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STANDING COMMITTEE ON ADMINISTRATIVE UNIONS

SUMMARY RECORD OF THE ONE HUNDRED AND SEVENTEENTH MEETING

Held at Headquarters, New York,
on Tuesday, 15 July 1958, at 10.35 a.m.

CONTENTS

Administrative union affecting the Trust Territory of New Guinea:
annual report of the Administering Authority for the year ended
30 June 1957 (T/1375; T/L.851) (continued)

PRESENT:

Chairman:

Mr. THORP

New Zealand

Members:

U KYAW MIN

Burma

Mr. KESTLER

Guatemala

Mr. FELD

United States of America

Mr. WIESCHHOFF

Director, Division of Trusteeship

Secretariat:

Mr. CHACKO

Secretary of the Committee

ADMINISTRATIVE UNION AFFECTING THE TRUST TERRITORY OF NEW GUINEA; ANNUAL REPORT
OF THE ADMINISTERING AUTHORITY FOR THE YEAR ENDED 30 JUNE 1957 (T/1375; T/L.851)
(continued)

U KYAW MIN (Burma) said that in his opinion the Standing Committee was competent, under its terms of reference (Trusteeship Council resolution 645 (XII)), to adopt the recommendations he had submitted at the previous meeting. It was not merely a watchdog committee responsible for ensuring the application of the four safeguards provided for in paragraph 7 of Trusteeship Council resolution 293 (VII); it could initiate proposals independently and need not always reflect the consensus of opinion in the Council.

With reference to the objections to the draft recommendations raised by the representatives of the United States and New Zealand, he pointed out that neither the Committee nor the Council could decide that whatever additional expenditure might be incurred by holding sessions of the Legislative Council alternatively in Papua and New Guinea would be prohibitive. The benefits that would be derived by the inhabitants of the Trust Territory could not be measured in terms of money. Only the Administering Authority had the means of conducting an investigation of that nature and the Special Representative had assured the Committee that the proposed change would involve no legal or physical difficulties. Under the present system the Administering Authority had to defray the travel and subsistence expenses of members of the Legislative Council resident in New Guinea, and would in future have to pay the additional cost of sending increasing numbers of New Guinea observers to attend meetings at Port Moresby. The Committee had no information to indicate that the holding of meetings alternately in the two Territories would prove more costly; indeed, it might even result in substantial savings.

The New Zealand representative's objection that the Burmese proposals would adversely affect the political education of the Papuans or the development of that Territory was unfounded. On the contrary, the purpose of the draft recommendations was to ensure that the Trust Territory should share the benefits of the administrative union which had hitherto been enjoyed almost exclusively by Papua. It was in order to ensure that both Territories benefited from the operation of the administrative union that Burma had put forward what it considered to be compromise proposals. In that same spirit of compromise, it was prepared to alter the wording of the draft recommendations to meet the United States and New Zealand objections.

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Mr. FELD (United States of America) said that he could not support the Burmese proposals in their present form. The suggestion for the rotation of meetings held in New Guinea was in his view unrealistic and logistically unsound while the recommendation that all future central institutions be established in the Trust Territory appeared to be unduly categorical. The Administering Authority was in the best position to judge whether the situation warranted such action at any future time.

The CHAIRMAN, speaking as the representative of New Zealand, said that at the Trust Territory's present stage of development, the Burmese proposals were neither reasonable nor practicable. Both the 1956 Visiting Mission and the Administering Authority had discounted the value of the Legislative Council as an instrument for the political advancement of the Trust Territory and had agreed that the main factor in that advancement was the development of organs of local government at all levels. Admittedly, the situation might change; the Legislative Council might develop and there might in future be greater justification for the Burmese recommendations. It was the duty of the Trusteeship Council to keep under review the development of the central organs of government of the Trust Territory and to consult the Administering Authority regarding the appropriate moment for instituting changes; it should not be urged to act prematurely. Moreover, the Burmese proposals would undoubtedly involve considerable expenditure: the entire administrative machinery of the Legislative Council would have to be shifted or duplicated if meetings were to be held elsewhere than at Port Moresby. That consideration was highly relevant in a Territory which was making increasing demands on a budget four-fifths of which was provided by the Administering Authority. In the circumstances, his delegation could not support the draft recommendations.

