TOWARDS THE ATTAINMENT OF SELF-GOVERNMENT

The most significant political event in Western Samoa during recent years was the Constitutional Convention held in November and December of 1954. Representatives of all groups within the Samoan community then discussed the tasks and responsibilities which would face a self-governing Samoa, and transmitted their proposals to the New Zealand Government. The Administering Authority accepted the recommendations of the Convention almost entirely, expressing reservations only on matters of detail. These affected chiefly the speed with which cabinet government was to be introduced, as well as suffrage and the working of the legislature. (As to these two last questions, New Zealand was concerned that the views of the Samoan people should be reflected as accurately and liberally as possible.) Put into practical form by a Memorandum of 26 December 1955, the recommendations of the Convention have formed the framework of all later constitutional progress.

After the report of the United Nations Visiting Mission to Trust Territories in the Pacific, 1956,<sup>15</sup> had endorsed the proposed changes, important steps were taken towards the establishment of parliamentary government. In 1957, the elected Samoan membership of the Legislative Assembly was increased to forty-one, and the High Commissioner was replaced, as presiding officer, by an elected Speaker. The *Fono* of *Faipule* was abolished. The Executive Council now functions as a council of ministers which the New Zealand High Commissioner, as head of the administration, is required to consult in the exercise of all but a few of his powers. Furthermore, every member of the Executive Council, except those who are also members of the Council of State (the High Commissioner and the two *Fautua*) is charged with the administration of one or more government departments.

Under this plan for political advancement there remain only two major changes to be made in the structure of the Samoan Government before complete internal self-government is achieved. The first is the withdrawal from the Executive Council of the Council of State; this will change the former into a full cabinet responsible to the Assembly and presided over by a Prime Minister chosen by that body. The second is the assumption by the present *Fautua* of the dignity of joint Heads of State and the abolition of the office of High Commissioner.

#### PROPOSED ACCELERATION OF CABINET GOVERNMENT

The first of these changes was originally scheduled to come into operation at the end of 1960 after elections to the Legislative Assembly. The Administering Authority, however, desired that the Samoan leaders should have experience of carrying the responsibility of self-government even earlier, in the period during which New Zealand was still in a position to supervise and help. In December 1958, therefore, the suggestion was put to the *Fautua* through the High Commissioner that they and the High Commissioner should voluntarily withdraw from most of the deliberations of the Executive Council, thus enabling it to function most of the time as a cabinet presided over by a prime minister and meeting in full sessions including the *Fautua* and High Commissioner only to perform formal acts. This proposal was not acceptable to the *Fautua*. The New Zealand constitutional adviser and the Secretary of Island Territories subsequently visited Western Samoa, and in informal conversations with the *Fautua* a possible basis for a compromise was worked out. A formal proposal based on these conversations has recently been put to the *Fautua* and through them, as joint Chairmen, to the Working Committee on Self-Government. If agreement is reached in Western Samoa the New Zealand Government is prepared, by passing the necessary legislation this year, to enable cabinet government to be substantially realized a year earlier than had been intended, namely, by 1 January 1960.

The following changes are involved (the full text of the proposal is attached as appendix I):

(1) The Legislative Assembly will consist exclusively of elected members. The Executive Council will consist of the Council of State (i.e. the High Commissioner and the two *Fautua*) and nine ministers drawn from the Legislative Assembly.

(The Financial Secretary and the Attorney-General will cease to be members of the Legislative Assembly and the Executive Council. Their previous functions on the Council will be assumed by two of the elected members of the Council holding the Ministries of Finance and Justice.)

(2) The office of Leader of Government Business will cease to exist; its place will be taken by that of Prime Minister. The Prime Minister will be designated by the Assembly. He will then choose his eight fellow Ministers from its members.

(3) The Cabinet will consist of the nine elected members of the Executive Council. Its meetings will take place without the Council of State.

(4) All decisions of the Cabinet will be made known to the Council of State. Should any member of the Council of State wish a particular decision to be discussed in his presence a full meeting of the Executive Council will be held for this purpose. If a particular decision is then disapproved by two members of the Council of State, it will be referred back to the Cabinet for reconsideration; but if the Cabinet adheres to its decision it will be final and must be approved by the Executive Council if formal action by the Council is required.

(5) The Council of State will replace the High Commissioner as head of the executive government and, taking its decisions by majority vote, will exercise all except those powers remaining to the Government of New Zealand.

These changes would fulfil substantially the original plan for cabinet government by the end of 1960. New Zealand's attitude is, however, quite flexible. Should further modification

<sup>15</sup> *Ibid.*, Eighteenth Session, Supplement No. 6.

be required to ensure that the plan works effectively, the assistance of the Administering Authority will be immediately forthcoming.

