



TRUSTEESHIP COUNCIL

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President: Mr. Girolamo VITELLI (Italy).

Present:

The representatives of the following States: Australia, Belgium, Bolivia, Burma, China, France, India, Italy, New Zealand, Paraguay, Union of Soviet Socialist Republics, United Arab Republic, United Kingdom of Great Britain and Northern Ireland, United States of America.

The representatives of the following specialized agencies: International Labour Organisation, United Nations Educational, Scientific and Cultural Organization.

Examination of conditions in the Trust Territory of New Guinea: annual report of the Administering Authority for the year ended 30 June 1959 (T/1514, T/L.967) (continued)

[Agenda item 3 (d)]

At the invitation of the President, Mr. Jones, special representative of the Administering Authority for the Trust Territory of New Guinea, took a place at the Council table.

QUESTIONS CONCERNING THE TRUST TERRITORY AND REPLIES OF THE REPRESENTATIVE AND SPECIAL REPRESENTATIVE OF THE ADMINISTERING AUTHORITY

Political advancement

1. U TIN MAUNG (Burma) recalled that at its twenty-fourth session (A/4100, p. 132) the Trusteeship Council had requested the Administering Authority to include in its next annual report any relevant information regarding the adoption of an official name for the people of the Trust Territory and had expressed the hope that the Administering Authority would encourage the inhabitants of the Territory to express their opinions on the subject with a view to assisting in the early adoption of an official name. All that the annual report of the Administering Authority^{1/} had to say on

^{1/} Commonwealth of Australia, Report to the General Assembly of the United Nations on the Administration of the Territory of New Guinea from 1st July, 1958, to 30th June, 1959 (Canberra, A. J. Arthur, Commonwealth Government Printer). Transmitted to members of the Trusteeship Council by a note of the Secretary-General (T/1514).

the subject, however, was that the Administering Authority had given further consideration to the question but felt that the stage had not yet been reached where a wide-spread and considered opinion from the majority of the people could be expressed. He asked the special representative whether the Administering Authority had encouraged the inhabitants of the Territory to express their opinions on the subject; whether the delegates attending the conference of Native Local Government Councils, held at Madang in June 1959, had discussed the question; and what steps the Administering Authority intended to take to encourage the inhabitants of the Territory to express their opinions on the subject.

2. Mr. JONES (Special Representative) replied that no active steps had been taken in that regard in the year under review and that the matter had not been discussed at the Madang conference. When it was considered possible to obtain a coherent body of opinion in favour of any particular name, the Administering Authority would ask the population for its opinion. It had no intention of imposing a name upon the people.

3. U TIN MAUNG (Burma) pointed out that the indigenous inhabitants resented being called Papuans, "Natives" or "Kanakas". He asked the special representative whether he did not think that the indigenous inhabitants of New Guinea should be given an official name.

4. Mr. JONES (Special Representative) said that the term most frequently used in the Territory was "Native", which was not in itself at all insulting, though it could be used in an objectionable way. The word "Kanaka" was scarcely used any longer. He agreed that it would be most desirable for the inhabitants of the Territory to have an official name.

5. U TIN MAUNG (Burma) pointed out that the term "half-caste" was equally offensive to the section of the non-indigenous community to whom it was applied.

6. Mr. JONES (Special Representative) replied that for many years there had been an administrative instruction forbidding the use of that term. The official term, which was now in general use in the Territory, was "person of mixed race".

7. U TIN MAUNG (Burma) recalled that at its twenty-fourth session the Trusteeship Council had expressed the hope that, as a result of the proposed review, the number of indigenous members of the Legislative Council might be increased (A/4100, p. 136). There were only two non-official indigenous members from the Territory on the Council. The annual report said only that the Administering Authority was still studying the question of the future of the Legislative Council.

8. Mr. JONES (Special Representative) said that the Administering Authority had hoped to be able to make a definite statement on the question at the present session of the Trusteeship Council. Unfortunately, a

case was now pending before the High Court of Australia in which the Taxpayers' Association had challenged the legality of the Legislative Council. That Association claimed that the Legislative Council was not competent to adopt the Income Tax Ordinance in the absence of the three elected members who had resigned in protest against the introduction of the Ordinance; they also claimed that the Ordinance conflicted with the Australian Income Tax Assessment Act, which also applied to New Guinea, and that part 5 of the Papua and New Guinea Act, which had set up the Legislative Council, was invalid. The Administering Authority could take no further action until the High Court had handed down its decision in the case.

