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**President: Mr. HENRÍQUEZ UREÑA (Dominican Republic).**

*Present:* The representatives of the following countries: Argentina, Australia, Belgium, China, Dominican Republic, France, Iraq, New Zealand, Thailand, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United States of America.

#### Programme of work

1. Mr. SAYRE (United States of America) informed the Council that the special representative of the Administering Authority of the Trust Territory of the Pacific Islands could be present on 15 February; the Council could therefore begin its examination of the report on that Territory on that date if it wished to do so. His delegation would accede to the Council's wishes, but would be grateful for an immediate decision so that the necessary arrangements could be made.

2. Mr. QUESADA ZAPIOLA (Argentina) explained that his Government had appointed him as its representative at those meetings of the Council at which the report on Western Samoa and that on the Trust Territory of the Pacific Islands would be examined. Should the date for the examination of the latter report be put forward, he would have to study the documents dealing with those two Territories almost simultaneously. His delegation would of course abide by the Council's decision, but it would be most grateful if the Council would take that difficulty into account.

3. Mr. LAKING (New Zealand) thought it would be better to finish the general discussion on the annual report on Western Samoa by the end of the week.

4. Mr. RYCKMANS (Belgium) felt that the only course open to the Council was to decide to take up the consideration of the report on the Trust Territory of the Pacific Islands as soon as it had completed the examination of the report on Western Samoa; it was difficult to predict exactly how long the debate on that Territory would last.

5. Sir Alan BURNS (United Kingdom) thought that the Council would probably finish the discussion of the report on Western Samoa by the following day, in

which case it would be quite possible to begin the consideration of the report on the Trust Territory of the Pacific Islands on 15 February.

6. The PRESIDENT suggested that the Council should decide to begin the examination of the report on the Trust Territory of the Pacific Islands on 15 February if it had completed its examination of the report on Western Samoa by that date.

*It was so decided.*

#### **Examination of the annual report on the administration of the Trust Territory of Western Samoa for the year ending 31 March 1950 and of the report of the United Nations Visiting Mission to Trust Territories in the Pacific on Western Samoa (T/800, T/792 and T/825) (*continued*)**

*At the invitation of the President, Mr. Powles, special representative of the Administering Authority of the Trust Territory of Western Samoa, took his place at the Council table.*

7. Mr. POWLES (Special representative for Western Samoa) replied to the written questions put to him by various delegations (T/L.120) with regard to the examination of the annual report on the administration of the Trust Territory of Western Samoa.<sup>1</sup>

8. Question 1, from the United States delegation, concerned the attitude of the Samoans towards the traditional office of the *Fautua*. At previous sessions of the Council, in particular at the 24th meeting of the fourth session, Mr. Grattan (Special representative of the Administering Authority), had commented on that question at length. Only an authority on Samoan tradition and culture could answer the question fully, but there were certain practical aspects upon which he himself could throw some light. As stated by the 1947 Visiting Mission to Western Samoa in its report to the Trusteeship Council, the office of *Fautua* had been

<sup>1</sup> See Report of the New Zealand Government to the General Assembly of the United Nations on the Administration of Western Samoa for the year ending 31st March, 1950, Department of Island Territories, Wellington, 1950.

created by the Germans during their administration of the Territory and the *Fautua* owed their eminent status in Samoan society not so much to their holding that office as to the fact that they were the heads of the two main family groups of the Territory.<sup>2</sup> The *Fautua* enjoyed very considerable prestige, but their authority in political life was more a matter of reflecting and guiding the trends of Samoan political thought than of imposing any particular pattern on it. In the past they had exercised a considerable influence on Samoan opinion, helping to form and to some extent guiding it. The importance of that purely political role was however diminishing; thus it seemed highly improbable that in 1951 the *Fautua* would draw up, as they had done in 1947, the list of Samoans whom the *Fono of Faipule* should elect to the Legislative Assembly.

9. In reply to question 3, on the differences of attitude between the Samoan members of the Legislative Assembly and Samoan members of the *Fono of Faipule*, there was nothing abnormal or disturbing in that situation. The *Fono of Faipule*, which was the older body, had come to regard itself as a sort of Western Samoan parliament; it was therefore inclined to resent the position of the Legislative Assembly which, under the new constitution, had been given sovereign authority for the Government of Samoa. The Legislative Assembly, on the other hand, was anxious to build up its prestige and was jealous of its authority, yet its members realized that their re-election depended on the *Fono of Faipule*. The members of the *Fono of Faipule* were primarily interested in the welfare of their respective districts. Their function was purely advisory although, as he had pointed out to the Visiting Mission, steps had been taken to give them some right to introduce legislation. The *Fono of Faipule* also elected the Samoan members of the Legislative Assembly, but although that function was increasingly important, he saw no likelihood of that organ's becoming a mere electoral college and ceasing to exercise its right to offer advice on matters of general interest. The very nature of the business of the Legislative Assembly forced its members to adopt a wider and more national point of view.

10. Question 2 concerned the part played by the *Fono of Faipule* as compared to that of a senate in a bicameral government. His remarks in connexion with question 3 gave some idea of the role of the *Fono of Faipule*. It was difficult to find a parallel to that role in a bicameral type of government or to speculate as to the future of the *Fono of Faipule*. Elections would be held shortly in Western Samoa and the structure and the role both of the *Fono of Faipule* and the Legislative Assembly might well be altered.

