

UNITED NATIONS
TRUSTEESHIP
COUNCIL



Distr.
GENERAL

T/C.2/ER.512
9 October 1959
ENGLISH
ORIGINAL: FRENCH

STANDING COMMITTEE ON PETITIONS
SUMMARY RECORD OF THE FIVE HUNDRED AND TWELFTH MEETING

Held at Headquarters, New York,
Thursday, 18 June 1959, at 10.10 a.m.

CONTENTS:

Organization of future work (continued)

Examination of petitions concerning Western Samoa (T/C.2/L.382),
T/OBS.1/6) (continued)

PRESENT:

Chairman:

Mr. CASTON

United Kingdom of Great Britain
and Northern Ireland

Members:

Miss TENZER

Belgium

Mr. YANG

China

Mr. RASGOTRA

India

Mr. KOCLANCICH

Italy

Mr. ANTONOV

Union of Soviet Socialist
Republics

Also present:

Mr. EDMONDS

New Zealand

Mr. POWLES

Special Representative of the
Administering Authority
for the Trust Territory of
Western Samoa

Representative of a specialized agency:

Dr. SACKS

World Health Organization

Secretariat:

Mr. CHACKO

Secretary of the Committee

ORGANIZATION OF FUTURE WORK (continued)

Mr. ANTONOV (Union of Soviet Socialist Republics) recalled that the debate had merely been suspended. He accordingly proposed that the discussion on the attitude to be taken with regard to petitions concerning the Cameroons under French administration should be continued.

The CHAIRMAN pointed out that the agenda of the present meeting was devoted to petitions concerning Western Samoa.

Miss TENZER (Belgium) said that under rule 56 of the rules of procedure motions for the postponement of the discussion of a question to a certain day, or indefinitely, had priority over all other motions relative to the subject before the meeting. In view of what the Chairman had said at the previous meeting concerning his conversations with the French delegation, she proposed that the discussion of that question should be deferred, perhaps until 26 June.

Mr. ANTONOV (Union of Soviet Socialist Republics) asked why the representative of Belgium had proposed a delay of ten days.

Miss TENZER (Belgium) replied that she had based her proposal on what the Chairman had said the previous day about his conversations with the representative of France and she had wanted to allow for the distances and the slowness of communications between Paris, Yaoundé and New York. Ten days had seemed to her a reasonable period.

The CHAIRMAN, speaking as the representative of the United Kingdom, supported the Belgian representative's motion and repeated that his delegation thought that the Committee should not come to a decision without hearing the views of the French delegation. He would therefore be obliged to vote against the USSR proposal. If the Belgian representative's motion was carried, the question would be taken up again on 26 June and the representative of the Soviet Union could then submit his proposal again if he so desired.

Mr. YANG (China) supported the Belgian representative's statement.

The proposal to postpone the discussion until 26 June was adopted by 4 votes to 1, with no abstentions.

EXAMINATION OF PETITIONS CONCERNING WESTERN SAMOA (T/C.2/L.382, T/OBS.1/6)
(continued)

At the invitation of the Chairman, Mr. Edmonds (New Zealand), Mr. Powles, Special Representative of the Administèring Authority for the Trust Territory of Western Samoa, and Dr. Sacks (World Health Organization) took places at the Committee table.

II. Petition from the Samoan Medical Association (T/PET.1/11) (continued)

Mr. ANTONOV (Union of Soviet Socialist Republics) inquired what had led the Administration to decide that tubercular patients should be treated at home. He doubted whether housing conditions in the Territory were such as to allow of the isolation of contagious cases. Moreover, the Administering Authority's report showed that the incidence of the disease was increasing. It would accordingly seem better to build hospitals and dispensaries.

Mr. POWLES (Special Representative) explained that the Administering Authority and the Samoan Government were following the recommendations of the best international experts, who had gone to Western Samoa to investigate housing conditions on the spot and had decided that they were perfectly suitable for the treatment of tuberculosis at home. Moreover, a special conference on the question had just been held in American Samoa.