9. U TIN MAUNG (Burma) recalled that some indigenous leaders had told the United Nations Visiting Mission to the Trust Territories of Nauru, New Guinea and the Pacific Islands, 1959, that they would prefer their representatives on the Council to be elected. He asked whether the two indigenous representatives frequently consulted the people whom they were supposed to represent.

10. Mr. JONES (Special Representative) replied that they travelled through the areas which they represented and that their travel expenses were paid by the Administration.

11. U TIN MAUNG (Burma) asked whether the first group of three indigenous observers appointed to attend the meetings of the Legislative Council had attended the whole session.

12. Mr. JONES (Special Representative) replied that they had attended all the meetings. Native Affairs officers had assisted them to understand the procedure and the matters under discussion.

13. U TIN MAUNG (Burma), noting that the proceedings of the Legislative Council were conducted in English, asked whether the observers could understand the discussions and whether there was any system of simultaneous interpretation in the Council.

14. Mr. JONES (Special Representative) explained that before each meeting Native Affairs officers discussed the items on the agenda with the observers; during the meeting they gave them still further explanations and, after the meeting, they went over the whole discussion with them. The observers had acknowledged that they were gaining very useful experience.

15. U TIN MAUNG (Burma) asked how many new local government councils had been formed during the year under review.

16. Mr. JONES (Special Representative) replied that three new councils had been formed: two in the Eastern Highlands District and one in the New Britain District. Since the close of the year under review, another council had been set up in the Bougainville District.

17. U TIN MAUNG (Burma) recalled that the leaders of one important group at Mt. Hagen in the Western Highlands District had told the Visiting Mission that they would like a local government council to be established in their area. He wondered whether they had made that request to the Administration and whether it had explained to them what would be expected of them if such a council were established.

18. Mr. JONES (Special Representative) said that surveys were being carried out continually in all districts with a view to establishing local government councils and that the people were given full explanations concerning those councils. He was sure that such explanations had been given to the inhabitants of Mt. Hagen.

19. U TIN MAUNG (Burma) recalled that in the Sepik District the Visiting Mission had learned that the new local government councils had aroused very keen interest and that there had been a demand for more councils. He asked what steps had been taken to meet that demand now that there was no longer a shortage of staff to hamper progress in that field.

20. Mr. JONES (Special Representative) said that the population of the Sepik District was very scattered and that before a local government council could be established there must be some relationship, tribal, linguistic or other, to justify it. In some areas where the people were enthusiastic about forming a council, the Department of Agricultural Extension did everything to help the people to introduce cash crops, and Native Affairs officers educated the people in the requirements of a council. At the present time there were two councils in the Sepik District, one in the Bainyik area, with thirty-nine villages, and the other at Maprik, with fifty-four villages.

21. U TIN MAUNG (Burma) noted that according to page 32 of the annual report one of the reasons why a few groups had shown opposition to the system of local government councils was that it involved taxation. He asked whether those groups were led or influenced by one particular indigenous leader in New Britain and/or whether such opposition had spread to other areas.

22. Mr. JONES (Special Representative) said that the only areas of opposition were in the New Britain District, in particular in the Duke of York Islands and in the Baluan area. He did not know whether any leader was influencing them.

23. U TIN MAUNG (Burma) asked why the Bola Council, one of the three new local government councils, had not fixed a tax rate.

24. Mr. JONES (Special Representative) said that he had no information on that subject.

25. U TIN MAUNG (Burma) noted from page 168, appendix II, of the annual report that there had been an increase of only two indigenous members on the district advisory councils since the previous year, as against five new European members, and that on the town advisory councils there had been no increase in indigenous membership. He asked why more indigenous inhabitants had not been appointed to the town and district advisory councils, as the Trusteeship Council had recommended at its twenty-fourth session (A/4100, p. 137).

26. Mr. JONES (Special Representative) replied that as soon as suitable indigenous inhabitants were available they were appointed to the councils. The only indigenous inhabitants of towns were workers who stayed there for a short period only and had very little interest in town affairs. The case of Kavieng was slightly different, because there were one or two large villages adjacent to the town.