#### THE FUTURE CONSTITUTION OF WESTERN SAMOA

There are other measures to be completed before the final status of Western Samoa is established; in particular, a Constitution for the Territory has to be drafted and approved, a relationship agreement with New Zealand negotiated, and the future of the United Nations Trusteeship Agreement ultimately determined. In seeking to advance these matters the Administering Authority has felt the need for a body properly representative of Samoan opinion with which it could discuss and negotiate on a basis of equality. Pending the establishment of responsible cabinet government, therefore, it has stimulated the formation of a sixteen-member Working Committee on Self-Government, composed of the *Fautua*, the seven elected members of the Executive Council, and seven other members of the Legislative Assembly. (The High Commissioner is not a member.) The first of the two chief functions of this Committee is to present proposals which it considers will be acceptable to the great majority of the Samoan people on the form and substance of the future Constitution. The Samoan wish for a constitutional adviser of their own received New Zealand's full approval as strengthening the equality of discussion between Western Samoa and the Administering Authority. Dr. J. W. Davidson, Professor of Pacific History in the Australian National University, has been appointed to the position by the Samoan leaders. Already the Committee has entered into consultation with New Zealand amid an atmosphere of co-operation which augurs well for the future.

The constitutional issues which the Working Committee have been considering are outlined in paragraphs 6 to 10 of a sessional paper presented to the Legislative Assembly in January 1959 (reproduced here as appendix II). Besides matters already mentioned, like the selection of the Prime Minister and other Ministers, these issues include the adequacy of the electoral system (suffrage, additional Samoan constituencies, compulsory secret ballot); the method of appointment of the future Head of State; questions of citizenship and status; the protection of minority rights; guaranteeing an impartial and non-political Public Service (which involves the relationship between the Public Service Commissioner and the Government); means of ensuring the independence of the judiciary, and procedure for appeals.

The views of the Administering Authority on most of these issues are already well known to the Working Committee; they have regularly been discussed at sessions of the Trusteeship Council. The New Zealand Government's political objectives have always been, in the words of the White Paper of 18 March 1953, "to assist Samoa to develop:

"(1) A strong, responsible and representative central government whose authority is accepted by the community, and which is Samoan in outlook, personnel and the basis of its power;

"(2) A united population comprising all Samoan citizens regardless of race;

"(3) The administrative machinery, the institutions, and the knowledge necessary for the solution of the political, social and economic problems that will come during the next generation."

With these objectives the Administering Authority has always associated another: that the provisions of the Constitution should be fully acceptable to the Samoan people. It believes that the composition of the Working Committee should ensure this. Nevertheless, the Administering Authority looks forward to hearing the views of the Mission, after they have had the benefit of discussions in Samoa, on the form of popular approval which may be desirable before the Constitution comes into force.

#### FUTURE RELATIONSHIP WITH NEW ZEALAND

The other important task of the Working Committee on Self-Government is to discuss the future relationship with New Zealand, and to prepare for negotiation on the topic.

There has already been a preliminary examination of possible forms of association and the Working Committee and the New Zealand Government will be exchanging papers on some of the more detailed aspects.

The Constitutional Convention of 1954 desired that some connexion with New Zealand should be retained, and suggested the British relationship with Tonga as a model. The latter Kingdom has had a long-standing treaty arrangement with the United Kingdom and has recently concluded a revised treaty whereby it retains internal self-government and entrusts the conduct of its defence and, with some exceptions, external affairs to the United Kingdom. There are other possibilities, more informal than a treaty, which the Samoans may come to prefer: perhaps a continuation of the present procedure whereby at the request of the Samoans the Administering Authority is progressively divesting itself of administrative and legislative control over Western Samoa. However, if the "Tongan solution" is preferred, New Zealand would be pleased to conclude such an agreement on mutually acceptable terms.

In a number of practical fields, such as the post and telegraph systems, alternative arrangements must be devised so that after the transfer of powers Western Samoa may either act as a self-sufficient unit or, if the Samoans so wish, maintain the existing co-operation with New Zealand in a manner which does not detract from the authority which the new State should possess. Both in Samoa and in New Zealand preparatory work to this end is under way.

#### THE ECONOMIC SITUATION

The basic economic problem of the Trust Territory is to maintain and improve living standards for its rapidly increasing population, which now exceeds 100,000 and may double within twenty years.

After the end of the Second World War the relative prosperity of the Territory was maintained chiefly because of the favourable terms of trade consequent on the high prices of copra and cocoa, two of the three main exports. During this period the Samoan Government embarked on a programme of development (financed partly from current revenue and partly by withdrawals from reserves created by the accumulation of past surpluses), in which particular emphasis was given to roads and water supplies and the expansion of social and educational services. From 1956 to 1958 the economy was less buoyant and in mid-1957 the Samoan Government had no alternative but to curtail work on some capital projects and reduce general expenditure. During 1958 the budgetary difficulties were considerably eased by an improvement in prices for the Territory's exports, by a substantial increase in production and by a measure of direct financial assistance offered by the Administering Authority.