11. Question 4 came from the representative of China and concerned participation of the indigenous inhabitants in the Legislative Assembly. His reply to that would cover at the same time question 5, in which a similar point was raised. The basis of electoral representation in the Legislative Assembly was that recommended by the 1947 Visiting Mission to Western Samoa. Those recommendations were given in paragraphs 47 *et seq.* of the Visiting Mission's report, the

question of European representation being dealt with specifically in paragraph 51. That paragraph said that in view of the great importance of Europeans in the economic and social life of the Territory, and their special knowledge of both European and Samoan cultures, they should be given for the present a somewhat larger representation than their numbers warranted proportionately. That recommendation had been carried out and the Legislative Assembly at present consisted of fourteen Samoans, six official members and five European members, together with the High Commissioner, who was the President of the Assembly. The latter, because of his position, could not be regarded as falling into any one of the categories represented in the Assembly. No change in the representation was contemplated for the time being as the system was completely new and, in any event, the Samoans had an absolute majority which was sufficient for all practical purposes.

12. In reply to question 6, concerning the Public Service Commissioner, he pointed out that in its observations on the report of the Visiting Mission (T/825), the Administering Authority had set forth the considerations which had led to the decision to make the Public Service Commissioner directly responsible to the Minister of Island Territories. He had nothing to add on that point. In law there was no relationship between the High Commissioner and the Public Service Commissioner although in practice it was necessary to maintain close contact. In point of fact, although the Public Service Commissioner could not determine the policy of the Samoan Government, many of his decisions influenced or were influenced by that policy. It had therefore been necessary to work out a series of practical rules for co-operation. Thus, for example, the question of the creation of public service positions and that of scales of pay based on merit, which were matters of policy, had been determined by the Samoan Government, and its decisions would have to be put into effect by the Public Service Commissioner. The Commissioner and the Samoan Government must therefore co-operate closely, although such co-operation might not always take the form of close contact between the Public Service Commissioner and the High Commissioner personally.

13. Question 7, by the Belgian representative, concerned difficulties of recruiting personnel for certain important positions. As an example of those difficulties, he quoted the case of the Health Department, which had been without a managing secretary for several months. It also appeared to be very difficult to replace the present senior medical officer, who was leaving his post shortly. In that part of the world there was a general shortage of highly qualified technical staff. That difficulty affected not only Western Samoa but New Zealand and Fiji as well.

14. The Belgian representative had also asked, in question 8, whether it would be possible for the Administering Authority to consider providing scholarships which would enable students to acquire abroad the professional training which they could not, apparently, receive in New Zealand, owing to the impossibility of establishing an institution for the training of personnel in that country. That was a very valuable suggestion which would be referred to the Administering Author-

<sup>2</sup> See *Official Records of the Trusteeship Council, Second Session, Special Supplement No. 1*, pp. 27-28.

ity. Moreover, it was that Authority's intention to develop a system of interchange of personnel between the Department of External Affairs and the Department of Island Territories, and between the New Zealand personnel of the Samoan Government and the administrations of New Zealand dependent island territories. Several young officers had recently joined the staff of those New Zealand Departments and should provide a future reserve of senior officers. However, as far as Western Samoa itself was concerned, the principal effort being made was to develop the participation of the Samoans in the public service at steadily higher levels. The scheme for awarding scholarships to Samoan girls and boys should provide an adequate basis for that purpose. Moreover, most senior administrative positions would be filled by local officers, as had been the case in the previous year with regard to the appointment of a local person as Chief Postmaster. Nevertheless, the real problem would continue to be the provision from outside Samoa of the highly trained technical officers whose services would always be needed.

15. Question 9, asked by the Chinese representative, concerned the distribution of the summary of the report of the Commission of Inquiry on District and Village Government. That summary (T/L.121) had been distributed; however, it was very brief and the report itself, which went into much greater detail, was being printed and would be distributed to the Council in the course of the year.

16. Turning to question 10, concerning the provision of a common status as "citizens of Western Samoa" to the inhabitants of the Territory, he drew the Council's attention to the fact that page 14 of the Administering Authority annual report mentioned that an Order in Council was to be issued on the national status of the inhabitants of the Territory. That Order in Council, which was entitled "Western Samoa New Zealand Protected Persons Order, 1950", had come into force on 1 November 1950. When it was being drafted, the Administering Authority's officers had noted that, under existing international law and custom, the status of citizens of Western Samoa could not receive international recognition because Western Samoa was a Trust Territory and not a sovereign State. The proper method of ensuring international protection for the inhabitants of Western Samoa had seemed to be to regard them as New Zealand protected persons, and that had been done. The Administering Authority was nevertheless fully aware of the problem and was continuing to study it.

17. Question 11, asked by the Chinese representative, concerned the registration of European and Samoan electors. A European could not enjoy any of the privileges of Samoan custom under which the *Faipule* was elected and a Samoan could not vote as a European. The Samoans who had retained their former national status as Europeans were regarded as Samoans.

18. Question 12 concerned the equal status of the Samoan assistant judges sitting on the Native Land and Titles Court and the European assessors. By the Samoan Judges Ordinance dated November 1950, Samoan judges in the Land and Titles Court had been given equal status in all respects to that possessed by the European assessors.

