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President: Mr. Max H. DORSINVILLE (Haiti).

Present:

The representatives of the following States: Australia, Belgium, Burma, China, France, Haiti, 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: Food and Agriculture Organization of the United Nations; United Nations Educational, Scientific and Cultural Organization.

Examination of conditions in the Trust Territory of New Guinea (concluded):

- (i) Annual report of the Administering Authority for the year ended 30 June 1958 (T/1464 and Add.1, T/1472 and Corr.1, T/L.914 and Add.1, T/L.939);
- (ii) Petition raising general questions (T/PET.GEN/L.3);
- (iii) Report of the United Nations Visiting Mission to the Trust Territories of Nauru, New Guinea and the Pacific Islands, 1959 (T/1451)

[Agenda items 3 (c), 4 and 6]

REPORT OF THE DRAFTING COMMITTEE ON NEW GUINEA (T/L.939) (concluded)

- 1. The PRESIDENT invited the Council to continue its consideration of paragraph 13 of the annex to the report of the Drafting Committee on New Guinea (T/L.939).
- 2. Mr. OBEREMKO (Union of Soviet Socialist Republics) said he had understood the members of the Council to agree at the previous meeting that it would be better not to single out any particular international institution. He proposed that the last part of the paragraph should be amended to read: "...seek financial and expert assistance from the specialized agencies of the United Nations and other international organizations".
- 3. The PRESIDENT put to the vote the USSR proposal that the words "assistance from international institutions such as the International Bank for Reconstruction and Development", in the Drafting Committee's text of paragraph 13, should be deleted.

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

- 4. The PRESIDENT put to the vote the USSR proposal that the words "international community" should be replaced by "United Nations"; and the United Kingdom proposal, put forward at the previous meeting, that the words "and other international bodies" should be added at the end of the sentence.

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

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

- 5. Mr. KELLY (Australia) reserved his delegation's position with regard to paragraph 13 as amended.

6. He had abstained in the vote for two reasons: firstly, because the paragraph as adopted did not faithfully reflect the views of the United Nations Visiting Mission to the Trust Territories of Nauru, New Guinea and the Pacific Islands, 1959; and secondly, because the last part of the sentence failed to make it clear from which of the specialized agencies financial and expert assistance respectively were to be sought.

7. Mr. KIANG (China) said he had abstained because in his delegation's view the paragraph as originally drafted more correctly reflected the Visiting Mission's report (T/1451), in which emphasis had been placed on financial assistance.

8. Mr. CASTON (United Kingdom) said he had voted in favour of the amended text because it left the Administering Authority free to seek financial and expert assistance from the appropriate sources.

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

9. Mr. OBEREMKO (Union of Soviet Socialist Republics) asked for separate votes on the first and second sentences of paragraph 15. He would abstain on the first and vote in favour of the second.

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

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

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

Paragraph 16 was adopted unanimously.

10. Mr. GUPTA (India) said that his delegation had proposed the addition of a new paragraph (T/L.941, para.6) after paragraph 16, since the subject of industry was not mentioned in the report of the Drafting Committee. The Indian amendment was designed to fill that gap.

11. Mr. CASTON (United Kingdom) pointed out that, whereas the first sentence of the Indian amendment related to industry, the second related almost entirely to agriculture. Since there was a reference in the first

sentence to the establishment of secondary industries, he wondered whether it was necessary to make a specific reference to sugar-cane production.

12. Mr. GUPTA (India) said that his delegation could not delete the second sentence of its amendment, for it referred to a specific possibility, namely, the establishment of a sugar industry in the Trust Territory.

The additional paragraph proposed by India (T/L.941, para.6) was adopted by 6 votes to none, with 7 abstentions.

13. Mr. KELLY (Australia) asked for a separate vote on the words "in future" in the sentence proposed by the Indian delegation (T/L.941, para.7) as an addition to paragraph 17. The retention of those words would imply that in the past the needs and interests of the indigenous people had been jeopardized, a view which his delegation could not accept.