Planning for future economic development in the Trust Territory was stimulated by the appointment, late in 1957, of a Minister for Economic Development (the Honourable E. F. Paul), who evolved in 1958 a plan to cover initially the years 1959 to 1961. The proposals gave special emphasis to land development and the related need for improved district communications, and made provision for expanding agricultural services, establishing secondary industries and developing harbour facilities. The Legislative Assembly recently approved in principle the basic policy and objectives of this plan as well as the proposals for the development budget for 1959.

To fulfil the Development Plan would in itself be a considerable contribution to the economic advancement of the Trust Territory. But still further measures will be required if the rate of development is to be sufficient to meet the challenge of a rising population and the desire of the Samoan people for improved education and social services. There is reason to believe that this desire can be realized if the necessary action is initiated—and if world markets for Samoa's products remain favourable. The authors of *Western Samoa: Financial and Banking Survey*, May 1957<sup>16</sup> the most authoritative study

<sup>16</sup> Wellington, R. E. Owen, Government Printer, 1957.

yet made of the economic prospects of the Territory—pointed to the scope offered for further development in such fields as agriculture, industry and tourism; and they suggested several courses which could reduce the instability of an economy dependent on the export of a limited number of primary products.

Consonant with its progressive transfer of political control to the inhabitants of the Trust Territory, the Administering Authority has taken two important steps to assist the Samoans towards economic autonomy: the New Zealand Reparation Estates were transferred to the new Western Samoa Trust Estates Corporation in 1957, and a Bank of Western Samoa has been established by an ordinance passed by the Legislative Assembly in January 1959 and will open on 1 April 1959.

The power to take action on development and thus realize the opportunities open to the Territory lies with the Samoan Government. In this field the transfer of political control in the Trust Territory has already placed the Administering Authority in the role of adviser and assistant. The authors of the survey had this advice to give to the Samoan Government under the heading "Need for Decision":

"We feel that the most important thing for the leaders of the people of Western Samoa to decide is where the Territory is heading—what are they aiming to achieve. It appears that so much attention has been focused on self-government and the attainment of that goal that insufficient thought has been given to the economic future of the country. Is it to be a progressive industrious country desirous of and anxious for socially satisfying and modern standards of living, or is it to become a place in the Pacific retaining its age-old customs and traditions, isolated from the upsetting influences of the changing world? There is a body of opinion that tends to sanction economic change in Western Samoa only if it occurs as an evolutionary process, but it cannot be appreciated too soon that desire for maintenance of a communal subsistence economy is in conflict with community ambitions for progressive health and educational services and for satisfying opportunities for new generations of educated and ambitious Samoans."

The Samoan leaders have hitherto shown no great desire for outside assistance in promoting economic development. The Administering Authority realizes, however, that they may require and come to desire economic as well as technical aid to carry out their development plans. It is probable that expert staff for administration and technical projects would also be needed. A self-governing Western Samoa would naturally be at liberty to seek aid from any quarter, but in practice would be likely to turn to New Zealand in view of the long association between the two countries.

It may well be, also, that self-governing Western Samoa will seek assistance through appropriate channels from the United Nations and the specialized agencies (the World Health Organization has already given some valued help) and from regional organizations. The Administering Authority trusts that any such requests will receive sympathetic consideration.

#### POLITICAL PROBLEMS

Despite the progress being made, the Administering Authority is aware that there are still difficulties to be overcome. Although New Zealand has been concerned to impress on the Samoans that with the political path clearly marked out the problem of self-government is now rather an administrative and economic one, there remain a number of political questions which must rapidly be solved so that Western Samoa can embark with assured success upon autonomy.

The first of these is the problem of how best to foster the firm leadership on which the parliamentary system of government depends. A political leader with consistent support in the Assembly is needed to ensure that cabinet government works smoothly and that it does not become unstable and ineffective. There is also the question of the relationship of such a leader with the Heads of State. The Administering Authority's proposal for the establishment of cabinet government outlined earlier in this memorandum has been designed to accelerate a solution to these problems.

The method of election ultimately embodied in the Constitution should ensure a truly representative government. All available evidence is that at present the majority of the Samoan people desire *matiai* suffrage. While the Administering Authority is not prepared to press on the Samoans a suffrage alien to their social system, their traditions and their desires, it considers that universal suffrage will in the long run prove best suited to this Territory's needs.

A matter which has recently come to give cause for anxiety is that of race relations in the Territory. The total population of 103,000 includes about 500 Europeans and about 8,000 part-Samoans. Of this number of 8,000, nearly 5,000 have "European" status and more than 3,000 "Samoan" status. Some of the part-Samoans with "European" status have expressed fears that they will suffer discrimination when the Territory becomes self-governing. The issues involved in this problem are already being discussed in the Working Committee on Self-Government in connexion with the creation of a common Samoan citizenship and the establishment of a common domestic status. The Administering Authority proposes, for its part, to give priority to the preparation of the material on these two important subjects in the hope that the Working Committee will make an early attempt to resolve the difficulties and thus reassure all sections of the community. Although a number of minor legal distinctions between "Samoans" and "Europeans" have recently been removed, leaving only the special position relating to suffrage and land, the Administering Authority continues to hold firmly to the principle that there should be no discrimination in Western Samoa on grounds of race, colour or domestic status. New Zealand considers that an authoritative statement to this effect by the Samoans also would do much to provide a firmer basis for harmonious political development, as would an indication by the "Europeans" that they are aware of their responsibilities.