19. Question 13 dealt with the numerical equality of Samoan and European assessors in all criminal cases before the High Court. The Chief Judge used his own discretion in selecting the assessors to sit in the trial of criminal cases before the High Court and the selection was made from a panel of names prescribed by the High Commissioner and revised at regular intervals. The panel had been completely revised at the beginning of the preceding year and, at the request of the High Commissioner, the Chief Judge had agreed to select in future an equal number of European and Samoan assessors for all criminal trials of Samoans. In fact, that practice had already been put into effect before the arrival of the Visiting Mission.

20. Turning to question 14, asked by the Chinese representative, concerning legal qualifications, he said that in order to practice law in Western Samoa the same qualifications were necessary as were required for the purpose in New Zealand. With regard to the need for training legal personnel, it was thought that the scheme under which a number of Samoans were being educated in New Zealand might meet that need. However, none of the students had so far shown any desire to take up a legal career. On the other hand, two or three Samoan students in New Zealand, who had finished their secondary school education, were employed in the New Zealand Department of Justice and in various offices of the courts in New Zealand. The experience they acquired there would help them to do similar work in Western Samoa.

21. The PRESIDENT announced that, in accordance with the Council's usual procedure, members would have an opportunity to make any remarks they wished to make concerning political questions before the special representative replied to the written questions on economic conditions.

22. Mr. RYCKMANS (Belgium) said that his question on the training of personnel had mainly concerned the preparation of technical personnel for the working conditions of Polynesian society. As New Zealand obviously could not set up an institution for higher education to train the few officials who had to work in Western Samoa, he wondered whether they could not be sent to complete their training by attending special courses in various foreign institutions. Furthermore, the South Pacific Commission might perhaps organize a joint institution for all the Pacific territories, where all persons called upon to serve in that area could receive additional training in a few months.

23. Mr. POWLES (Special representative for Western Samoa) said that the question the Belgian representative had raised was of fundamental importance. Considerable progress had been made in the field of medicine and the Inspector-General of the South Pacific Medical Service, who also held the post of Director-General of Health, had been able to secure a sufficient number of qualified doctors who wished to make their career in tropical medicine. That was a very important point because officials who intended to stay only a few years in tropical countries would rarely go to the trouble of undertaking the necessary additional studies.

24. Mr. KHALIDY (Iraq) asked whether there was not sometimes a danger of overlapping between the two legislative organs of Western Samoa. If that

happened, he would like to know where the line was drawn between their respective functions.

25. Mr. POWLES (Special representative for Western Samoa) pointed out that the *Fono* of *Faipule* had no legislative power and that its duties were purely advisory. It should be noted that it had a statutory right to those advisory duties. The Legislative Assembly's role was similar to that of legislative assemblies in other countries; if it enacted a law, the law had to be put into effect. The situation was no doubt somewhat complex, but at the present stage of Samoan development it was good for the *Fono* of *Faipule* to express its opinion. That organ could not, however, assume functions other than its advisory functions. During the previous year, for instance, the *Fono* of *Faipule* had asked the High Commissioner whether it might not be represented on the standing committees of the Legislative Assembly which dealt with health, education, public works, finance and broadcasting, and were doing excellent work. The High Commissioner had replied that the *Fono* of *Faipule* could not be entrusted with duties which belonged essentially to the Legislative Assembly.

26. Mr. KHALIDY (Iraq) asked whether, in order to promote the advancement of the population towards self-government, the Legislative Assembly had the right gradually to change the constitution, in agreement with the High Commissioner. He wanted to know whether the Assembly could, for instance, increase the number of its Samoan members or enact legislation providing for the election of a whole assembly by universal suffrage.

27. Mr. POWLES (Special representative for Western Samoa) said that the Assembly had the right to alter all Samoan laws except those concerning defence, foreign affairs and certain sections of the Samoa Act. As those sections in fact represented the constitution, the Legislative Assembly could not, therefore, amend the constitution. Nor could the Assembly increase the number of its indigenous members. The system of elections to the Assembly, however, was within its province and it therefore had the right to enact legislation providing for universal suffrage, if it so desired.

28. Mr. KHALIDY (Iraq) said that a time would obviously come when the High Commissioner himself would be the first to desire a larger representation of Samoans since such a measure could not but serve the purposes of the Trusteeship System. In that case, how would it be possible to increase the number of indigenous representatives in the Legislative Assembly?

29. Mr. POWLES (Special representative for Western Samoa) said that, if the Legislative Assembly showed any desire to make such a radical change, the Administering Authority would give the Assembly its fullest support and would make all the necessary changes in the existing legislation. It was doubtful, however, whether the Legislative Assembly would contemplate such a change without first holding the necessary consultations with the Administering Authority.