Dr. SACKS (World Health Organization) explained that the Samoan Government and WHO had undertaken negotiations on the organization of a tuberculosis programme based primarily on the preventive approach, including the treatment of tuberculosis at home. The proposed plan would be based upon (a) case finding by a mobile team, (b) treatment, with emphasis on treatment at home, by personnel of district hospitals and other services, (c) regular supervision and up-grading of the chest clinic in Apia. The objective was to cover eventually the whole population and use BCG vaccination as appropriate.

In regard to ambulatory treatment, that aspect of tuberculosis control had been under study in several countries jointly with WHO, and indications were that that approach, as part of a total programme, was an important weapon in tuberculosis control.

/...

Mr. ANTONOV (Union of Soviet Socialist Republics) inquired whether, in view of the fact that the results of the method were not yet known, the Administering Authority was proposing to establish new hospitals and sanatoria in order to increase the number of beds available.

Mr. POWLES (Special Representative) replied that it would do so if WHO recommended it, but WHO had not done so.

Dr. SACKS (World Health Organization) pointed out that, while the building of hospitals was still important, it was becoming less so in view of the development of preventive medicine and the use of more modern methods.

Mr. ANTONOV (Union of Soviet Socialist Republics) noted that half the forty medical workers in the Territory were no longer young and would need to be replaced. Yet no new doctors were coming and the Administering Authority had hardly recruited any for four years, on the pretext that Samoan candidates lacked the necessary qualifications to continue their studies in New Zealand medical training institutions, or that the New Zealand Government did not possess the necessary staff to train Samoan doctors. He asked if the New Zealand Government was contemplating the establishment of a special branch in its medical schools for the training of Samoan doctors.

Mr. POWLES (Special Representative) explained that the Samoan Government was responsible for selecting candidates to be sent to educational institutions and in so doing it had to try to maintain the balance between the needs in medical personnel and those of other government services.

Mr. ANTONOV (Union of Soviet Socialist Republics) pointed out that no candidate had been sent to the Fiji Medical School for four years. The number of medical workers in Samoa was less than it has been the previous year and it was to be feared that if the Administering Authority did not now send adequate numbers of students to Fiji the population would be faced with an acute shortage of medical personnel when it attained independence. It was New Zealand's duty to deal with that problem.

Mr. POWLES (Special Representative) said that four qualified Samoan doctors would shortly graduate from New Zealand medical schools, but that only the Central Medical School at Suva could train the para-medical personnel required in Western Samoa.

In reply to a question from Mr. ANTONOV (Union of Soviet Socialist Republics), Mr. POWLES (Special Representative) said that the Director of Health did not represent the Administering Authority but was an official of the Samoan Administration, coming under its jurisdiction.

Mr. ANTONOV (Union of Soviet Socialist Republics) asked for further details on the subject of the differences in pay reported by the petitioners in the case of medical personnel recruited abroad and Samoan medical personnel.

Mr. POWLES (Special Representative) said that there were no differences in pay for Samoan doctors and foreign doctors with the same qualifications. The Commission of Inquiry on Public Service Salaries which was to meet in Samoa in July 1959, would, however, see if there were in fact differences and, if there were, would rectify them.

Mr. ANTONOV (Union of Soviet Socialist Republics) asked whether there was any labour legislation in Samoa establishing a minimum wage and regulating the length of the working day.

Mr. POWLES (Special Representative) recalled that that question had already been thoroughly studied by the Trusteeship Council and that the Administering Authority had helped the Territory to draft legislation on the subject, but that the Samoan legislative body, the only one competent to deal with the question, had shown no eagerness to adopt it.

Mr. ANTONOV (Union of Soviet Socialist Republics) inquired whether the Administering Authority had worked out the number of doctors the Territory should have when it attained independence.

Mr. POWLES (Special Representative) said that the number of personnel qualified at para-medical schools seemed for the time being satisfactory; what the Territory lacked most was qualified doctors. Taking into account the Samoans

(Mr. Powles, Special Representative)

who were at present studying in New Zealand medical schools, the Territory would have six qualified Samoan doctors, in addition to foreign doctors, within a few years.

Mr. ANTONOV (Union of Soviet Socialist Republics) asked whether the Territory observed the standards established by WHO for medical personnel, hospital beds, etc.