27. U TIN MAUNG (Burma) inquired whether the major changes that had been made in the organization of the Public Service included a system whereby qualified New Guineans were promoted to higher ranks.
28. Mr. JONES (Special Representative) replied that appendix II, table 1, of the annual report showed that the number of positions being made available for the Auxiliary Division had increased.
29. U TIN MAUNG (Burma) inquired how many New Guineans would be included among the 7,300 indigenous inhabitants who were to be employed under the Administration Servants Ordinance 1958.
30. Mr. JONES (Special Representative) said that he would answer that question at the next meeting.
31. Mr. RASGOTRA (India) said that he hoped that the special representative would be able to make a comprehensive statement at the current session regarding the Legislative Council and the Administering Authority's position on that matter. The Administering Authority had undertaken to maintain the individuality and the identity of the Territory. Yet the Legislative Council had been established under the Papua and New Guinea Act, which provided for a joint administration of the Trust Territory and Papua. He did not see how a Council which was not composed entirely of New Guineans could enact legislation on taxation applicable to the population of the Trust Territory. He wondered how far the present composition of the Legislative Council and the provisions of the Papua and New Guinea Act were compatible with the obligations arising from the Trusteeship Agreement and the Charter.
32. Mr. JONES (Special Representative) reiterated that there was a case now before the High Court touching the validity of the Papua and New Guinea Act. With regard to the preservation of the identity of the Territory under a Legislative Council common to both Territories, he pointed out that the Trusteeship Agreement provided for an administrative union of the two Territories. The Administering Authority had always held that any acts or ordinances passed by the Legislative Council would be equally applicable to both Territories.
33. Mr. RASGOTRA (India) declared that he had no intention of raising in the Trusteeship Council a question that was within the competence of the Australian courts. He asked how many of the twenty-nine members of the Legislative Council represented the interests of New Guinea.
34. Mr. JONES (Special Representative) replied that the Administrator and the sixteen official members of the Council represented both Papua and New Guinea. Of the nine nominated members, five represented the Trust Territory.
35. Mr. RASGOTRA (India) asked why three elected members had resigned their seats on the Legislative Council, thereby leading to a crisis in that body.
36. Mr. JONES (Special Representative) explained that they had resigned because they had claimed that the Administering Authority had not made sufficient investigation before the Taxation Ordinance had been brought into force. Two of those elected members had been from the Trust Territory and one from Papua.
37. Mr. RASGOTRA (India) asked whether the members who had resigned had raised the matter in the Legislative Council and whether the Administering Authority, the Administrator or the Governor-General had taken any steps to redress their grievance. He also asked whether a vote on the Ordinance had been taken in the Legislative Council.
38. Mr. JONES (Special Representative) explained that a financial survey of the whole Territory had been carried out in recent years. The purpose had been to ascertain whether or not the present system of taxation was equitable and whether taxation was being borne equally by the public in general. The result of that survey had been to reveal that the tax on certain commodities, and the import and export taxes generally, were not a suitable method of taxation in the Territory and that it would be more equitable to have an income tax. The Ordinance had been discussed at great length in the Legislative Council and a petition from the Taxpayers' Association had been given the fullest consideration. The Ordinance had been passed by a vote. He had no details of that vote.
39. Mr. RASGOTRA (India) hoped that the special representative would be able to supply those details at the next meeting.
40. He asked whether the Administering Authority felt that the observers who had been attending meetings of the Legislative Council for four or five years were now suitable for appointment to that Council and, if not, what action it was taking to appoint indigenous persons to the Legislative Council.
41. Mr. JONES (Special Representative) said that the training of the observers received was very valuable to them, for they were all members of local government councils or chairmen of those bodies. The Administering Authority took the view that the political development of the population should start at the bottom. The problems encountered had been mentioned many times: there was no common language, indeed 340 different languages had already been identified; there was no Territory-wide political structure or national unity; the population was not homogeneous and was not conscious of any identity or of any common future. The Administering Authority had tried to overcome that by bringing the people together at conferences such as the Conference of Native Local Government Councils at Madang, meetings of the co-operatives and so on, and by sending representatives to the South Pacific Conference. The Administration's efforts to promote political development had met with considerable success: in the past ten years the number of voters had risen from about 500 to 120,000 and the people had become accustomed to the democratic process of electing their own representatives to manage their affairs. As the Visiting Mission had stated, the growth of local government councils had been spectacular. During the past ten years the number of councillors had increased from seventy-five to 500. That meant that there were at least 500 indigenous persons who had acquired experience in the management of local affairs. Indigenous persons also served on the district advisory councils and a number of them had gained further experience through participation in the work of the Legislative Council. The indigenous membership of the Legislative Council remained at three, two members being from the Trust Territory, but there was now a group of indigenous candidates for service on higher political bodies. Those advances justified the method the Administering Authority had chosen for the political education of the people.