30. In reply to a further question from Mr. KHALIDY (Iraq), who had asked whether unofficial members and especially Samoan members had tabled any bills in the Assembly and whether they had shown any desire to take the initiative in legislation, Mr. POWLES (Spe-

cial representative for Western Samoa) said that he had informed Samoan members that the services of the Crown Solicitor would be at their disposal for the purpose of drafting any bill they might wish to place before the Assembly. No Samoan member had thus far made use of that opportunity. On several occasions Samoans members had submitted to the Assembly draft resolutions which had led to very useful debates and had been adopted. Appendix IV of the Administering Authority's report contained a list of the ordinances passed and other business transacted by the Assembly. At least eight of the eleven resolutions had been moved by unofficial members of the Assembly. The importance the Administration attached to the Assembly's reaction to measures submitted to it should also be borne in mind. In some cases the debates on draft ordinances submitted by the Administration had shown that the Assembly had not been in agreement with some of their provisions. The drafts had therefore been withdrawn, amended in the light of the debate, and re-submitted at the following session.

31. Mr. KHALIDY (Iraq), referring to paragraph 25 of the Visiting Mission's report (T/792) asked why the New Zealand Government had decided that it should retain control over the appointment of officials. Was it because there were no qualified Samoans to exercise that control?

32. Mr. POWLES (Special representative for Western Samoa) said that it was a matter of public administration. The public service in New Zealand was modelled on British lines. The Administering Authority had felt that the Public Service Commissioner in Western Samoa should be divorced from any political consideration and that he should not come under the High Commissioner and *a fortiori* not under the Council of State.

33. Mr. KHALIDY (Iraq) asked the special representative for details on the status of Samoans and Europeans and the relations between them. In particular, he wanted to know why all non-Samoan inhabitants were considered as Europeans.

34. Mr. POWLES (Special representative for Western Samoa) said that the representatives of the two groups had continued negotiations on that question during the period under review in the annual report. Both groups had apparently been willing to accept the status of citizens of Western Samoa. No progress had been made since then, but relations between the two groups of the community had remained excellent. Samoans and Europeans mixed together in all their daily activities, and their children attended the same schools.

35. Mr. QUESADA ZAPIOLA (Argentina) asked the special representative for details on the powers of the High Commissioner and of the Legislative Assembly. It was stated on page 11 of the annual report that the jurisdiction granted to the Legislative Assembly by the Samoa Amendment Act, 1947, made it in effect an autonomous sovereign Assembly in domestic matters. On page 9 of the report, however, it was stated that no ordinance passed by the Legislative Assembly became a law without the assent of the High Commissioner. The High Commissioner therefore had a real right of veto. If he refused to approve a law passed

by the Legislative Assembly, could the Assembly override him by a two-thirds majority, as was the practice in all democratic assemblies?

36. Mr. POWLES (Special representative for Western Samoa) replied that there was no provision in the constitutional laws of Western Samoa enabling the Legislative Assembly to override what had been described as the High Commissioner's veto. Fortunately, such a situation had not yet arisen and it was to be hoped that it never would.

37. Mr. Shin-shun LIU (China) referred to question 5, which his delegation had submitted, and asked the special representative to explain the disparity between the representation of Samoans and Europeans in the Legislative Assembly. The Europeans, who numbered approximately 6,000, had five representatives in the Assembly, while the Samoans, who numbered approximately 72,000, had only twelve.

38. Mr. POWLES (Special representative for Western Samoa) replied that he did not know exactly what reasons had governed the decisions of those who had designed the system of representation. Doubtless they had thought they should bear in mind the recommendation made by the 1947 Visiting Mission that the European population should have a larger representation in proportion to its size than the Samoan, because the experience of the Europeans would be of greater benefit to the Assembly. At the same time, while giving the Samoans adequate representation, they had had to avoid making the Assembly too large. The Samoan representation had been fixed at eleven members because there had been — and there still were — eleven principal traditional districts. From the point of view of the Samoans, the only other alternative would have been to have forty-one representatives because there were forty-one *Faipule* districts; but in order to avoid any possible conflict with the *Fono* of *Faipule*, it had been decided that eleven representatives should suffice, because in any event the Samoans would then have the majority. Recently, as the result of the death of one of the *Fautua*, the number of Samoan representatives in the Legislative Assembly had been increased to twelve.

39. Mr. SAYRE (United States of America) noted that Western Samoa was faced with the usual conflict between tradition and modern ideas, which had been referred to in the discussion of the *Fono* of *Faipule*, and the Legislative Assembly. The special representative had stated that a balance had been achieved between the two trends, and Mr. Sayre wondered if he could give additional information on that point.

40. Mr. POWLES (Special representative for Western Samoa) said that the question was highly important and very delicate, for it was connected with the maintenance of the Legislative Assembly's prestige. Its prestige was high, probably not only because of the personal qualifications of its Samoan members, but also because the inhabitants of the Territory realized that the Legislative Assembly had the power to legislate for the Territory as a whole and that consequently peace, order and progress depended largely upon its decisions. On the district level, the government officials were gaining increasing respect and prestige in the eyes of the indigenous inhabitants in spite of the fact that they

did not represent tradition. Thus the Western structure of government was gradually being integrated into the local structure and producing a balance between the two forces, not, however, without certain difficulties.

41. Mr. SAYRE (United States of America) understood from the special representative's remarks that, in spite of the power of tradition, modern concepts were penetrating more and more into the Samoan structure. He wondered whether that also meant that the Samoans were accepting to an increasing extent the more modern, democratic ways.

42. Mr. POWLES (Special representative for Western Samoa) said that that was undoubtedly the case. There was a growing assimilation of Western ideas into Samoan culture and that was why the Samoan culture had remained so vital. However, the process of absorption was slow. For example, the health officials were highly respected by the Samoans, while the education officers received very little recognition.

