# UNITED NATIONS



# TRUSTEESHIP COUNCIL

Page

Twenty-fourth Session OFFICIAL RECORDS

#### CONTENTS

Opening of the twenty-fourth session	1
Tribute to the memory of Mr. John Foster Dulles.	. 1
Adoption of the agenda	1
eport of the Secretary-General on credentials	2
<ul> <li>Examination of conditions in the Trust Territory of Western Samoa:</li> <li>(i) Annual report of the Administering Authority for the year 1958;</li> <li>(ii) Report of the United Nations Visiting Mission to</li> </ul>	
the Trust Territory of Western Samoa, 1959	
Opening statements	2

## 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: International Labour Organisation; Food and Agriculture Organization of the United Nations; United Nations Educational, Scientific and Cultural Organization; World Health Organization.

#### **Opening of the Twenty-Fourth Session**

1. The PRESIDENT declared open the twenty-fourth session of the Trusteeship Council.

2. He then welcomed Mr. McIntosh (New Zealand) and Mr. Oberemko (Union of Soviet Socialist Republics).

## Tribute to the memory of Mr. John Foster Dulles

3. The PRESIDENT paid a tribute to the memory of Mr. John Foster Dulles, former Secretary of State of the United States of America, and recalled the leading role which he had played in the work of the United Nations and, in particular, in the preparation of Chapters XII and XIII of the Charter and the first nine Trusteeship Agreements.

### Adoption of the Agenda (T/1445 and Add.1)

# [Agenda item 1]

At the invitation of the President, Mr. Baradi (Philippines), Chairman of the United Nations Advisory Council for the Trust Territory of Somaliland under Italian Administration, took a place at the Council table. 967th (Opening) Meeting

Tuesday, 2 June 1959, at 3 p.m.

#### NEW YORK

4. The PRESIDENT invited the members of the Council to consider the provisional agenda (T/1445 and Add.1).

5. Mr. KOSCZIUSKO-MORIZET (France) pointed out that the annual report of the Administering Authority on conditions in Togoland in  $1957\frac{1}{}$  dealt with problems which had been outdistanced by events, since the General Assembly had in the meantime taken a decision concerning the future of that Territory (General Assembly resolution 1253 (XIII)). Any discussion of the subject would therefore be purely academic. However, out of courtesy to the Trusteeship Council the French Government intended to make a statement on developments in Togoland since the General Assembly's decision. The French delegation would at that time indicate the date finally selected, in agreement with the government of Togoland, for the Territory's independence. On the request of the French Government, the Government of Togoland had appointed Mr. Freitas. Minister of State, to represent it before the Trusteeship Council, and he requested the Council to postpone consideration of the agenda item in question until Mr. Freitas' arrival in New York.

6. Mr. OBEREMKO (Union of Soviet Socialist Republics) proposed that the communications which the Trusteeship Council also had to examine under rule 24 of its rules of procedure should be added to the list of petitions in document T/1445/Add.1.

It was so decided.

7. Mr. BARADI (Philippines), Chairman of the United Nations Advisory Council for the Trust Territory of Somaliland under Italian Administration, recalled that under article 25 of the Trusteeship Agreement for that Territory the Administering Authority was required to submit to the Trusteeship Council eighteen months before the expiration of the Agreement a plan for the orderly transfer of all the functions of government to a duly constituted independent Government of the Territory. Since the Trusteeship Agreement would expire on 2 December 1960, the eighteen-month period began on 2 June 1959. The Advisory Council, which had to be consulted by the Administering Authority under article 8 of the Trusteeship Agreement, had not received the plan for the transfer of powers when it had adopted its report for the period 1 April 1958-31 March 1959 (T/1444) and had therefore been unable to comment on it as instructed. On 28 May 1959 the Administering Authority had informed the Chairman of the Advisory Council that the plan was not yet ready. The Advisory Council had held its last meeting at Mogadiscio on 29 May 1959 and had decided to submit a supplementary report to the Trusteeship Council upon receipt of that important document.

<sup>1/</sup> Rapport annuel du Gouvernement français à l'Assemblée générale des Nations Unies sur l'administration du Togo placé sous la tutelle de la France, année 1957 (Imprimerie Chaix, 126, Rue des Rosiers, St.-Ouen [Seine], 1958). Transmitted to members of the Trusteeship Council by the Secretary-General under cover of document T/1443.