42. Various proposals for changes in the Legislative Council had been made and the Standing Committee had likewise put forward certain recommendations which the Administering Authority was studying. With regard to the recommendation adopted by the Trusteeship Council in 1959 he stated that the Administering Authority, as indicated in the annual report, was studying the changes which might be made in the Legislative Council, including the possibility of increasing the indigenous membership. The fact that some sections of the indigenous population might prefer to elect their representatives to the Legislative Council instead of having them nominated was also receiving the Administering Authority's consideration. Had it not been for the case which was now before the High Court the Administering Authority would have been able to make a definite statement with regard to the Legislative Council.

The meeting was suspended at 4.35 p.m. and resumed at 4.50 p.m.

43. Mr. RASGOTRA (India) said that the argument based on language difficulties and on the lack of unity among the people of the Territory was hard to accept, for if it was valid the three appointed indigenous members ought not to be serving on the Legislative Council. His position was that the indigenous inhabitants were already represented on the Council but that the method of selecting them was not the right one.

44. Where the necessary qualifications were concerned, the report showed that at a number of meetings, including the South Pacific Conference, the delegates from New Guinea had given evidence of great ability and that the Conference of Native Local Government Councils had been marked by a high standard of debate and a steady flow of discussion. That proved that the representatives were competent to serve on the Legislative Council. If they could be appointed they could just as well be elected, as the Visiting Mission had recommended. He asked what stood in the way of the election of such representatives and whether a start could not be made in that direction.

45. Mr. JONES (Special Representative) replied that in areas where there was a concentration of local government councils at the present time and where the people had thus become accustomed to voting it might well be practicable to elect a representative. In many of the areas where there were as yet no such councils, however, it would be very difficult to draw up electoral rolls. In any case the voting would have to be restricted to the areas under full Administration control where a census had been taken. Even in those areas it would be extremely difficult to organize elections because the people would have to be taught how to vote and the existence of many different language groups would further complicate the operation. There would also be a serious risk of electoral corruption. As the areas "under Administration influence", which constituted a large part of the Territory, must also be represented, some representatives would still have to be nominated in order to maintain a balance between the areas.

46. Mr. RASGOTRA (India) thought that a different form of representation could be maintained for the areas not yet under full Administration control but that in the rest of the Territory the representatives should be elected. The annual report indicated on

page 31 that the free election method of appointment to councils tended to be in accord with the customary method of selecting chiefs. The people should therefore have the opportunity to elect their representatives not only to the local government councils but also to the Legislative Council; he hoped that they would soon be permitted to do so.

47. With regard to the representation of missionary organizations in the Legislative Council, a question which he had raised before the Trusteeship Council at the twenty-fourth session, it should be borne in mind that those organizations exercised political power and were indeed disproportionately represented: there were three representatives for 1,200 or 1,400 missionaries and in addition the missionaries participated in the election of other members of the Legislative Council. That anomaly was not likely to promote the development of democratic practices. He asked if the Administering Authority had considered the matter and was planning to do anything about it.

48. Mr. JONES (Special Representative) replied that the Administering Authority had given the matter considerable thought. The weight of the representation of the missionaries was justified by their great contribution to the development of the indigenous inhabitants. In particular, they played a very important part in education and public health. It was those considerations which had led the Administering Authority to accord them a representation which might appear to be out of proportion.