43. Mr. SAYRE (United States of America) referred to page 20 of the annual report and asked the special representative why both the Samoan and the European members of the Legislative Assembly had been so reluctant to allow the question of a municipality for Apia to be included in the terms of reference of the Commission of Inquiry on District and Village Government.

44. Mr. POWLES (Special representative for Western Samoa) replied that the question went back to the time before the German administration when the municipality of Apia had been established to protect the interests of European residents; the words "municipality of Apia" had been translated into Samoan by an expression which meant a sort of forbidden land or reserved territory. That same Samoan expression had been used to translate the words "municipality of Apia" in the Samoan text of the Commission's terms of reference submitted to the Legislative Assembly the year before. Although the Samoan translation had subsequently been corrected, the Samoan members of the Assembly had viewed the proposal with the greatest suspicion and had persistently opposed the suggestion that the Commission should study the question of a municipality of Apia. The Administration had therefore thought it better not to include the question in the Commission's terms of reference.

45. Mr. DE MARCHENA (Dominican Republic) asked the special representative what measures the Administering Authority intended to take in order to define the political status of the inhabitants of Western Samoa.

46. Mr. POWLES (Special representative for Western Samoa) replied that the New Zealand Government had issued an Order in Council granting all the residents of the Territory the status of New Zealand protected persons in order to enable them to travel abroad.

47. Mr. DE MARCHENA (Dominican Republic) asked what sort of travel papers a Samoan would receive if, for example, he wished to travel to the United States.

48. Mr. POWLES (Special representative for Western Samoa) described the passport which was issued to Samoans wishing to travel abroad.

49. Mr. DE MARCHENA (Dominican Republic) asked what procedure was followed by the High Court regarding applications for a change in status submitted by Samoans.

50. Mr. POWLES (Special representative for Western Samoa) replied that the current procedure provided first of all for prior notice of applications to be published. The applicant then appeared before the High Court and the Chief Judge took the decision. There was no provision making it compulsory for the applicant to be represented by a lawyer and neither the Administration nor the New Zealand Government was represented before the High Court.

51. Mr. DE MARCHENA (Dominican Republic) noted from page 14 of the annual report that some of those who were of three-quarters Polynesian blood or less were classed as Samoans and that anyone of half Samoan blood or more who had been declared or deemed to be a European could petition the High Court to declare him a Samoan. He asked the special representative whether a person of half Samoan blood who had not been recognized as a European could petition the High Court for such recognition.

52. Mr. POWLES (Special representative for Western Samoa) replied that he had no precise information on the subject, but he thought that such a petition could be made.

53. Mr. DE MARCHENA (Dominican Republic) noted from the annual report that the High Court had declared a total of 551 Samoans to be Europeans and forty Europeans to be Samoans. He asked whether the disparity in those figures was due to the size of the population or to the legal consequences of a change in status.

54. Mr. POWLES (Special representative for Western Samoa) thought that the principal reason for the disparity in figures was the situation which had existed for many years in the Territory. It was to the interest of the Samoans to become European, particularly for purposes of trade and in order to secure bank credit. Nevertheless there had to be restrictions because it was imperative to protect the Samoans against their tendency to incur inordinate debts.

55. Mr. DE MARCHENA (Dominican Republic) referred to page 15 of the annual report and asked the special representative why there was no civil register for the inhabitants of the Territory.

56. Mr. POWLES (Special representative for Western Samoa) replied that the question would be considered at the appropriate time. It seemed, however, that the term "civil register", as used in the Trusteeship Council's Provisional Questionnaire, referred principally to lists which could be used to interfere with the freedom of the inhabitants. Naturally, it would be necessary to draw up limited lists of Samoan people for certain purposes. There was already a register of European electors, but the Administration did not for the time being see any reason to establish complete registers.

*The meeting was suspended at 4.30 p.m. and was resumed at 5 p.m.*

57. Mr. SOLDATOV (Union of Soviet Socialist Republics) referred to page 9 of the annual report

where it was stated that no ordinance passed by the Legislative Assembly became law without the assent of the High Commissioner and that no finance bill disposing of public revenues could be passed by the Assembly except upon his recommendation. The special representative had said that he had never used his power of veto as High Commissioner, but the USSR representative wished to know whether there had ever been occasions when the High Commissioner had refused to approve a decision adopted by the Legislative Assembly.

58. Mr. POWLES (Special representative for Western Samoa) replied that the High Commissioner had never refused his consent to an ordinance adopted by the Legislative Assembly, neither had he ever refused to recommend any necessary public expenditure.

59. Mr. SOLDATOV (Union of Soviet Socialist Republics) asked whether the composition of the Council of State could be changed or whether it would always have to be composed of the High Commissioner and the two *Fautua*.

60. Mr. POWLES (Special representative for Western Samoa) explained that the High Commissioner was an *ex officio* member of the Council of State. He recalled that under section 4, sub-section 2, of the Samoa Amendment Act, 1947, the Council of State should consist of the High Commissioner and of the Samoans for the time being holding office as *Fautua*. Section 5 of the same Act provided that the Governor-General of New Zealand could appoint Samoans to be *Fautua* and lay down the conditions of their appointment. Thus, the members of the Council of State other than the High Commissioner had to be persons holding the office of *Fautua* but the conditions of their appointment to that office were subject to the Governor-General's decision.