Mr. POWLES (Special Representative) said that he was not personally acquainted with the WHO document in question but he knew that the medical programmes were established in accordance with the advice given by the international organizations. Financial difficulties had made it impossible so far to provide for a medical adviser but that would shortly be done.

The CHAIRMAN, speaking as the United Kingdom representative, said that his delegation had no questions to ask the Special Representative, since health conditions in Western Samoa had been considered in sufficient detail by the Trusteeship Council and by the Visiting Mission. He thought that the Trusteeship Council should draw the petitioners' attention to the reports concerned, to the observations of the Administering Authority and to the statements of the Special Representative, and should express its confidence that the Administering Authority would do all in its power to ensure the maximum development of medical facilities in Samoa between now and the achievement of independence.

Mr. YANG (China), referring to paragraph 6 of document T/C.2/L.382, said he was happy that the Samoan Medical Association had paid a tribute to the Government of New Zealand. He asked the Special Representative if it was true that the situation was rapidly deteriorating, as was stated in paragraph 5.

Mr. POWLES (Special Representative) said that such a judgement could not be considered objective in the light of the past achievements and future programme of the Administering Authority. Except for the lack of provision for a medical adviser, the medical staff was absolutely satisfactory. He did not think that Western Samoa was very likely to receive United Nations assistance, since its needs were no greater than those of other Territories.

/...

Replying to another question from Mr. YANG (China), Mr. POWLES (Special Representative) said that the Administering Authority was at present considering, in conjunction with WHO, what improvements might be made in the matter of scholarships.

Mr. YANG (China), referring to paragraph 8 (e), asked if the recruitment of foreign doctors for Samoa had been satisfactory and what arrangements had been made in that connexion between the Samoan Government and the South Pacific Health Service.

Mr. POWLES (Special Representative) replied that when a post was vacant the Public Service Commissioner applied to the South Pacific Health Service, which then tried to find a doctor in any country; the procedure took some time, but had made it possible in the past to recruit doctors of various nationalities.

Mr. YANG (China) thought it would be appropriate to draw the petitioners' attention to the Administering Authority's observations.

Dr. SACKS (World Health Organization) said that a WHO representative had gone to the Territory in October 1958 to study, among other things, the question of the training of medical personnel, with a view to the establishment of a scholarship programme. The suggestions made by the WHO representative were under study by the Samoan Government.

Miss TENZER (Belgium) noted that the establishment of a Samoan Medical Council was to be considered shortly. She asked what the functions of such a council would be and whether it would be competent to deal with questions such as those raised by the petitioners.

Mr. POWLES (Special Representative) said that the Council's functions would be of a purely professional nature, for example, the maintenance of the medical register. As far as the working conditions and remuneration of medical personnel were concerned, it would be able only to make recommendations.

Miss TENZER (Belgium) noted that the Samoan Medical Association asked that an up-to-date medical library should be established in the Territory. UNESCO could perhaps provide assistance in that field.

Mr. RASGOTRA (India) suggested that the Chairman should communicate with the UNESCO representative on the subject and if there was a possibility of UNESCO assistance that fact should be mentioned in the Committee's resolution.

/...

(Mr. Rasgotra, India)

He considered that the Administering Authority was doing everything in its power to raise the medical and health level of the Territory. Since, however, New Zealand's resources, like those of other countries, were limited, the Committee might propose that the Trusteeship Council should make a recommendation to WHO and UNESCO that they should give the greatest attention to any request from the Administering Authority for assistance.

The CHAIRMAN, speaking as the United Kingdom representative, supported the Indian representative's proposal but thought it would be preferable for the Trusteeship Council to make a suggestion rather than a recommendation to the specialized agencies.

Mr. YANG (China) shared that opinion.

Miss TENZER (Belgium) and Mr. YANG (China) proposed that the petitioners' attention should be drawn to the Administering Authority's observations and considered that it would be useful to send the petitioners the record of the Committee's discussion.

Mr. RASGOTRA (India) thought that, since the Administering Authority's observations were many and complex, it would be useful to include their main points in the resolution.

Mr. ANTONOV (Union of Soviet Socialist Republics) considered that, as Western Samoa was to achieve independence in two years, it should already have its own medical services. Yet it was apparent from the petition that the situation in that field left much to be desired and it was clear that at present there were no specific plans.