The constitutional issues discussed elsewhere in this memorandum are concerned with the organization of the central government of Western Samoa. However, the Administering Authority also shares the view expressed several times by the Trusteeship Council that complementary action to establish an effective system of local government is desirable. Unfortunately local government has not made the progress the Administering Authority would desire, largely because of the reluctance of the Samoans to forsake their own well-established forms of district and village government based on the *matiai* system. A completely fresh approach is now being worked out in Samoa by the Minister in Charge of Local Government, the Honourable Tuatagaloa Leutele Te'o Satele, and the Local Government Board. Details of these proposals will be made available to the Mission in Western Samoa.

#### THE FUTURE OF THE TRUSTEESHIP AGREEMENT

The Administering Authority expects a transitional period after the establishment of cabinet government during which these problems will be appraised and dealt with by Samoan leaders conscious of their power and responsibility. A successful transitional period would lead to the final stage of self-government, which includes the withdrawal of the High Commissioner (who would have been filling the role of friendly adviser and guide) and the assumption by the *Fautua* of their ultimate position as Heads of State. Presumably New Zealand and Western Samoa would exchange representatives, and the New Zealand representative would, apart from normal representative functions, undertake only such duties as might be specified in the relationship agreement.

Assuming that cabinet government is successfully established, the length of this transitional period will be governed chiefly by the time required to carry out the technical processes involved in establishing Western Samoa's final status, such as: discussing the future Constitution, drafting such necessary documents as the Constitution and the relationship agreement, drafting and passing legislation in New Zealand, consulting with the Trusteeship Council and General Assembly, and discharging any final duties thought necessary such as, perhaps, the ascertainment of the popular will on the various arrangements.

It will already be clear from this memorandum that, so far as the New Zealand Government is concerned, these steps are



being approached with all speed. Obviously, however, the timing will not be entirely in the Administering Authority's hands. It depends partly on the speed with which the Working Committee on Self-Government and the Samoan Government can complete their work on the various documents. It depends also on concurrent political development and action in the Territory. There are problems to be solved; these have been outlined. But the Administering Authority is acting in accordance with its consistent faith that the Samoans will rise to the challenge of these problems, the better as they receive and realize fuller responsibility for their solution. The Administering Authority believes that to press forward is in accordance with the best interests of Samoa, and with opinion in the Territory and the Trusteeship Council.

It has thus become possible to envisage the completion of the task which New Zealand undertook in the Trusteeship Agreement. At the final stage of self-government the New Zealand Government will retain no status to perform the obligations of that Agreement. Its terms would no longer be

applicable to the constitutional position of the Territory. It is assumed, therefore, that the Trusteeship Agreement would be terminated.

The Administering Authority has given its appreciation of the situation in Western Samoa and put forward its suggestions concerning the lines which future Samoan development might follow if the Territory is to achieve the objectives of the Trusteeship System at the earliest possible date. When it returns to Wellington after its intensive study and consultations in Western Samoa itself, the special Mission will be in a position to evaluate the views expressed and the proposals advanced in this memorandum. The Administering Authority looks forward to further discussion with the Mission and a continuation of the co-operative process through which the people of Samoa are being assisted to realize their aspirations.

Wellington

19 March 1959

## APPENDIX I

### PROPOSALS FOR THE ESTABLISHMENT OF THE FIRST STAGE OF CABINET GOVERNMENT IN WESTERN SAMOA

(i) The Executive Council should be reconstituted with:

- (a) Nine members from the elected members of the Legislative Assembly (at least one to be a European member);
- (b) The Council of State (High Commissioner and *Fautua*).

(ii) The Legislative Assembly and the Executive Council should no longer contain non-elected (official) members. The Financial Secretary and the Attorney-General should therefore cease to be members of both bodies. Their places on the Executive Council should be taken by a Minister of Finance and a Minister of Justice, to enable which the elected membership of the Executive Council will have been increased from seven to nine.

(Note: The Financial Secretary and the Attorney-General, though reverting to being official heads of government departments, should have direct access to the Prime Minister on matters within their competence.)

(iii) The present Leader of Government Business and other ministers should resign. The Assembly should designate one of its number as Prime Minister for appointment by the Council of State. The Prime Minister would then choose from the Legislative Assembly the remaining eight members of the Executive Council for appointment by the Council of State.

(iv) The Prime Minister and his eight ministers would constitute a Cabinet.