61. Mr. SOLDATOV (Union of Soviet Socialist Republics) asked how the two other members of the existing Council of State had been appointed.

62. Mr. POWLES (Special representative for Western Samoa) recalled that the Council of State had been constituted in 1947 when three Samoans had held the office of *Fautua*. By virtue of the 1947 Act those three *Fautua* had all become members of the Council of State. Subsequently, one of them had died and, at the request of the Samoan people, no additional appointment had been made.

63. With regard to the question of the method of appointment, he recalled that the office of *Fautua* had been created by the German administration so that the latter could have the assistance of prominent and respected Samoan chiefs competent to represent the interests of the Samoan people. The measure had also been designed to eliminate once and for all the difficulties raised by the question who should be the paramount chief or, in other words, the king of Samoa. That was how the German administration had created the office of *Fautua*, which had been held by persons chosen from among the chiefs of the most important family groups in Samoa. The two principal family groups were the Tupua family, represented by Tamasese, one of the *Fautua*; and the Malietoa family, represented by Malietoa, the present head of the family. There were

also certain subsidiary family groups linked with the two main family groups, which had produced leaders of remarkable competence. The office of *Fautua* was currently held by the chiefs of the two principal families.

64. Mr. SOLDATOV (Union of Soviet Socialist Republics) asked whether the two persons currently holding the office of *Fautua* had been appointed by the High Commissioner without any recommendation from a body composed of representatives of the indigenous population.

65. Mr. POWLES (Special representative for Western Samoa) said that the two persons currently holding the office had been appointed as heads of their respective family groups by those groups themselves. As a result, they had automatically, as it were, been appointed *Fautua* by the Governor-General of New Zealand. The question did not come within the competence of the High Commissioner.

66. Mr. SOLDATOV (Union of Soviet Socialist Republic) asked what percentage of the whole population was represented by those two family groups.

67. Mr. POWLES (Special representative for Western Samoa) replied that, broadly speaking, the two families represented the whole population of Samoa. Their interests extended throughout the whole of the Samoan Islands, including the neighbouring territory of American Samoa. There were possibly one or two small groups which did not consider themselves as belonging to one of the two families.

68. Mr. SOLDATOV (Union of Soviet Socialist Republics) recalled that at a previous session the Council had learned that elections to the *Fono* of *Faipule* were based first on the nomination of heads of families, and then of heads of villages. In other words, they were based on the family system.

69. Moreover, the Council had learned that members of a family, other than its head, had no special rights, and that the village councils wielded unlimited powers over heads of families and members of village communities, and would, for example, banish such persons if they broke the rules of behaviour of the community. Lastly, there was a council for the whole of the Territory, namely, the *Fono* of *Faipule*, whose members were elected only by the chiefs of clans.

70. His delegation wished to know whether the members of the Council of State were elected in the same way as the members of the *Fono* of *Faipule*.

71. Mr. POWLES (Special representative for Western Samoa) thought that the USSR representative was under a slight misapprehension. There was, in fact, no hierarchy among the chiefs. The *matai* was the head of a relatively small family group which was often similar to what would be described as a "family" in the Western world. In some cases the family group included the brothers of the *matai* and their families. The number of *matai* was about 6,000, which meant that one in every four of the adult male population held that particular office.

72. A district *Faipule*, who represented between 1,000 and 3,000 to 4,000 people, was elected by a meeting of the *matai* of the district; there might be many hundreds

of *matai* in a particular district. It was obvious, therefore, that there was no hierarchy among them.

73. Mr. SOLDATOV (Union of Soviet Socialist Republics) said he had pointed out that the members of the *Fono* of *Faipule* were elected only by the heads of families. The statement just made by the special representative confirmed what he had said, namely, that authority was, in the first instance, in the hands of the heads of families and in the second, of the village councils. The latter enjoyed practically absolute authority over heads of families and members of village communities; they could, for example, banish any member of a village community for violating local rules of behaviour.

74. Mr. POWLES (Special representative for Western Samoa) confirmed that the *Faipule* were elected by the *matai*, or heads of families of that district. It would not be said, however, that the village councils possessed unlimited powers.

75. Lastly, he made it clear that the decision regarding the appointment of the *Fautua* was determined by the election of a supreme head of family by a meeting of the *matai* of that family.

76. Mr. SOLDATOV (Union of Soviet Socialist Republics) understood that the *Fautua* played a purely advisory role in the Council of State and that they did not have the right of initiative.

77. Mr. POWLES (Special representative for Western Samoa) said that, broadly speaking the assumption of the USSR representative was correct. The *Fautua* had no executive powers; their duties were indeed of an advisory nature. They did, however, have the right of initiative in that it was their duty to initiate discussion on certain questions, in the same way as the High Commissioner.

78. Mr. SOLDATOV (Union of Soviet Socialist Republics) recalled that at previous sessions, the Council had discussed the functioning of the *Fono* of *Faipule*. His delegation wanted, however, to obtain additional information regarding the election of the chairman and officers of that assembly, if such elections did in fact take place. Furthermore, it would be interesting to have some information on the manner in which the meetings of that assembly were conducted.