8. Mr. VITELLI (Italy) drew attention to the letter from the Permanent Representative of Italy to the Secretary-General (T/1454), which explained why the Administering Authority had as yet been unable to submit the plan for the transfer of powers called for under article 25 of the Trusteeship Agreement. His delegation would furnish all the relevant information as soon as possible. There had been consultations on the subject in the last few days between the Administrator of the Territory and the Advisory Council.

9. Mr. BARADI (Philippines), Chairman of the Advisory Council, noted that document T/1454 had been circulated to the Council that very day. The consultations between the Administrator of the Territory and the Advisory Council had taken place on 28 May, when he himself had conferred with the Administrator and they had been concerned not with the transfer plan itself but with its general tenor. The Advisory Council had not yet received the official plan.

The provisional agenda (T/1445 and Add.1) was adopted.

#### Report of the Secretary-General on Credentials

## [Agenda item 2]

10. The PRESIDENT said that the Secretary-General had not yet received the credentials of all the members of the Council and had accordingly been unable to submit his report on credentials. He therefore suggested that consideration of the item should be postponed.

It was so decided.

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Examination of conditions in the Trust Territory of Western Samoa:

- (i) Annual report of the Administering Authority for the year 1958 (T/1450, T/L.908);
- (ii) Report of the United Nations Visiting Mission to the Trust Territory of Western Samoa, 1959 (T/ 1449)

#### [Agenda items 3(g) and 5]

At the invitation of the President, Mr. Lall, Chairman of the United Nations Visiting Mission to the Trust Territory of Western Samoa, 1959, took a place at the Council table.

#### OPENING STATEMENTS

11. Mr. McINTOSH (New Zealand) congratulated the members of the United Nations Visiting Mission to the Trust Territory of Western Samoa on the comprehensive and valuable report they had presented to the Council (T/1449). Generally speaking, the Administering Authority approved of its contents, but as it had been unable to study them in detail with the Samoan leaders, it was not yet in a position to make final comments on all the points raised in the document.

12. His Government had every reason to believe that its views on the attainment of the objectives of trusteeship, set forth in chapter II of the report, were in agreement with those of the Samoans, since it had no interests of its own beyond a desire to provide an independent Western Samoa with any assistance that it might need. The Samoans had expressed the wish to conclude a treaty of friendship with New Zealand; the treaty would not be ratified until after the termination of the Trusteeship Agreement, so that the parties thereto would have equal status. The Administering Authority wished to emphasize that the attainment of self-government or independence by Western Samoa would be in no way conditional upon the conclusion of a treaty of friendship. It felt that the instrument in question could be a short document recognizing the independence of Western Samoa, declaring that relations between the two countries would be conducted in a spirit of goodwill and arranging for the conduct of Western Samoa's foreign relations by New Zealand save for matters which by agreement would be entrusted to Samoa. It was also envisaged that there would be consultations between New Zealand and Western Samoa on all matters of foreign affairs which concerned the Territory. As the treaty would be between independent countries, either party would be able to terminate it after a specified period of notice.

13. The Samoan leaders had suggested that New Zealand should undertake the protection or defence of Western Samoa. New Zealand was willing to undertake that responsibility. While it had not yet been possible to consult the Samoans on defensive arrangements, New Zealand considered that it might not be necessary to make specific provision for that in the treaty of friendship. Western Samoa would not be a party to any of New Zealand's defence alliances unless it so wished, nor was it intended to make provision for the creation of bases in Western Samoa or the stationing of New Zealand troops there.

14. It was expected that a series of minor or <u>ad hoc</u> agreements on arrangements could also be worked out to cover such matters as the recruitment of New Zealand staff by the Samoan Government, civil aviation, audit, posts and telegraphs, superannuation, and the judiciary.

15. The Fautua and elected members of the legislature had requested that a plebiscite by universal suffrage should be held before trusteeship was terminated. They had suggested in general terms the matters with which that consultation should be concerned, namely, the termination of the Trusteeship Agreement, the proposed constitution and the treaty of friendship. The Administering Authority concurred in the Mission's view that the resolution adopted by the Samoan representatives met the particular circumstances of the Territory. At the appropriate time the form and detailed substance of the questions to be put in the plebiscite should, in consultation with the Administering Authority, be agreed upon by the General Assembly. New Zealand would co-operate fully with the United Nations and the Samoan authorities in making the necessary arrangements for the holding of the plebiscite under United Nations supervision.