49. Mr. RASGOTRA (India), while recognizing the value of the work done by the missionaries in the Territory, felt that it did not justify their being allowed a special and disproportionate representation in the Legislative Council. He therefore hoped that the Administering Authority would continue to keep the matter under review and would put an end to that abnormal situation.

50. He then asked what was the situation in the Raluana area and what were the possibilities for the establishment of a local government council there, perhaps in 1960.

51. Mr. JONES (Special Representative) said that according to information dating from March the inhabitants of the Raluana area had sent a second petition asking for incorporation in the Vunamami Council, but that there did not appear to be as yet a clear majority in favour of the measure. The Administration was seeking to determine whether the people as a whole wanted to be incorporated with that Council.

52. In reply to a further question from Mr. RASGOTRA (India), Mr. JONES (Special Representative) stated that the normal procedure for the establishment of a local government council was the following: once it was determined that an area could support a council and that the majority of the people wanted one, the council was formed and elections took place. The case of the Raluana area, however, was an exception, difficulties having arisen from the fact that part of the population was firmly opposed to the idea of a Council.

53. Mr. RASGOTRA (India) noted the statement on page 31 of the annual report that the five Tolai Councils of the Gazelle Peninsula held meetings to discuss matters of common interest but that the time was not yet opportune to effect formal political federation

of those units. He asked what were the obstacles in the way of the establishment of a regional or area council which would explain the Administering Authority's caution in that respect.

54. Mr. JONES (Special Representative) replied that the local councils in question were ready to co-operate on certain matters, such as a common treasury, and that they had collaborated on a cacao plantation scheme the management of which included a representative from each council, and had decided to share the expenses of building a girls' boarding-school. Each council wanted, however, to retain its freedom of action in some matters. Nevertheless, the Administering Authority felt that the time was not far distant when those councils would desire to form a single regional or area council.

55. The Administering Authority's plan had been to establish local government councils, to be followed by area councils which would eventually nominate members for the Legislative Council. If the successful development of the local government councils continued, the question would arise whether there was really a need for the establishment of regional councils or whether representatives could not be elected directly from areas where a sufficient number of local government councils were established.

56. Mr. RASGOTRA (India) asked whether the Administration intended to await the decision of the High Court in the action relating to the Legislative Council or whether it planned to proceed with matters.

57. Mr. JONES (Special Representative) replied that the Administration did not intend to stand still. It would take a decision, but it would not be able to implement that decision until the situation resulting from the action before the High Court had been clarified.

58. Mr. RASGOTRA (India), referring to part V, chapter 5, of the annual report, said it was very strange that, in elections to the Legislative Council, all persons living in the Territory, except indigenes and certain aliens, were entitled to enrolment as electors.

59. Mr. JONES (Special Representative) recalled his earlier statement that it would be very difficult to prepare an electoral roll for the entire Territory. In the Administration's view, the political development of the people should start at the bottom rather than at the top; that was why it was promoting the establishment of Native local government councils. If, later, it was considered that broader elections could be held, indigenes in various areas would unquestionably have the right to vote.

60. Mr. RASGOTRA (India) remarked that, if the Administering Authority felt that the entire population of the Territory was not yet able to take part in elections to the Legislative Council, the people should at least be permitted to vote for less important bodies, such as regional councils. The indigenous inhabitants must be enabled to exercise the right to vote as a means of acquiring experience in the political process. In theory, they elected the Native local government councils, but, even at that level, the suffrage was subject to so many qualifications that he wondered how many people really voted.

61. Mr. JONES (Special Representative) said that, when a Native local government council was estab-

lished, the provisions relating to its establishment—method of voting, etc.—were made known in an official proclamation. Free elections, in which all persons over seventeen years of age were entitled to take part, were then held to elect the first members of the council. For subsequent elections, the councils themselves made regulations concerning eligibility to vote; the electors were usually taxpayers.

62. Mr. RASGOTRA (India) asked how many persons in the Territory had received primary or secondary education in mission or other schools and why they could not take part in elections to the Legislative Council.

63. Mr. JONES (Special Representative) read out, from page 125 of the annual report, the paragraph which dealt with illiteracy in the Territory. It was probably true to say that in the areas under Administration control there were many literate indigenes and that in all areas illiteracy among the indigenous people was decreasing. However, it would be very difficult to grant the suffrage only to the literate portion of the population and to determine who was and who was not sufficiently educated to understand what an election was.