79. Mr. POWLES (Special representative for Western Samoa) said that, in accordance with the law, meetings of the *Fono* of *Faipule* were convened by the High Commissioner. The date of such meetings was agreed upon between the High Commissioner and the Chairman of the *Fono* of *Faipule*. Members of the *Fono* of *Faipule* were informed by radio of the date of the meetings and of the nature of the questions to be submitted by the High Commissioner to that assembly, so that they could consult the members of their districts before the opening of the session.

80. The sessions of the *Fono* of *Faipule* began with an opening ceremony attended by the notables; after the ceremony, only members of the *Fono* of *Faipule* remained in session.

81. At the opening of the first session of a newly-elected *Fono* of *Faipule*, after all other persons had retired, members elected a Chairman, and then in-

formed the High Commissioner of the result of the election.

82. The *Fono of Faipule* also appointed a Secretary for the duration of each session, and a kind of special committee to assist the Chairman and the Secretary. The members of the *Fono of Faipule* sat at a large horseshoe table, with the Chairman and the officers facing that table.

83. As its deliberations proceeded, the *Fono of Faipule* requested the High Commissioner to make known his views on the questions placed by him on the agenda of the session, and forwarded its suggestions and specific requests to him.

84. The discussions lasted for approximately two weeks; thereafter the session ended with the passing of a series of resolutions, comprising the advice of the *Fono of Faipule* to the Government of the Territory. Some of the resolutions contained the suggestions of the *Fono of Faipule* on questions submitted by the High Commissioner for its consideration.

85. Mr. SOLDATOV (Union of Soviet Socialist Republics) noted that the Legislative Assembly was composed of three members of the Council of State, *ex officio*, twelve Samoans elected by the *Fono of Faipule*, five Europeans elected by direct and secret ballot, and six other members. The USSR delegation wished to know on what principle the last six members were chosen, to what population group they belonged, and what their nationality was. It further wished to know whether Samoans or persons of other than Samoan or European origin could be included among the six members.

86. Mr. POWLES (Special representative for Western Samoa) replied that the six official members were all senior officers of the Western Samoan Government. They were appointed not by name, but by virtue of the office they held. Three of them were nominated by the Governor-General of New Zealand, and the other three by the High Commissioner. At the present time, the latter three were the Director of Health, the Director of Education and the Crown Solicitor.

87. At the moment the six official members were all New Zealand nationals. They were not appointed by reason of their nationality, but as heads of important government services. As and when Samoans became capable of fulfilling such important posts, they would automatically be represented among the six official members.

88. Mr. SOLDATOV (Union of Soviet Socialist Republics) noted that, on page 12 of the Administering Authority's report, it was stated that the *Faipule* still exercised their traditional dual function: they served as representatives of their districts to the government and as representatives of the government in the districts. It was further stated that that situation would not disappear until there were adequate organs of local government throughout Western Samoa.

89. In that connexion, the USSR delegation desired to know whether the Administering Authority had already drawn up plans for the creation of appropriate organs of local government, founded on a democratic system. The present system, based on tribal organization and the principle of the large family group, was

not really democratic, in that it excluded three-quarters of the adult males and all women from participation of any kind in the government. Moreover, by virtue of the tribal system, elders or heads of families enjoyed unlimited powers with respect to members of their community.

90. Mr. POWLES (Special representative for Western Samoa) asserted once more that the powers of heads of families could not be called unlimited.

91. The general problem of organizing a system of government had for a long time been receiving the close consideration of the Administering Authority. In that connexion, he recalled that it was only in 1947 that a constitution had been promulgated. Nevertheless, the Administering Authority had clearly shown its desire to satisfy the Samoan people's wishes in that matter to the greatest possible extent. To that end, the Commission of Inquiry on District and Village Government in Western Samoa had been set up. The report of the Commission in itself, however, would not provide a solution to all the problems involved, in particular because members of the Commission had overlooked many current administrative difficulties. Hence the report must receive very careful consideration before the measures it advocated were implemented.

92. Mr. SOLDATOV (Union of Soviet Socialist Republics) asked for clarification in regard to the rights enjoyed by elders or heads of families, particularly with respect to their right to banish any member of the community.

93. Mr. POWLES (Special representative for Western Samoa) agreed that elders enjoyed certain powers to ostracize members of the community. But the extent of such powers was limited, as their exercise was subject to the natural restraints and wishes of the people concerned. Although the system might appear somewhat feudal, in practice chiefs did not overstep what the village community regarded as the normal exercise of their authority.

94. Furthermore, when a member of a community was punished by banishment, he could invoke the provisions of the law. Victims of the practice had, in some cases, been taken back to their village under the protection of the police, which had not, however, prevented them from being in effect ostracized, as no member of the community would speak to them on their return. It was for that reason that those sentenced to banishment generally bowed to the decision and left the village. Later, the feelings of the community towards them were soured and, following the customary ceremonies, they were taken back into the community.

95. Mr. SOLDATOV (Union of Soviet Socialist Republics) noted that, on page 10 of the annual report, under the heading "the Legislative Assembly", it was stated that the system of election to the Assembly was in accordance with existing Samoan opinion.

96. The Soviet Union delegation wished to know the significance of the phrase "Samoan opinion" and how that opinion had been expressed. In the existing state of affairs, it obviously referred only to the opinion of the heads of families, elders or certain other groups.