14. He also asked for a separate vote on the words "with concern" in the first sentence of paragraph 17 of the report. The Administering Authority was endeavouring to persuade the indigenous inhabitants no longer to confine their attention to subsistence agriculture but to develop cash cropping. In some areas that might mean that there was insufficient land for both subsistence agriculture and cash crops and that additional land would have to be provided. That should be a cause for congratulation rather than concern.

15. His delegation could endorse the second sentence of paragraph 17.

16. He had reservations with regard to the third sentence because the resettlement projects referred to were of an experimental nature and had never been expected to provide a final solution to the problem of population pressure arising from more intensive agricultural development. Since, however, he did not wish to oppose the views of the Visiting Mission, he would abstain on that sentence if it were put to the vote.

17. Mr. GUPTA (India) said that the words should be "the future" rather than "in future", which was a typographical error.

18. Mr. KELLY (Australia) agreed to that wording, which merely described what would in any event be the attitude of the Administering Authority.

19. Mr. MUFTI (United Arab Republic) said that the recommendation formulated in the Indian amendment should not apply only to resettlement schemes. He therefore proposed that the words "as a general rule" should be inserted before the words "to ensure" and that the words "present and" should be inserted before "future".

20. Mr. GUPTA (India) accepted those proposals.

21. Mr. SALOMON (Haiti) said that he would vote in favour of the words "with concern". He thought paragraph 17 made it quite clear that the Council's concern was not caused by the shortage of land in itself but by the fact, mentioned by the Visiting Mission in paragraph 140 of its report (T/1451), that in areas where the people needed land there were considerable tracts of alienated land which were not being used.

22. Mr. KELLY (Australia) said that the Administering Authority's practice was to take fully into account, both as a general rule and in particular circumstances, the present and future needs of the indigenous

people in the matter of the acquisition of land. The Indian amendment and the sub-amendments proposed by the representative of the United Arab Republic therefore called on the Administering Authority to take action which it was already committed to take. He would vote in favour of the Indian amendment with the sub-amendments proposed by the United Arab Republic.

23. Mr. OBEREMKO (Union of Soviet Socialist Republics), while conceding that the original Indian amendment was improved by the sub-amendments proposed by the United Arab Republic, said that he would still be unable to vote in favour of it, for his delegation always maintained as a matter of principle that land belonging to indigenous inhabitants should not be alienated in favour of non-indigenous persons in any circumstances whatsoever.

The Indian amendment (T/L.941, para.7), with the sub-amendments proposed orally by the representative of the United Arab Republic, was adopted by 12 votes to none, with 1 abstention.

24. The PRESIDENT put to the vote the words "with concern" in paragraph 17.

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

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

The Council decided by 7 votes to 6, with 1 abstention, to delete the words in question.

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

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

25. Mr. OBEREMKO (Union of Soviet Socialist Republics) took exception to the phrase "discriminatory provisions which are not in the interests of the indigenous people" in paragraph 19, for he could not see how discriminatory measures could be in the interests of the indigenous people.

26. Mr. KELLY (Australia) explained that there were certain legislative provisions in the Trust Territory which discriminated against non-indigenous inhabitants. For example, indigenous inhabitants were not allowed to dispose of their land to non-indigenous people and non-indigenous people were not allowed freely to enter areas which had not yet been penetrated by patrols. Some such provisions must be maintained for the time being in order to protect the interests of the indigenous inhabitants.

27. Mr. OBEREMKO (Union of Soviet Socialist Republics) could not agree with the use of the word "discriminatory" to describe provisions intended to protect the indigenous inhabitants. He proposed the deletion of the words "which are not in the interests of the indigenous people".

28. Mr. CASTON (United Kingdom) opposed that suggestion.

29. Mr. MUFTI (United Arab Republic) proposed the addition at the end of the paragraph of the phrase "and invites the Administering Authority to forward the results of this examination to it".

30. Mr. KELLY (Australia) said he would be unable to vote in favour of that proposal since the phrase suggested was too vague and general.