(v) Decisions of the Cabinet would be circulated to all members of the Executive Council. A meeting of the Executive Council would be summoned whenever the Prime Minister should so request or whenever a member of the Council of State requested discussion of a Cabinet decision. If no request for discussion were made within seven days, or if it were confirmed after discussion, the decision would take effect as a decision of the Executive Council. If, after discussion in the Executive Council, a particular decision were disapproved by two members of the Council of State, it would be referred back to the Cabinet for further consideration. If the Cabinet reaffirmed that decision, it would be final, but

if formal action by the Executive Council were required, it would be formally approved at a meeting of the Executive Council. This should not preclude the exercise by the Council of State of any powers to which it was entitled as head of the executive government under paragraph (vi) below.

(vi) The Council of State should replace the High Commissioner as head of the Executive Government and exercise all the powers given to the High Commissioner under the Samoa Amendment Act, 1957, and other Acts except those which will be specified.

(Note 1: Powers to be exercised by the Council of State will include the powers to assent to, refuse assent to, or amend bills given by s.36 but not the following powers which would continue to be vested in the High Commissioner alone:

(a) Powers relating to defence, external affairs, or land vested in the New Zealand Government (s.13(a));

(b) Powers as the representative of the Government of New Zealand (s.13(b));

(c) Those few minor powers vested in the High Commissioner by reserved legislation other than the Samoa Amendment Act, 1957.)

(Note 2: It is understood that the existing legislative powers of the Governor-General and of the New Zealand Parliament in respect of legislation affecting Western Samoa will remain unaltered.)

(vii) Decisions of the Council of State should be taken by majority vote.

(viii) The powers, functions and authorities conferred on the Council of State should be exercised in accordance with the conventions applicable to the exercise of similar powers by the Governor-General of New Zealand. This means that, in the exercise of such powers as dissolution and prorogation of the Assembly, the appointment and dismissal of ministers, the introduction of financial legislation, and the assent to ordinances, the Council of State shall act on the advice of the Executive Council or the Prime Minister, as appropriate.



## APPENDIX II

### LEGISLATIVE ASSEMBLY OF WESTERN SAMOA (SESSIONAL PAPER (1959) No. 1)

#### WORKING COMMITTEE ON SELF-GOVERNMENT

1. Following upon conversations between the High Commissioner and the *Fautua*, it has been decided by the *Fautua* and the elected members of the Executive Council to set up a Working Committee on Self-Government. This Committee is to consist of the seven elected members of the Executive Council, plus seven members nominated by the Legislative Assembly, with the *Fautua* as Joint Chairmen. It should have a full competent full-time secretary.

2. The broad task of this Committee will be to discuss and make provisional decisions upon all matters concerning the attainment of self-government. These matters are listed in detail later in this paper.

3. The Committee will have as its adviser, Dr. J. W. Davidson of the Australian National University, Canberra, who has been selected by the *Fautua*, and whose appointment has been unanimously approved by the Executive Council.

4. One important general function of the Committee will be to form a body with which the New Zealand Government officials may negotiate with the understanding that it is a responsible and representative Samoan body.

5. Within the New Zealand Government a departmental committee will be formed, which will have the task of working along very much the same lines from the New Zealand point of view as the Samoan Committee will be doing from the Samoan point of view. It would clearly be useful for the two committees to be considering approximately the same list of subjects and consequently there are set out below the issues which the committee in New Zealand proposes to consider and upon which it would be most anxious to have the views of the Samoan Working Committee.

#### CONSTITUTIONAL MATTERS

6. It is not necessary that all of the matters listed here would appear in the actual written Constitution itself, but if they were not in the Constitution they would have to be written into the law of Western Samoa by being included in a suitable ordinance or ordinances which would have to be passed by the Legislative Assembly. The dividing line between what should actually be in the Constitution and what should be left for enactment as an ordinance by the Legislative Assembly can be determined only upon the advice of the constitutional advisers.

7. Furthermore, many of the following matters formed the subject of resolutions of the Constitutional Convention of 1954, and the New Zealand Government attitude towards them is fully known, and is on record in the various ministerial statements. However, in respect of the matters listed below some of these resolutions are not complete or fully defined.

8. The list of what might be described as Constitutional matters is as follows:

(a) Issues associated with the transition to cabinet government in 1960 including the selection of the Prime Minister, and ministers, the powers or functions of the Council of State, the circumstances in which the Prime Minister and ministers should resign, the position of official members;

(b) Means of ensuring truly representative government (e.g. what improvements can be made in the electoral system within the principles already agreed upon; are the present Legislative Assembly regulations satisfactory for continued use in and after 1960; what about the four additional Samoan constituencies).

(c) Method of appointment and future role of Head of State;

(d) Questions of nationality, citizenship and status.

(Note. The proposed Committee could take over the work of the Status Committee, which would lapse.) Could this law be enacted before the 1960 elections?

(e) Protection of sectional interests (e.g. land and electoral rights);

(f) Means of ensuring impartial non-political Public Service (question of appointment of Public Service Commissioner and relationship between Public Service Commissioner and Government);

(g) The judiciary. (Questions of appointment, independence, and appeal procedure.)