It could not be said that it was the opinion of the male population as a whole. Furthermore, women were not consulted at all, despite the fact that many of them were probably aware of their rights.

97. Mr. POWLES (Special representative of Western Samoa) emphasized that by "Samoan opinion" the Administering Authorities meant, first of all, the opinion of the heads of families. In practice, it was not, however, only the opinion of the present heads of families. There were many Samoans who hoped to become heads of families before the end of their useful life; in fact, there were few old men who were not *matai*. That state of affairs was not without influence on the Samoan social structure. Thus, the opinion of the *matai* could be said to represent the opinion of the other men of the Territory.

98. The question of women's opinion was somewhat delicate. It was obvious that the influence wielded by women in ordinary life was often considerable. On the other hand, there were cases, particularly in the political field, where women would be regarded as having no opinion. The fact was that women had no right to political representation, — a fact which he would simply state. Hence, the opinion of the *matai* must be regarded as representing that of the members of his family. A further advance towards Western ideas must therefore take place before Samoan opinion would be prepared to accept the participation of women in political life.

99. Mr. SOLDATOV (Union of Soviet Socialist Republics) noted that the Visiting Mission, in paragraph 16 of its report (T/792), stated that there was little prospect that the Samoans would agree to any widening of the franchise in the immediate future. The reply just given by the special representative, however, showed that what the Administering Authority meant by "Samoans" was not the Samoan population as a whole. What was meant was the opinion of the heads of the families only; the opinion of women and young men deprived of their political rights was not taken into consideration.

100. In reply to the special representative's statement that the majority of the men hoped one day to become *matai* he pointed out that every man would not necessarily live long enough to assume that function. Moreover, the most active elements of the population, namely, men of from 30 to 50 years of age, were in practice deprived of any participation in the political life of the Territory.

101. The USSR delegation wished to know whether the Administering Authority did not think the time was now ripe for democratic reforms and for the indigenous inhabitants to be allowed to participate more fully in local government and in the administration of the Territory as a whole, in accordance with their frequently expressed desire to do so.

102. Mr. Soldatov was sure that the High Commissioner could say how the Administering Authority intended to make the transition from the tribal system to a more democratic one. For his own part, he could explain how the transition had been made in some parts of the USSR. Of course, the tribal system might have certain advantages from the standpoint of the economic, political and social life of a people;

but all that underwent considerable development when the tribal system was exchanged for a democratic system.

103. Mr. POWLES (Special representative for Western Samoa) said that the representative of the USSR was quite right in qualifying as transitional the period through which Western Samoa was passing. He also noted with pleasure that the Soviet Union representative had recognized that the tribal organization could contribute to the development of the political, economic and social activity of the country. That was precisely the view of the Administering Authority. It wished to proceed with care, for nothing would be gained by destroying the tribal system overnight unless it could be replaced immediately by a better system. It was therefore trying to guide the tribal system along Western lines.

104. The sections of the population mentioned by the representative of the USSR were completely unvocal; thus, when the USSR representative spoke of the often expressed desire of the population to participate more fully in the government of the Territory, he was in fact speaking of the desire expressed by the *matai*, as they were the only persons who had expressed any opinion. It must therefore be admitted that the *matai* genuinely expressed the opinion of the population as a whole. If there were differences of opinion between the *matai* and the members of their community, the Administering Authority would soon hear of it.

105. When the Administering Authority examined the report of the Commission of Inquiry on District and Village Government, it would have to face squarely some of those questions. It would willingly accept legislative measures which would ensure the political representation of groups which were not at present represented, but it did not think that the time had come to introduce such measures. Moreover, it should not be forgotten that the matter was essentially one for the Legislative Assembly itself.

106. Mr. SOLDATOV (Union of Soviet Socialist Republics) had not meant to say that the tribal system should be adapted and made more democratic. In his opinion, it was a matter of ensuring a transition from the tribal system to a system based essentially on democratic principles. As things stood, it seemed to be accepted that the Administering Authority had relations only with the older elements of the population including the councils of elders and the *matai*, and that it had no contact with the younger men, while women were ignored regardless of their age.

107. He drew the Council's attention to the photographs on pages 93, 95 and 96 of the report. It was inconceivable that the young men and women in those photographs should be incapable of participating in local government; on the contrary, they seemed highly capable of taking part in the political and social activities of the community. Moreover, it was well known that the Samoans were among the most advanced of the Polynesian peoples.

108. The USSR delegation therefore wished to know whether the Administering Authority intended to take any steps to ensure the participation of young men and women in local government.

109. Mr. POWLES (Special representative for Western Samoa) explained that he had never said that the young men and women were incapable of participating in the political life of the Territory, but simply that they did not wish to do so.

110. The Administering Authority could, of course, make an attempt to ascertain the opinion of those classes of the population, but he did not see how such an inquiry could be carried out.

111. Generally speaking, he felt that, so far, the opinion expressed by the *matai* corresponded to that of

the population as a whole. That did not mean that, in the future, other groups of the population would not find means of expressing their own opinion, as they did already to a large extent in their daily life in the villages.

112. He assured the Trusteeship Council that the Administering Authority would not fail to encourage any such development.

The meeting rose at 6.15 p.m.