There were at present very few Samoan medical personnel. When the Territory acceded to independence, the posts held by New Zealanders should be filled by Samoans and it was hardly possible to hope that the Territory would have enough qualified personnel by that time. The Samoan personnel did not possess a sufficiently thorough knowledge of English, or lacked the necessary degrees, to receive additional training in New Zealand and there were many obstacles to the recruitment of experts to train Samoans in the Territory. His delegation shared the views of the Samoan Medical Association regarding the inequalities of

/...

(Mr. Antonov, USSR)

salary between Samoan personnel and personnel recruited overseas. Lastly, there was apparently urgent need for modern hospitals and a new sanatorium to be built in the Territory.

He thought that it would be appropriate to recommend that the Administering Authority should improve the health and medical situation in the Territory so that, when it acceded to independence, Western Samoa could meet the needs of its population by its own means.

The CHAIRMAN said that the various suggestions made would be taken into account in the draft resolution. On behalf of the Committee, he thanked the WHO representative.

Dr. Sacks, representation of the World Health Organization, withdrew.

III. Petition from Mau'u Alofi A. Pereira (T/PET.1/12)

Replying to questions from Mr. RASGOTRA (India), Mr. POWLES (Special Representative) said that the petitioner could certainly gain advantage from additional training, particularly in the field of local administration. The Administering Authority and the Samoan Government were at present considering the possibility of granting Mr. Pereira's request. The question involved New Zealand's immigration policy.

With regard to the scholarship offered by the Indian Government, the Chairman of the Visiting Mission had made some suggestions concerning the programme of the courses. Those suggestions had been transmitted to the Indian Government, which had not yet replied; for that reason the scholarship offer had not yet been published in Samoa.

Mr. ANTONOV (Union of Soviet Socialist Republics) asked if the knowledge Mr. Pereira acquired in New Zealand would be useful in the future independent State.

Mr. POWLES (Special Representative) said that Samoa had a considerable number of specialists in that field but that no possibility of training should be neglected. He also suggested that, for the sake of the petitioner, details concerning the reason for refusing the application to enter New Zealand should not be published in the summary records, or the public records, of the Committee.

/...

Mr. ANTONOV (Union of Soviet Socialist Republics) said that, as the Special Representative had stated, the New Zealand immigration authorities were reluctant to grant Mr. Pereira's request for entry for reasons connected with his past crime but that the problem was at present under consideration. He suggested that if the request was accepted the Committee on Petitions and the Trusteeship Council should recommend to the Administering Authority that the petitioner should be given the necessary assistance to enable him to receive the training he desired.

In reply to the Special Representative's request that the records of the Committee on Petitions and other documents concerning the Trust Territory should omit those parts of the statement by the Special Representative and the members of the Committee mentioning the past crime of the petitioner, which had constituted the obstacle to the petitioner's admission into New Zealand, he said that there was no justification for such a change in the summary record and other documents because the Administering Authority had explained that the reason why the petitioner could not enter New Zealand to continue his education was precisely the fact that he had committed a crime and had been tried and imprisoned. He expressed doubt concerning the reality of the crime attributed to the petitioner and recommended to the representative of the Administering Authority that the reason given for the refusal to allow the petitioner the right to enter New Zealand should be officially changed if the statement that he had committed a crime, as set forth in the conclusions of the Administering Authority, was not in accordance with the facts.

The Soviet delegation could not agree to the Special Representative's proposal to delete from the Committee's records the reason for which the petitioner was being prohibited from entering New Zealand and wished that, in any case, the deletion should not affect the statement of the Soviet representative.

Mr. RASGOTRA (India) considered that the Committee's resolution should merely take note of the fact that the possibility of permitting Mr. Pereira to go to New Zealand for additional training was at present under consideration, and draw the petitioner's attention to the records of the Committee's meeting.

The CHAIRMAN said that the Secretariat would produce a draft resolution taking into account the Soviet and Indian suggestions.

IV. Petition from the Mayor of Aleisa Settlement (T/PET.1/13)

Mr. RASGOTRA (India) asked whether the land rent was not too high, and whether the settlers had sufficient means to pay it.