31. The present position was that the total body of legislation in the Territory was being closely examined and that no doubt in the near future the Administering Authority would propose to the Legislative Council the deletion of a number of provisions that had been justified in the past but were no longer so. If, after investigation, the Administering Authority came to the conclusion that certain discriminatory provisions must be retained for the protection of the indigenous inhabitants, the special representative would be able to inform the Council of the fact in 1960 or 1961. A great deal of preliminary work would, however, be required. He felt that the time to communicate results to the Trusteeship Council would be when the necessary legislative amendments had been put into effect. He therefore hoped that the amendment proposed by the representative of the United Arab Republic would not be adopted.

32. Mr. MUFTI (United Arab Republic) said that, in order to meet the views of the Australian representative, he would reword his amendment to read: "and invites the Administering Authority to forward the results of this examination to it as they are received".

33. Mr. KELLY (Australia) regretted that he would be unable to accept that amendment without having authority to do so from his Government. He would therefore have to oppose the amendment, although he had no doubt that the Administering Authority would in due course take the action suggested.

34. Mr. OBEREMKO (Union of Soviet Socialist Republics) withdrew his former proposal and proposed instead the deletion of the word "discriminatory".

35. Mr. KELLY (Australia) said he had no objection to that amendment; it would not change the meaning of the phrase because those provisions which were in the interests of the indigenous people and discriminated against non-indigenous inhabitants would be retained.

In the absence of any objection, the USSR amendment was adopted.

The additional phrase proposed by the representative of the United Arab Republic was adopted by 7 votes to 2, with 4 abstentions.

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

Paragraph 20 was adopted by 12 votes to none.

36. Mr. OBEREMKO (Union of Soviet Socialist Republics) asked that a separate vote should be taken on the latter part of paragraph 21, from the words "the Council recommends", in the second sentence, to the end of the paragraph; that part of the paragraph contained a positive recommendation which his delegation could support.

That part of paragraph 21 was adopted unanimously.

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

Paragraph 22 was adopted unanimously.

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

Paragraph 24 was adopted unanimously.

37. The PRESIDENT drew attention to the Indian amendment to paragraph 25 (T/L.941, para.8).

38. Mr. OBEREMKO (Union of Soviet Socialist Republics) asked that the words in the Indian amendment "The Council is confident that" should be replaced by the words "The Council expresses the hope that".

39. Mr. GUPTA (India) accepted that amendment.

The Indian amendment to paragraph 25 (T/L.941, para.8), as amended by the USSR representative, was adopted by 11 votes to none, with 2 abstentions.

Paragraph 25, as amended, was adopted unanimously.

40. Mr. KELLY (Australia) asked for clarification concerning the Indian amendment (T/L.941, para.9) to paragraph 26.

41. Mr. GUPTA (India) replied that the purpose of his amendment was to encourage increased control over education by the Administering Authority. He added that a trend in that direction was already noticeable from paragraph 193 of the Visiting Mission's report.

42. Mr. KELLY (Australia) said that, on that distinct understanding, he would support the amendment.

The Indian amendment to paragraph 26 (T/L.941, para.9) was adopted by 11 votes to none, with 3 abstentions.

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

43. Mr. CASTON (United Kingdom) suggested that the expression "to undertake vertical expansion of" in the Indian amendment to paragraph 27 (T/L.941, para. 10) should be replaced by the word "expand".

44. Mr. GUPTA (India) accepted that amendment.

45. Mr. KELLY (Australia) said that, in the Indian amendment, the Council appeared to be passing judgement on the falling-off in school attendance. In his opinion it was not for the Council to formulate such a judgement, which, moreover, was not in keeping with the facts. He would therefore abstain.

The Indian amendment to paragraph 27 (T/L.941, para. 10), as amended by the United Kingdom representative's proposal, was adopted by 5 votes to none, with 6 abstentions.

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

Paragraph 28 was adopted unanimously.

46. Mr. GUPTA (India) proposed that his delegation's amendment to paragraph 29 (T/L.941, para. 11) should become a new paragraph 30, the existing paragraph 30 being re-numbered 31.