16. At Wellington, the Prime Minister of New Zealand had informed the Visiting Mission of a broad and tentative time-table which had been prepared for the steps leading to the termination of the Trusteeship Agreement, while stating that until such time as it was possible to gauge the success of the proposed cabinet system of government, any specific time-table must be regarded as an ideal one. The draft time-table was of course based on the premise that satisfactory progress would be made at each stage of political and constitutional development. Any marked delay or deviation would inevitably affect the completion of the programme as a whole. The only suggestion which the Executive Council had made concerning the time-table, which appeared in paragraph 174 of the Mission's report, was that the proposed Constitutional Convention should be held before, not after, the general elections in 1960. For various reasons the Administering Authority favoured the retention of the existing timetable and doubted the wisdom of advancing the date of the Convention. However, that was essentially a matter to be discussed between the Administering Authority and the Samoan leaders. As the Mission had advocated, the New Zealand Government would ensure that the main terms of the draft constitution and electoral laws were made public in a definite form well before the expiry of the twelve-month period during which certain persons might be required to opt for or against Samoan citizenship.

17. The Administering Authority had been most gratified that the Samoan leaders had so readily accepted the proposals for the system of cabinet government which it had proposed in March 1959. It had agreed to several modifications they had suggested and had taken the necessary steps to institute the system on 1 October 1959, or earlier than had previously been intended. The first stage was of a transitional nature designed to provide political experience to the Samoan leaders and to the members of the Legislative Assembly. Eventually, leadership and responsibility would rest with a Prime Minister and Cabinet responsible to the Assembly, and the provision for the review of Cabinet decisions by the Executive Council would then be removed.

18. Agreement had already been reached on all but one or two points concerning citizenship and the Administering Authority was hopeful that it would be possible to prepare a draft citizenship bill for presentation to the Samoan Legislative Assembly in August 1959. The Administering Authority agreed with the Visiting Mission that a common Western Samoan citizenship should be related not to race or blood but to loyalty and allegiance to Western Samoa. For many years, its policy had been to develop a united Samoan people and it hoped that the creation of Western Samoan citizenship would furnish an opportunity for the abolition of legal distinctions based on race, which had become outmoded and unnecessary. The New Zealand Government therefore agreed with the Mission that some non-racial basis should be found for the registration of those persons who elected representatives to the legislature by universal suffrage, as distinct from matai suffrage. The Mission had put forward very helpful suggestions on that matter and the leaders of all sections of the Western Samoan community would assuredly give them every consideration. It was hoped, moreover, that they would be able to accept the Mission's suggestion whereby in matai constituencies, whenever two or more candidates presented duly completed nomination papers, an election should be held by secret ballot.

19. The New Zealand Government was in full agreement with the Mission's view that provision for the protection of human rights should be made in the constitution of Samoa; the Samoan leaders would take into account the opinions expressed by the Mission in that connexion. It was believed that the recent statement of the Council of State concerning respect for land and property rights would be received with great satisfaction in the Territory. The Administering Authority noted that the Mission adopted an attitude similar to its own concerning the need to prescribe precisely in the constitution the method of selecting the Head of State; it would continue to encourage the Samoans to reach a decision on that problem and would keep the United Nations informed of developments.

20. The Administering Authority also adhered to the view that appropriate provision should be made in the constitution for the independence of the public service. It favoured the Mission's suggestion that the Public Service Commission should consist of the Public Service Commissioner as full-time administrator and two part-time members. The Commission should make most appointments to posts in the public service after consultation with the Cabinet, but appointments to certain important posts, such as the Senior Financial Adviser and the Senior Legal Adviser, should be made by the Cabinet. It was agreed that the Appeal Board should be retained.

21. The New Zealand Government was doing its best to ensure that at the time when trusteeship was terminated, Western Samoa had an efficiently organized public service. The training of public servants was a matter with which appropriate territorial authorities had been dealing for some time. The list of posts for which Samoans ought to be trained, mentioned in paragraph 89 of the Mission's report, had been drawn up and the Administering Authority would make arrangements for the required training whenever possible.