Finally, while the Standing Committee had wide terms of reference, it was a subsidiary organ of the Trusteeship Council and could not isolate itself from the conclusions agreed upon by the majority in the Council. There was no evidence that a majority in the Council supported the Burmese proposals.

U KYAW MIN (Burma) observed that the Trusteeship Council's main function was to recommend measures which it considered to be desirable, on the basis of the general indication given by the Administering Authority regarding their

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(U Kyaw Min, Burma)

practicability. It should not concern itself with a detailed examination of the difficulties that might be involved in the implementation of those recommendations, since the Administering Authority alone was equipped to examine such difficulties. In the circumstances, it was unfair to call them, as the United States representative had done, unrealistic. Moreover, if it was felt that the wording was too categorical, he would be prepared to insert a phrase such as "as far as possible" in the proposal concerning the location of future central institutions. His delegation did not consider that its recommendation for holding sessions of the Legislative Council alternately in the two Territories would necessitate the transfer of the entire administrative machinery of the Council from Port Moresby to New Guinea. The Council had only twenty-nine members, needed no interpreters since its official language was English, and was not likely to require a very large staff for the four or five days during which the session lasted.

Mr. FELD (United States of America) said that the proposal to rotate the sessions held in New Guinea among the Territory's nine districts was most unrealistic. It would entail moving not only the members of the Legislative Council, but documentation and personnel of the various government departments servicing the Council in a Territory where communications were very poor. It would also require the provision of appropriate buildings in each district. The costs were likely to prove prohibitive, and the general effect disorganizing. Any decision by the Administering Authority to hold meetings of the Legislative Council outside Port Moresby could not reasonably be taken until local government in the Trust Territory was better organized.

The insertion of a qualifying phrase, as suggested by the Burmese representative, in the proposal concerning the location of future central institutions would merely lead to controversy in the Trusteeship Council; the Council could not be expected to have as informed a judgement on the matter as the Administering Authority. For the same reason, the term "recommends" in the Burmese proposals was unacceptable to the United States delegation.

The CHAIRMAN, speaking as the representative of New Zealand, drew attention to the fact that the Legislative Council could not be expected to achieve much in the Trust Territory if its sessions were to last no more than four or five days.

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(The Chairman)

The Standing Committee could not be asked to support the Burmese draft recommendations when it did not have the necessary facts. The Burmese delegation should raise the question in the Trusteeship Council where the Administering Authority could be asked to investigate its implications and provide the necessary information.

U KYAW MIN (Burma) said that his delegation was prepared to amend the wording of the draft recommendation concerning rotation of sessions held in New Guinea to make it less categorical. The Administering Authority would have no difficulty in providing suitable buildings in the nine districts of the Trust Territory; primary school buildings would probably be adequate. At any rate, those and other similar details were matters for the Administering Authority to consider.

The CHAIRMAN put to the vote the two draft recommendations submitted by Burma.

The first draft recommendation was rejected by 2 votes to 1, with 1 abstention.

The second draft recommendation was rejected by 2 votes to 1, with 1 abstention.

Mr. KESTLER (Guatemala) explained that he had abstained in the voting because the draft recommendations, while intended to promote the political advancement of New Guinea, implied the political integration of the Trust Territory in the administrative union. Guatemala had consistently opposed that principle; it favoured the development of autonomous political organs for the Trust Territory.

U KYAW MIN (Burma) hoped that his recommendations would be included in the Committee's report, with the record of the voting and explanations of vote.