It was so agreed.

Paragraph 29 was adopted unanimously.

47. Mr. KELLY (Australia) said that he would abstain on the new paragraph 30 proposed by the Indian representative. The multiplicity of languages spoken in any given plantation made it practically impossible to arrange for adult education. Incidentally, the proposal referred to only a fraction of the population.

The new paragraph 30 proposed by India (T/L.941, para. 11) was adopted by 8 votes to none, with 6 abstentions.

Paragraph 30 of the annex to the Drafting Committee's report (T/L.939), which was to become paragraph 31, was adopted unanimously.

48. The PRESIDENT invited the Council to consider paragraph 6 of the report, in which the Drafting Committee stated that it had been unable to agree on a single draft conclusion on the question of the establishment of intermediate target dates and had consequently submitted two alternative proposals, A and B, sponsored respectively by the representative of Haiti and the representative of New Zealand.

49. Mr. SALOMON (Haiti) said that, in proposing alternative A, his delegation had wished to meet the views of the various members of the Drafting Committee and at the same time to take General Assembly resolution 1274 (XIII) into account. His delegation could not accept alternative B: no assurance had in fact been received from the Administering Authority that it would continue to adopt plans for the advancement of the indigenous people. Furthermore, it was illogical for the Council to take note of such an assurance in the first paragraph of the conclusion, and then, in the second paragraph, to express the hope that the Administering Authority would continue to adopt plans. The Visiting Mission itself had been struck by the absence of any comprehensive and integrated development plan.

50. Mr. MUFTI (United Arab Republic) said that his delegation could not support alternative B because it left the Administering Authority free to decide whether or not the plans adopted would assist in the promotion of the objectives of Article 76 b of the Charter. In the past, the Council had expressed itself in favour of the establishment of target dates. His delegation would support alternative A.

51. Mr. OBEREMKO (Union of Soviet Socialist Republics) supported the point of view expressed by the delegation of the United Arab Republic. Alternative B was inconsistent with General Assembly resolution 1274 (XIII) and was worded in such a way as to meet the views of any Administering Authority which had no intention of preparing plans with target dates.

52. Mr. ATKINS (New Zealand) said that, while his delegation had expressed its appreciation of the efforts made by the delegation of Haiti to reach a compromise, it had been unable to accept as a general proposition that, unless an Administering Authority revealed its plans for future development, the necessary pre-conditions for the attainment of the objectives of the Trusteeship System could not be attained.

53. Mr. GUPTA (India) said that his delegation supported alternative A. He suggested, however, that the word "implementation" in the last sentence should be replaced by the word "fulfilment".

54. Mr. SALOMON (Haiti) accepted that amendment.

55. Mr. KELLY (Australia) said that there were in the Council profound differences of opinion with respect to the juridical issues involved. His delegation maintained the views it had always expressed. The contention that full discretion in the matter should not be left to the Administering Authority was contrary to article 2 of the Trusteeship Agreement; the objectives of Article 76 of the Charter should be pursued in accordance with the terms of that Agreement, which had not been modified by a subsequent resolution of the General Assembly. The Administering Authority had in fact given assur-

ances that it would continue to adopt plans, with tentative intermediate target dates where appropriate, for the progressive economic, social, educational and political advancement of the indigenous people, whenever it was satisfied that that would assist in the promotion of the objective expressed in Article 76 b of the Charter. Alternative A could also be regarded as unacceptable because it went further than the General Assembly resolution and expressed the hope that the Administering Authority would adopt development plans "without delay", whereas General Assembly resolution 1274 (XIII) referred to "early" intermediate targets and dates.

56. Mr. MUFTI (United Arab Republic) said that, while his delegation did not object to the Administering Authority being allowed some latitude, it could not agree that the Administering Authority should be left free to decide whether the adoption of plans would establish the necessary prior conditions for the promotion of the objectives of the Charter.