9. To this list could be added: what measures should be taken in 1959/60 to ease the change-over at the end of 1960 (e.g. earlier elections in 1960; earlier removal of official members)?

#### RELATIONSHIP BETWEEN NEW ZEALAND AND WESTERN SAMOA

10. The contents of the proposed relationship agreement or treaty of friendship between the two countries will need to be determined in detail. Many of the items concerned in this relationship could perhaps be dealt with just by simple administrative arrangements. Also some of the items under the previous paragraphs relating to the constitutional matters may also require to be included in the formal relationship agreement, or may be dealt with by administrative arrangement.

11. However, the following is a list of most of the matters which arise under the heading of future Relationship with New Zealand:

(a) Is New Zealand correct in continuing to assume that the Samoan desire is that the relationship between New Zealand and Western Samoa should take the form of a formal agreement between New Zealand and Samoa along the lines of the agreement between Tonga and United Kingdom?

(b) The practical matters for consideration include:

(i) Banking and currency.

(ii) Possibility of financial assistance from New Zealand for Western Samoa Development Plan.

(iii) Whether there are fields (e.g. supply of technical and professional civil servants and continuing relationship with New Zealand departments and services) in which Western Samoa will desire New Zealand assistance. If so, on what terms?

(iv) Entry of Samoans into New Zealand and of New Zealanders into Samoa.

(v) Formulation of New Zealand's responsibilities for external affairs and defence (including definition of matters within these fields, because in some trade and cultural affairs Samoa might wish to retain some responsibility).

(vi) Constitutional machinery—including New Zealand representation in Samoa and Samoan representation in New Zealand.

(vii) Samoan participation in work of international organizations.

(c) What items under (b) above, and what items referred to in the list of constitutional matters should be included in any formal relationship agreement, and what items might best be dealt with by administrative arrangements.

#### ISSUES ON WHICH THE UNITED NATIONS WOULD REQUIRE TO BE SATISFIED BEFORE TERMINATION OF THE TRUSTEESHIP AGREEMENT

12. Before agreeing to the termination of the Trusteeship Agreement the United Nations would probably require to be satisfied in respect of most of the matters listed above. The Constitution, and the terms of the relationship agreement, would require to be adopted by the people of Samoa, thus the Working Committee will no doubt wish to consider not only which method of adoption would satisfy the Samoan people,

but also which method would best satisfy the United Nations, e.g. a Legislative Assembly resolution, a convention, a plebiscite or some other means.

#### PROCEDURE OF THE TWO COUNTRIES

13. New Zealand thinks that when the committees in Western Samoa and in New Zealand have completed their deliberations (including informal exchanges of opinion and working papers) there should be negotiations between the Samoan Committee and representatives of the New Zealand Government, during which the provisions of the draft Constitution would be discussed and the terms of the final relationship between Samoa and New Zealand would be determined. The United Nations Visiting Mission will presumably wish to discuss the issues listed above with the Samoan Working Committee so that it would be most helpful if the Committee could have made some progress before the Mission arrives.

14. It is proposed that the first meeting of the Samoan Committee be held commencing 3 February, when both constitutional advisers—Dr. J. W. Davidson and Dr. C. Aikman—will be present, as also will be Mr. J. McEwen, Secretary of Island Territories. These gentlemen will have to leave Samoa on 8 February.

#### COMMITTEE'S DECISIONS

15. It would be helpful to repeat that the Samoan Com-

mittee's decision will naturally need to be ratified and approved by some means satisfactory to the Samoan people and to the United Nations. The question of what method of ratification should be adopted would be one of the Committee's important subjects of consideration, and should be discussed with the United Nations Visiting Mission so that it may also report thereon.

#### THE HIGH COMMISSIONER

16. The High Commissioner will not be a member of either the Samoan or New Zealand Committee. He is particularly concerned to see an orderly progress towards a really soundly based self-government, and to ensure that the Samoan point of view is fully and well understood in New Zealand, and vice versa. He will at all times be ready to consult with the Samoan Committee, or anyone else in Samoa, on the best method of attaining the great objectives.

(Signed) G. R. POWLES  
High Commissioner

(Signed) TUPUA TAMASESE  
Fautua

(Signed) MALIETOA T. II  
Fautua

### ANNEX III

#### RESOLUTION ON NEW ZEALAND GOVERNMENT PROPOSALS

This meeting of the Honourable *Fautua* and members of the Legislative Assembly desires to express its thanks to the New Zealand Government for presenting its proposals for the establishment of the first stage of cabinet government. It wishes to record its full support for these proposals, in principle, but considers that it would be desirable to incorporate the following amendments:

1. That cabinet government should be instituted on 1 Octo-

ber 1959, or as soon thereafter as may be practicable;

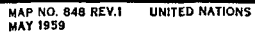
2. That in Note 1 to clause (vi) of the New Zealand proposals sub-clause (c) should be struck out;

3. That in clause (viii) the following changes should be made:

(a) Insert the word "normally" before "applicable";

(b) Insert the words "the Queen in the United Kingdom" in place of "the Governor-General of New Zealand";

(c) Insert the word "suspension" after "appointment".