22. The New Zealand Government agreed with the Mission and the Samoan leaders on the importance of providing in the constitution for the independence of the judiciary. It was willing to make suitably qualified New Zealanders available for appointment as judges of the High Court of Western Samoa subject to satisfactory conditions of service being offered by the Samoan Government. All matters concerning the judiciary, in particular the setting up of a judiciary committee, as suggested by the Mission, and the question of a suitable appeal system, which it was considered should be provided for in the constitution, were being discussed with the Samoan Working Committee.

23. With regard to economic development, on which it had always great emphasis, the New Zealand Government had welcomed the adoption of a limited development plan by the Legislative Assembly, but concurred with the Visiting Mission's view that there was scope for formulating a planned long-range programme which would take into account all the natural resources of the Territory. It thanked the Mission for its recommendation that favourable consideration should be given to any request on behalf of Western Samoa for assistance under the Expanded Programme of Technical Assistance and the Special Fund. It would be pleased to transmit requests from the Government of Western Samoa for such assistance.

24. The New Zealand Government endorsed the constructive comments made by the Mission concerning educational development. It was prepared to give the Western Samoan Government a great amount of direct and indirect assistance during the period of transition and in the early years after the termination of trusteeship. To that end, the New Zealand Director of Education, the Territory's Director of Education and the Superintendent of Technical Education in New Zealand were to start, on 9 June 1959, a review of the educational system in Western Samoa, giving particular attention to the co-ordination of government and mission schools, technical education, the completion and development of the Samoa College and the provision of additional overseas teachers. It was essential for the New Zealand Government to receive that expert guidance before embarking on any additional expenditure, which could be very considerable, in respect of the needs of Samoan education.

25. What he had said covered the New Zealand Government's position on the main points raised by the Visiting Mission and he would be ready to give any further information for which he might be asked in the course of the discussion. As his statement had been confined to specific questions, he had not been able to give an overall picture of his country's trusteeship policy nor had he been able to indicate, as he would have wished, the importance which New Zealand attached to the advancement of the so-called dependent peoples.

26. The Territory's rate of development had been more rapid than had been foreseen by New Zealand in 1945. New Zealand's original plans had been based on the creation of a body of educated Samoans and on the achievement of a balanced economy suited to the needs of the Territory. It was possible that political development had outstripped educational and economic progress but it appeared to the New Zealand Government to be desirable to press on towards the achievement of the goals set forth in the time-table conveyed to the Visiting Mission of the Trusteeship Council. The Administering Authority would do everything in its power to enable Western Samoa to achieve self-government as early as possible. Thanks to its human and material resources, and with the help of the more advanced countries and of the United Nations and its specialized agencies, Western Samoa would certainly succeed in solving its problems and in assuming the responsibilities of an independent State. The Territory could be assured of New Zealand's assistance and the relationship between the two peoples would continue to be based on friendship and esteem.

27. The Visiting Mission's report was an admirable statement of the position in the Territory and appeared to bear out the New Zealand Government's view, expressed in its memorandum of 19 March 1959 (T/1449, annex II), that the wishes of the Samoans should be met and that they should be given fuller responsibilities. He was confident that the Council would endorse that view.

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

28. Mr. LALL (India), Chairman of the Visiting Mission, thanked the New Zealand Government, the Government and people of Western Samoa and members of the Secretariat, in particular, the Secretary of the Council and the Principal Secretary, Mr. Berendsen, who had helped the Visiting Mission in the preparation of its report.

29. He drew the attention of members of the Council to two points arising from the report. In the first place, the present report of the Visiting Mission differed from previous reports in that it was based not only on talks which its members had had with senior Government officials and with groups of persons in the country and on private conversations with some of the leaders, but also on the fruitful discussions which they had had with members of the Legislative Assembly and with the <u>Fautua</u> of Western Samoa. In the second place, he wished to point out that the last sentence in paragraph 122 of the report concerning the provision of the services of an expert from the Food and Agriculture Organization of the United Nations (FAO) did not in any way reflect on the Director of Agriculture in Samoa or his colleagues. It was because such notable progress had been made in agriculture that the time seemed ripe to make available to the Western Samoan Government advice which it might find useful.