57. Mr. SALOMON (Haiti) said that he could not agree that alternative A went further than General Assembly resolution 1274 (XIII). On the contrary, in it the Council merely expressed a hope, whereas the General Assembly resolution formally invited the Administering Authority to take such steps.

58. The PRESIDENT invited the Council to vote on proposal A in paragraph 6 of the report (T/L.939).

At the request of the representative of the United Arab Republic, a vote was taken by roll-call.

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

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

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

Proposal A was adopted by 8 votes to 6.

59. The PRESIDENT invited the Council to consider the recommendation in paragraph 7 of the Drafting Committee's report (T/L.939) to the effect that the working paper prepared by the Secretariat on conditions in the Trust Territory of New Guinea (T/L.914 and Add.1) should be adopted as the basic text for the chapter on that Territory to be included in the Council's next report to the General Assembly.

60. Mr. OBEREMKO (Union of Soviet Socialist Republics) observed that, in the second paragraph of the new sub-section entitled "International and regional relations" proposed in document T/L.914/add.1, there was a reference to "Netherlands New Guinea". As the Council was aware, the Territory in question was known as West Irian and was an integral part of Indonesia. He considered it inadmissible that an official report from the Council should use such a term, especially in view of the fact that the State directly interested, not being a member of the Council, was unable to express its views. Accordingly, he proposed that the whole of the second paragraph should be deleted.

61. Mr. MUFTI (United Arab Republic) supported that proposal.

62. Mr. KELLY (Australia) pointed out that, since his country recognized the sovereignty of the Netherlands over Netherlands New Guinea, it used the title "Netherlands New Guinea" in its communications to the Council. Since the passage in question referred to a statement made by his country, he could not agree to the introduction of an expression which it had not used.
63. Mr. OBEREMKO (Union of Soviet Socialist Republics) observed that he had merely proposed the deletion of the paragraph. His delegation considered West Irian to be an inalienable part of Indonesia and had made a statement to that effect during the general debate. He did not wish to reopen the discussion on the substance of the paragraph, but if the words in question, originally used by the special representative, were included in the report, it would imply that the Council approved that terminology. In his view, the Council should not act in that way; much the best course would be to omit that paragraph altogether.
64. Mr. GUPTA (India) said that his Government did not recognize any sovereignty over the Territory in question other than that of Indonesia. His delegation's vote would be guided by that consideration.
65. Mr. MUFTI (United Arab Republic) felt that the passage could be redrafted so as to make it clear that it was quoting a statement by the representative of the Administering Authority and to record that three representatives had expressed reservations on the subject.
66. Mr. KELLY (Australia) said that, in his opinion, the discussion was out of order, since the Council was not concerned with Non-Self-Governing Territories.
67. The PRESIDENT said that the Council was entitled to discuss any matter which was placed before it.
68. Mr. KELLY (Australia) pointed out that the expression "Netherlands New Guinea" had been used in the observations submitted by the World Health Organization (T/1472 and Corr.1). Moreover, the Committee on Information from Non-Self-Governing Territories received information from Netherlands New Guinea. He had no objection to the proposal made by the representative of the United Arab Republic for redrafting the paragraph to make it clear that the statement was that of the Administering Authority.
69. Mr. CASTON (United Kingdom) said that, following up the suggestion made by the representative of the United Arab Republic, he would propose that the words "by the Administering Authority" should be inserted after the word "informed" at the beginning of the passage in question. No other change was necessary.
70. Mr. MUFTI (United Arab Republic) said that the United Kingdom proposal failed to take into account his suggestion that there should be some reference to the reservations expressed by three delegations.
71. Mr. HOOD (Australia) said that the sub-section in question was a purely factual record of conditions in the Trust Territory as reported by the Administering Authority. It was headed "International and regional relations"; if the whole of the second paragraph was omitted, that heading would be misleading.
72. Mr. KIANG (China) suggested that the difficulty might be obviated by including the paragraph in the part of the report devoted to the observations made by members of the Trusteeship Council.
73. Mr. MUFTI (United Arab Republic) agreed. The reservations expressed by certain delegations could also be included under "Observations". If the USSR proposal that the paragraph should be deleted were adopted, the possibility of including it under "Observations" must be left open.
74. Mr. HOOD (Australia) said that the paragraph dealt with facts; it would therefore be inappropriate to include it under "Observations".
75. Mr. OBEREMKO (Union of Soviet Socialist Republics) said that another solution would be to put the paragraph in question in direct speech, as a quotation from the statement made by the special representative. That could be followed by a reference to the statements made by certain members of the Council.
76. Mr. MUFTI (United Arab Republic) supported that suggestion.
77. Mr. CASTON (United Kingdom) said that he saw no point in using direct speech. If the opening words were rephrased to read "The Council was also informed by the Administering Authority that..." it would be quite clear that that was the terminology used by the representative of the Administering Authority.
78. Mr. HOOD (Australia) said that he had no objection to the use of direct speech but he did not see how reservations regarding statements of fact could be included in an outline of conditions; such reservations should more properly be placed under the observations made by members of the Council.
79. Mr. OBEREMKO (Union of Soviet Socialist Republics) said that the views expressed by the United Arab Republic, India and the USSR were also a statement of fact: for those delegations West Irian was an integral part of Indonesia. It had been to avoid that difficulty that his delegation had suggested the deletion from the report of any reference to the area. If, however, the views of one side were to be expressed, the views of the other side must also be given.
80. Mr. DE CAMARET (France) said that to include the special representative's remarks in direct speech in the report would involve discrimination. There was no reason why some of the statements made by the special representative should be given special treatment because certain delegations considered them to have political implications.
81. Mr. KIANG (China) suggested that a footnote should be added stating which delegations had objected to the use of the term "Netherlands New Guinea".
82. Mr. MUFTI (United Arab Republic) suggested that the opening words of the paragraph should read: "The special representative of the Administering Authority, at the 1001st meeting of the Council, stated that...". The text of the statement would then follow, after which the following sentence should be added: "The Council noted the specific reservations made by the delegations of India, the United Arab Republic and the USSR as regards the expression 'Netherlands New Guinea' appearing in the statement by the Administering Authority".
83. Miss TENZER (Belgium) suggested that the last sentence should read: "The representatives of India, the United Arab Republic and the USSR made reservations as regards the terminology used".
84. Mr. MUFTI (United Arab Republic) was prepared to accept the Belgian representative's suggestion.