## RESOLUTION 1951 (XXIV) ADOPTED BY THE TRUSTEESHIP COUNCIL ON 28 JULY 1959

### Report of the United Nations Visiting Mission to the Trust Territory of Western Samoa, 1959

*The Trusteeship Council,*

*Having examined, at its twenty-fourth session, the report of the United Nations Visiting Mission to the Trust Territory of Western Samoa, 1959,<sup>17</sup>*

*Having also examined the oral observations made by the representative of New Zealand,*

*1. Takes note of the report of the Visiting Mission and of the observations of the Administering Authority thereon;*

*2. Expresses its appreciation of the work accomplished by the Visiting Mission on its behalf;*

*3. Draws attention to the fact that, at its twenty-fourth*

*session, in formulating its own conclusions and recommendations on conditions in the Trust Territory, the Council took into account the observations and conclusions of the Visiting Mission and the observations of the Administering Authority thereon;*

*4. Decides that it will continue to take these observations and conclusions into account in future examinations of matters relating to the Trust Territory;*

*5. Invites the Administering Authority concerned to take into account the conclusions of the Visiting Mission as well as the comments made thereon by the members of the Trusteeship Council;*

*6. Decides, in accordance with rule 99 of its rules of procedure, that the Visiting Mission's report and the text of the present resolution shall be printed.*

---

<sup>17</sup> *Official Records of the Trusteeship Council, Twenty-fourth Session, Supplement No. 2, document T/1449.*

# SALES AGENTS FOR UNITED NATIONS PUBLICATIONS

## ARGENTINA

Editorial Sudamericana, S.A., Alsina 500, Buenos Aires.

## AUSTRALIA

Melbourne University Press, 369/71 Lonsdale Street, Melbourne C. 1.

## AUSTRIA

Gerald & Co., Graben 31, Wien, 1.  
B. Wüllerstorff, Markus Sittikusstrasse 10, Salzburg.

## BELGIUM

Agence et Messageries de la Presse, S.A., 14-22, rue du Persil, Bruxelles.  
W. H. Smith & Son, 71-75, boulevard Adolphe-Max, Bruxelles.

## BOLIVIA

Librería Selecciones, Casilla 972, La Paz.

## BRAZIL

Livraria Agir, Rua Mexico 98-B, Caixa Postal 3291, Rio de Janeiro.

## BURMA

Curator, Govt. Book Depot, Rangoon.

## CEYLON

Lake House Bookshop, Assoc. Newspapers of Ceylon, P.O. Box 244, Colombo.

## CHILE

Editorial del Pacifico, Ahumada 57, Santiago.  
Librería Ivens, Casilla 205, Santiago.

## CHINA

The World Book Co., Ltd., 99 Chung King Road, 1st Section, Taipeh, Taiwan.  
The Commercial Press, Ltd., 211 Honan Rd., Shanghai.

## COLOMBIA

Librería Buchholz, Bogotá.  
Librería América, Medellín.  
Librería Nacional, Ltda., Barranquilla.

## COSTA RICA

Imprenta y Librería Trejos, Apartado 1313, San José.

## CUBA

La Casa Belga, O'Reilly 455, La Habana.

## CZECHOSLOVAKIA

Československý Spisovatel, Národní Třída 9, Praha 1.

## DENMARK

Einar Munksgaard, Ltd., Nørregade 6, København, K.

## DOMINICAN REPUBLIC

Librería Dominicana, Mercedes 49, Ciudad Trujillo.

## ECUADOR

Librería Científica, Guayaquil and Quito.

## EL SALVADOR

Manuel Navas y Cía., 1a. Avenida sur 37, San Salvador.

## ETHIOPIA

International Press Agency, P.O. Box 120, Addis Ababa.

## FINLAND

Akateeminen Kirjakauppa, 2 Keskuskatu, Helsinki.

## FRANCE

Editions A. Pédone, 13, rue Soufflot, Paris (Ve).

## GERMANY

R. Eisenschmidt, Schwanthaler Strasse 59, Frankfurt/Main.  
Elwert & Meurer, Hauptstrasse 101, Berlin-Schöneberg.  
Alexander Horn, Spiegelgasse 9, Wiesbaden.  
W. E. Saarbach, Gertrudenstrasse 30, Köln (1).

## GHANA

University College Bookshop, P.O. Box 4, Achimota, Accra.

## GREECE

Kauffmann Bookshop, 28 Stadion Street, Athènes.

## GUATEMALA

Sociedad Económico-Financiera, 6a Av. 14-33, Guatemala City.

## HAITI

Librairie "A la Caravelle", Port-au-Prince.

## HONDURAS

Librería Panamericana, Tegucigalpa.

## HONG KONG

The Swindon Book Co., 25 Nathan Road, Kowloon.