30. Mr. POWLES (Special Representative) wished to associate himself with the New Zealand representative in thanking the members of the special Visiting Mission who, from the time of their arrival in Western Samoa, had displayed a profound understanding of the Territory's problems and, by their readiness to meet all sections of the community and all persons who wished to speak to them, had impressed the whole population with the concern which the United Nations—and the Trusteeship Council in particular—felt for Western Samoa. The Visiting Mission's stay had had such remarkable results that it might be said to have been the outstanding event of 1959 in the Territory.

31. As a result of the work of the Visiting Mission and the contacts which it had had with Samoan leaders and with the leaders of that section of the community which now consisted of persons of European status, the problems of citizenship and of domestic status, which had led to serious difficulties, now seemed on the way to solution. In the past, the attitudes of both sides had hardened, which had ruled out any compromise solution. The Visiting Mission's stay had helped to promote less rigid attitudes.

32. The Working Committee on Self-Government had agreed upon a comprehensive set of rules for Samoan citizenship shortly after the departure of the Mission. While those rules still needed some further detailed scrutiny and still required consideration by the New Zealand Government, they seemed to provide an acceptable pattern for the future. The rules had been published and the issue of the draft law on citizenship, which would take place as soon as the text had been prepared in New Zealand, would go a long way towards removing the misunderstanding that had arisen among the inhabitants.

33. On the question of domestic status, the Chairman of the Mission had made an important statement in Western Samoa on behalf of the Mission; the statement had been given wide publicity and should do much to facilitate a solution of the problem. It had given rise to new hopes and, although he had expressed the contrary view at the twenty-second session (910th meeting), he now felt that it was within the bounds of possibility that a single domestic status would be evolved in the Territory along the lines suggested by the Mission in its report.

34. He would also like to thank the Mission for the excellent report which it had prepared. As a broad statement of the situation in the Territory in April 1959, it could not be improved. He would therefore confine himself to providing some further information about the events of the first half of 1959. For 1958, the Council had the Administering Authority's annual re-

port2/ which, as it had had to be prepared very rapidly, contained some errors. In particular, he wished to point out that the figures for expenditure on education, given on page 154 of the report, were incorrect. The expenditure on maintenance, capital development and scholarships had been, respectively, £200,590, £3,080 and £16,940. The civilization of Western Samoa, mentioned on page 10 of the report, was older than had been stated. Samoans had been living on the island since about 1000 B.C. and not 500 A.D.

35. In addition to the folder of documents that had been circulated to the various delegations by the New Zealand delegation, two other documents might be consulted by the members of the Council. One was the preliminary economic development plan passed by the Legislative Assembly the year before, and the other contained the tentative new proposals for local government which had recently been issued by the Ministry of Local Government.

36. A document dealing with the terms of reference of the Working Committee on Self-Government had been published as an annex to the report of the Visiting Mission. As there were many matters that had to be settled by consultation between New Zealand and Western Samoa, it had become clear that a consultative body should be set up in Samoa which would be more representative than the Executive Council and yet not so cumbersome as the Legislative Assembly. The Fautua had decided that the best body for the purpose would be a committee comprising the seven elected Ministers on the Executive Council and seven other members of the Legislative Assembly nominated by the Assembly, with the Fautua acting as the joint chairmen. Mr. J.W. Davidson, Dean of the School of Pacific Studies at the Australian National University at Canberra, who had contributed to the advances of the Territory towards self-government from its initial stages, appeared to be fully qualified to carry out the function of adviser to the committee on constitutional questions. The Working Committee had shown great assiduity in considering the detailed problems that had come before it. The Committee would continue to sit fairly regularly in order to settle the details of the constitution and of the relationship agreement with New Zealand and to work out various provisions concerning the organization of administrative services.

37. He wished to mention, as one of the most important events of recent months, the fact that the Bank of Western Samoa, the status of which was governed by an ordinance passed by the Legislative Assembly on 4 February 1959, had opened for business on 1 April 1959.

38. Turning to the economic situation, he emphasized that the Territory's economy was largely dependent on the export of primary products. As a result of the considerable increase in banana exports, the financial position of the Territory at the end of 1958 had been much more satisfactory than had been expected a few months before. The production of cocoa had also increased. In the case of copra, the spectacular rise in world market prices had resulted in an increase in production. The volume of trade, having exceeded  $\pounds 5$  million, had reached a record figure. With regard to future prospects, he pointed out that, as far as copra was concerned, money value and export volume had been very erratic, but that the trend of coffee exports was steadily upward and the progress of coffee growing was encouraging.