64. In reply to another question from Mr. RASGOTRA (India), Mr. JONES (Special Representative) said that all male adults were automatically entered on the electoral roll for elections to the local government councils, provided that they paid the tax. If they did not pay it, they were not eligible to vote. Women were entered on the electoral roll only if they so desired, in which case they also were required to pay the tax.

65. Replying to a further question from Mr. RASGOTRA (India), Mr. JONES (Special Representative) said that it was an offence for a male residing in a council area not to pay the tax. It was not an offence for a female. If a woman wished to vote, she had to have her name entered on the taxpayers' register and pay the tax. As stated in the report, the tax rates applicable to females were much lower than those applied to males.

66. Mr. RASGOTRA (India) asked whether there had been any incidents in the Territory in 1959 of the kind which had occurred at Navuneram in 1958.

67. Mr. JONES (Special Representative) replied that there had not been. The situation at Navuneram was quite satisfactory; taxes were being paid, and the population was co-operating fully with the Administration.

68. Mr. RASGOTRA (India), noting that the annual report contained several references to the Commissioner's report on the Navuneram incidents, said he was sure the Council would like to know what recommendations the Commissioner had made.

69. Mr. JONES (Special Representative) replied that the Commissioner's report was a document of more than 200 pages. In it the Commissioner dealt with a number of matters, particularly the desirability of establishing closer contact with the people in the more developed areas, where new problems were arising in connexion with economic and social development. The Commissioner had recommended that more administrative staff should be concentrated in those areas, and the Administering Authority had done so; that was why it had been forced temporarily to slacken its effort to bring the "restricted areas" under Ad-

ministration influence. The Commissioner had also expressed the view that it would be preferable to send magistrates to the highly developed areas who were not also officers of the Department of Native Affairs.

70. The Administration had followed up the Commissioner's recommendations by appointing a committee consisting of the Secretary of the Department of Territories, the Administrator of the Territory, and the Public Service Commissioner. The committee had appointed a sub-committee composed of experienced officers from the Trust Territory to assist it. The committee's report and recommendations were now under examination at the ministerial level.

71. The Minister for Territories had made a very full report on 19 February 1959 on the Commissioner's recommendations; it had been published in Australian Federal Hansard.^{2/} However, he would ask whether it was possible to make a copy of the Commissioner's report available to the Trusteeship Council.

72. Mr. RASGOTRA (India), referring to the map contained in appendix II of the annual report, noted that at the present rate of progress another thirty years or so would be required to bring the entire Territory under Administration control.

73. Mr. JONES (Special Representative) said that the Administering Authority certainly did not intend to wait thirty years before bringing the entire Territory under its control. As he had already explained, however, the highly developed areas had mounting needs

^{2/} Commonwealth of Australia, Parliamentary Debates (Hansard), First Session of the Twenty-third Parliament (First Period), House of Representatives (Canberra, A. J. Arthur, Commonwealth Government Printer, 1959).

which could be met only by constantly increasing the available staff, and it was difficult to provide the additional staff while at the same time attempting to bring the remaining "restricted areas" under full Administration control. Nevertheless, the number of patrol officers was being steadily increased. It was also to be noted that the area not yet brought under Administration influence contained only 78,000 inhabitants out of a grand total of 1,360,000.

74. Replying to another question from Mr. RASGOTRA (India), Mr. JONES (Special Representative) said that the Administration was at present preparing a new plan designed to bring the remaining "restricted areas" under its control more rapidly, but that the plan had not yet been completed.

75. Mr. RASGOTRA (India) asked whether the Administering Authority had done anything special, during the past year or year and a half, to accelerate the training of indigenous officers for the Auxiliary Division or the regular grades of the Public Service.

76. Mr. JONES (Special Representative) replied that it had. The Administration had taken active steps to provide training for indigenous inhabitants, particularly those of the class known as Administration servants, and to enable them to enter the Auxiliary Division of the Public Service. Officers of the Auxiliary Division could themselves take courses which were given during and after working hours. Those who worked outside the urban centres took correspondence courses. The Department of Education was now in charge of all courses for officers of the Auxiliary Division.

The meeting rose at 5.55 p.m.