## ICELAND

Bókaverzlun Sigfusar Eymundssonar H. F., Austurstraeti 18, Reykjavik.

## INDIA

Orient Longmans, Calcutta, Bombay, Madras, New Delhi and Hyderabad.  
Oxford Book & Stationery Co., New Delhi and Calcutta.  
P. Varadachary & Co., Madras.

## INDONESIA

Pembangunan, Ltd., Gunung Sahari 84, Djakarta.

## IRAN

"Guity", 482 Ferdowsi Avenue, Teheran.

## IRAQ

Mackenzie's Bookshop, Baghdad.

## IRELAND

Stationery Office, Dublin.

## ISRAEL

Blumstein's Bookstores, Ltd., 35 Allenby Road, Tel Aviv.

## ITALY

Librería Commissionaria Sansoni, Via Gino Capponi 26, Firenze, and Lungotevere Arnaldo da Brescia 15, Roma.

## JAPAN

Maruzen Company, Ltd., 6 Tori-Nichome, Nihonbashi, Tokyo.

## JORDAN

Joseph I. Bahous & Co., Dar-ul-Kutub, Box 66, Amman.

## KOREA

Eul-Yoo Publishing Co., Ltd., 5, 2-KA, Chongno, Seoul.

## LEBANON

Khayat's College Book Cooperative, 32-34, rue Bliss, Beirut.

## LIBERIA

J. Momolu Kamara, Monrovia.

## LUXEMBOURG

Librairie J. Schummer, Luxembourg.

## MEXICO

Editorial Hermes, S.A., Ignacio Mariscal 41, México, D.F.

## MOROCCO

Bureau d'études et de participations industrielles, 8, rue Michaux-Bellaire, Rabat.

## NETHERLANDS

N.V. Martinus Nijhoff, Lange Voorhout 9, 's-Gravenhage.

## NEW ZEALAND

United Nations Association of New Zealand, C.P.O., 1011, Wellington.

## NORWAY

Johan Grundt Tanum Forlag, Kr. Augustsgt. 7A, Oslo.

## PAKISTAN

The Pakistan Co-operative Book Society, Dacca, East Pakistan.  
Publishers United, Ltd., Lahore.  
Thomas & Thomas, Karachi, 3.

## PANAMA

José Menéndez, Apartado 2052, Av. 8A, sur 21-58, Panamá.

## PARAGUAY

Agencia de Librerías de Salvador Nizza, Calle Pte. Franco No. 39-43, Asunción.

## PERU

Librería Internacional del Perú, S.A., Lima.

## PHILIPPINES

Alemar's Book Store, 769 Rizal Avenue, Manila.

## PORTUGAL

Livraria Rodrigues, 186 Rua Aurea, Lisboa.

## SINGAPORE

The City Book Store, Ltd., Collyer Quay.

## SPAIN

Librería Mundi-Prensa, Castello 37, Madrid.  
Librería Bosch, 11 Ronda Universidad, Barcelona.

## SWEDEN

C. E. Fritze's Kungl. Hovbokhandel A-B, Fredsgatan 2, Stockholm.

## SWITZERLAND

Librairie Payot, S.A., Lausanne, Genève.  
Hans Raunhardt, Kirchgasse 17, Zürich 1.

## THAILAND

Pramuan Mit, Ltd., 55 Chakrawat Road, Wat Tuk, Bangkok.

## TURKEY

Librairie Hachette, 469 Istiklal Caddesi, Beyoglu, Istanbul.

## UNION OF SOUTH AFRICA

Van Schaik's Bookstore (Pty.), Ltd., Box 724, Pretoria.

## UNION OF SOVIET SOCIALIST REPUBLICS

Mézhunarodnaya Knyiga, Smolenskaya Ploshchad, Moskva.

## UNITED ARAB REPUBLIC

Librairie "La Renaissance d'Egypte", 9 Sh. Adly Pasha, Cairo.

## UNITED KINGDOM

H. M. Stationery Office, P.O. Box 569, London, S.E. 1.

## UNITED STATES OF AMERICA

International Documents Service, Columbia University Press, 2960 Broadway, New York 27, N. Y.

## URUGUAY

Representación de Editoriales, Prof. H. D'Elia, Plaza Cagancha 1342, 1° piso, Montevideo.

## VENEZUELA

Librería del Este, Av. Miranda, No. 52, Edif. Galipán, Caracas.

## VIET-NAM

Librairie-Papeterie Xuân Thu, 185, rue Tu-Do, B.P. 283, Saigon.

## YUGOSLAVIA

Čankarjeva Založba, Ljubljana, Slovenia.  
Državno Preduzeće, Jugoslovenska Knjiga, Terazije 27/11, Beograd.  
Prosvjeta, 5, Trg Bratstva i Jedinstva, Zagreb.

[59E2]

Orders and inquiries from countries where sales agents have not yet been appointed may be sent to: Sales and Circulation Section, United Nations, New York, U.S.A.; or Sales Section, United Nations, Palais des Nations, Geneva, Switzerland.