39. The financial situation of the Territory as at 1 January 1959 was very satisfactory, as the Samoan Treasury had a credit balance of £503,000 and no debts. In the budget for 1959, a copy of which was contained in the brochure that had been circulated, current expenditure and investment expenditure (which applied notably to agriculture, public works and the new telephone system) were slightly higher than ordinary receipts, but funds were available from various sources to restore the balance, and more particularly a £47,000 loan from the Copra Stabilisation Reserve Fund, arising from a resolution of the Legislative Assembly adopted under the Financial Power Ordinance of 1958. The funds which were required for carrying out surveys for various port facilities and which had been denied the year before, had been approved in the present year, and engineers from a United Kingdom consortium were in charge of the work.

40. The Legislative Assembly had been very active in 1958. While it admittedly had failed to pass the Government proposal relating to customs duties and had defeated certain other Government proposals, it had nevertheless passed the Financial Powers Bill and had approved the Preliminary Development Plan. It had also passed fifteen ordinances. For its part, the Executive Council had considered and approved fifteen sets of regulations. No acts or regulations affecting Western Samoa had been adopted in New Zealand during 1958.

There was a possibility that during the present year the Legislative Assembly might consider the text of the proposed Bill for the Control and Regulation of the Sale of Intoxicating Liquor. The legislative programme for the next two years would be a very heavy one. A considerable number of acts, regulations and ordinances were obsolete and should be repealed or revised. There was also a need for consolidation of the various legal texts and for presentation in an easily ascertainable form, a task which would be entrusted to a competent official of the Department of Island Territories in New Zealand. The Attorney-General of Western Samoa was engaged at the present time in drafting ordinances to regulate each of the main Government departments. Fourteen such ordinances would have to be passed by the Legislative Assembly within a comparatively short time.

42. In reference to public service salaries, which were dealt with in paragraph 93 of the report of the Visiting Mission, he said that a Commission of Enquiry had now been set up and was to make recommendations to the Government on public service salary and wage scales and on the guaranteed minimum salary or wages to be paid to males and females employed in the public service.

43. The Governments of the United States of America and New Zealand were about to come to an agreement for the establishment of an air service between the two islands of Western Samoa.

44. Turning to the vexed question of education, he said that he fully endorsed everything that the Visit-

 $<sup>\</sup>frac{2}{\text{Report}}$  by the New Zealand Government to the General Assembly of the United Nations on the Administration of Western Samoa for the Calendar Year 1958 (Wellington, R. E. Owen, Government Printer, 1959). Transmitted to members of the Trusteeship Council by a note of the Secretary-General (T/1450).

ing Mission had said on that subject. The solution of the problem would be difficult, as the new Samoan State would have to be financially viable and could not assume overly heavy burdens with respect to education. Expenditure connected with education had begun to assume excessive proportions in 1957. That development had made it necessary to take drastic action in 1958, and some of the results of that action had been unfortunate. As the financial situation improved, educational services would again be able to develop.

45. In view of the important part played by Mission schools in Western Samoa, close co-operation would have to be established in the future between the Government and the Missions; the Attorney-General was now preparing an ordinance which would provide for such co-operation and serve as a legal basis for the educational system as a whole. Certain differences of attitude in the Legislative Assembly itself tended to make educational progress more difficult; thus, early in 1959, the Legislative Assembly had reduced the appropriation for the Avele Agricultural College. Owing to the efforts of the Minister of Agriculture, the appropriation had been restored, but the action had by no means been the object of a unanimous vote.

46. With regard to international co-operation, he wished to thank the World Health Organization for its assistance to Western Samoa: the results of the yaws campaign had been outstandingly successful, and it was to be hoped that the tuberculosis control project, scheduled to start early in 1960, would meet with equal success. Western Samoa was deeply interested in the work of the South Pacific Commission. At the biennial South Pacific Conference which had been held in the present year at Rabaul (New Guinea) and had been attended by indigenous representatives from all the territories within the sphere of the Commission, Western Samoa had been represented by two Samoans.

The meeting rose at 5.5 p.m.