85. Mr. HOOD (Australia) said that, if there were no other alternative, the President could mention the reservations that had been expressed when he presented the report of the Trusteeship Council to the General Assembly.

86. The PRESIDENT invited comments on the solution proposed by the representative of the United Arab Republic and amended by the Belgian representative.

87. Mr. KIANG (China) and Mr. HOOD (Australia) said that they thought that proposal would change the status of the document. A footnote would be a better solution.

88. Mr. MUFTI (United Arab Republic) said that the inclusion of a footnote would be tantamount to giving greater weight to the expression used by the representative of the Administering Authority than to the views of the three delegations which objected to that expression. Whatever solution was adopted it must be on a basis of equality.

89. Mr. CASTON (United Kingdom) said that he would support the proposal of the representative of the United Arab Republic since it seemed likely to command general support. He would himself have preferred to deal

with the matter in a different way, such as that suggested by the representatives of Australia and China; but since it had been raised, some generally acceptable solution must be found.

90. He therefore formally proposed that the words "The Council was also informed" should be replaced by "The special representative of the Administering Authority, at the 1001st meeting of the Council, made a statement that..." and that the following new sentence should be added at the end of the paragraph: "Reservations were made by the representatives of India, the Union of Soviet Socialist Republics and the United Arab Republic regarding the expression 'Netherlands New Guinea' which figured in the statement of the Administering Authority".

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

Paragraph 7 of the Drafting Committee's report (T/L.939) was adopted by 10 votes to 1, with 2 abstentions.

The meeting rose at 6.10 p.m.