The CHAIRMAN observed that to the best of his knowledge, it was not the Committee's practice to include in its report recommendations which had been defeated.

U KYAW MIN (Burma) pointed out that other Committees of the Trusteeship Council incorporated in their reports recommendations and proposals which had been rejected. The Committee should not be bound too rigidly by its past procedure.

The CHAIRMAN did not think that the Committee should continue discussion until the Secretariat had ascertained what procedure had been followed in the past.

The meeting was suspended at 11.35 a.m. and resumed at 12.5 p.m.

The CHAIRMAN, speaking as the representative of New Zealand, suggested that, since there was no need for further recommendations, the Committee might adopt a decision on the following lines.

"The Standing Committee on Administrative Unions,

"Having regard to previous conclusions and recommendations,

"Having examined the safeguards,

"Decides that, in the absence of new developments affecting administrative unions, it has nothing to add to the conclusions and recommendations".

It was so agreed.

Mr. WIESCHHOFF (Secretariat) pointed out that, in theory, the Committee's task was to facilitate the Council's work by its agreed decisions. There had never been any requests to include defeated motions in the reports of this Committee, but such motions had been incorporated in the reports of the Standing Committee on Petitions and of several drafting committees.

U KYAW MIN (Burma) pointed out that under rule 64 of the rules of procedure, he was entitled to append a report containing minority views. He considered that his two defeated draft recommendations represented minority views in the Committee, and said that if his original request was rejected, he would have no alternative but to invoke the aforesaid rule and insist upon a minority report, incorporating the views he had expressed in the Committee, being appended to the main report.

Mr. WIESCHHOFF (Secretariat) observed that the question was not one of appending a minority report, but of recording an event that had taken place in the Committee. The vote on the recommendation would be recorded in the report and, for details, reference could be made to the relevant summary records.

The CHAIRMAN thought that such a statement could not be included in the report. The Burmese representative's best plan would be to submit a motion to the Council.

(The Chairman)

Speaking as the representative of New Zealand, he regretted the tendency which had developed in the Committee of producing a report to which were appended substantial minority views. The Committee's purpose was to reach agreed conclusions for presentation to the Council and until recently that had proved possible. He attributed the present situation to the Committee's composition. The Guatemalan and Burmese delegations accepted administrative unions only as a compromise solution, and their attitude made it difficult for the Committee to carry out its functions. Administrative unions were a feature of the Trusteeship System established by the General Assembly.

Mr. KESTLER (Guatemala) said that his delegation was not opposed to administrative unions as such, if they were confined strictly to the limits of administration. It could not, however, countenance the strong trend towards political union with other territories, which hampered the advancement of Trust Territories.

U KYAW MIN (Burma), in replying to the remarks of the representative of New Zealand, pointed out that by the time Burma had become a Member of the United Nations, administrative unions in respect of several Trust Territories, were already in existence. In the absence of any clear definition as to what constituted an administrative union, and in view of the fact that the various arrangements then in operation for the joint administration of Trust Territories with neighbouring colonies bore intrinsically the basic features of political, rather than administrative, union over which the United Nations had but little effective control, his delegation viewed those arrangements as not fully consistent with the spirit of the Charter and the International Trusteeship System. However, since administrative unions were in fact, a fait accompli, his delegation, while maintaining the said position with regard to administrative unions in general, had adopted a pragmatic approach and had accordingly supported all measures which, in its opinion, served the interests of the Trust Territories or tended to reduce the adverse effects of administrative unions on the advancement of the Trust Territories. Therefore, the allegation that the Burmese delegation's attitude in this regard was negative was unfounded and unfair.

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After a further exchange of views on the Burmese request, the CHAIRMAN suggested that the Committee's report should refer briefly to the recommendations proposed by the Burmese representative, indicate that they had been rejected and refer the reader to the corresponding summary record, by means of a footnote.

It was so agreed.

The meeting rose at 1 p.m.