Mr. POWLES (Special Representative) replied that the estimated value of the land was £3 per acre; for a fifty-acre section the rent amounted to 5 per cent of £150, which was a modest sum.

Mr. RASGOTRA (India) asked if it would not be possible to prevent the settlers, by legislation, from selling any land that might be granted to them under freehold.

Mr. POWLES (Special Representative) said that that was a question within the competence of the Samoan Government, and not of the Administering Authority. Furthermore, it had already been discussed between the Government and the settlers, who had never been in favour of the suggestion, since they wished to have full freehold rights.

Mr. RASGOTRA (India) suggested that the Committee should take note of the comments by the Administering Authority and the Special Representative, and should draw the petitioner's attention to those comments.

Mr. YANG (China) was glad to note that there was a possibility that some steps might be taken to improve the situation of the persons concerned, pending a final settlement of the question.

Mr. ANTONOV (Union of Soviet Socialist Republics) reserved his right to submit a proposal once the Committee had the draft resolution before it.

V. Petition from the Chiefs and Orators and all the people of the Village of Fagalii (T/PET.1/14)

Mr. POWLES (Special Representative), replying to a question from Mr. RASGOTRA (India), said that according to his information the greater part of the 142 acres of land belonging to the villagers was under cultivation. He was unable to explain the difference between the figure of forty-five acres given by the petitioners and the figure given by the Administering Authority.

Mr. RASGOTRA (India) asked what was the average area of the sections belonging to each family and whether the situation of the people of the Village

/...

(Mr. Rasgotra, India)

of Fagalii might not be improved by allocating to them part of the uncultivated land in the Aleisa Settlement.

Mr. POWLES (Special Representative) believed that the average area of the sections held by the families in the Village of Fagalii was slightly less than the general average for Western Samoa. The Indian representative's suggestion was not practicable, since the Village of Fagalii and the Aleisa Settlement were in two districts some distance apart.

Mr. RASGOTRA (India) noted that the competent authorities in Western Samoa were considering the matter, and he hoped that suitable steps would be taken to meet the wishes of the people of the Village of Fagalii.

Mr. ANTONOV (Union of Soviet Socialist Republics) asked what was the average area of land needed to provide an adequate living for an agricultural family in Western Samoa.

Mr. POWLES (Special Representative) believed that a six-acre section would provide an adequate living for a family, but that the amount required might be less in the area where the Village of Fagalii was situated.

Mr. ANTONOV (Union of Soviet Socialist Republics) asked what was the area of land that the people of the village considered that they could rightfully claim.

Mr. POWLES (Special Representative) said that after the Treaty of Berlin had been signed, an international tribunal had been established in Western Samoa to examine land-purchase claims. The tribunal had instructions not to allow land purchases except on certain strict conditions, and in the end only 5 per cent of the requests had been granted. Unfortunately, a large part of the land had already been sold at an earlier period. Efforts had recently been made to restore some sections to the people. Several years ago a plan had been developed for making a larger area of land available to the people, but the carrying out of the plan was now a matter for the Samoan Government. At present the Western Samoa Trust Estates Corporation was the freehold owner of most of the land.

In reply to a question from Mr. ANTONOV (Union of Soviet Socialist Republics), Mr. POWLES (Special Representative) said that the Western Samoa

/...

(Mr. Powles, Special Representative)

Trust Estates Corporation was a Samoan body which managed the land in the interests of the people themselves. When Samoa became independent, the land would remain under the control of that body. The question of the Corporation's status was dealt with in the Administering Authority's report for 1958, and the Trusteeship Council had already come to the conclusion that the Legislative Assembly was competent to legislate on the subject of the Corporation's activities and operations.

Miss TENZER (Belgium) believed that the Committee should also draw the attention of the petitioners to the fact that it was for the Territorial Government to settle questions relating to land ownership.

VI. Petition from Mr. Harry Carter (T/PET.1/15)

Mr. YANG (China) pointed out that the Visiting Mission had already informed the petitioner that the dispute that he had raised seemed to be one with which the courts of the Territory were competent to deal.

Mr. RASGOTRA (India) expressed surprise that Mr. Carter continued to send in petitions although a judgement had already been rendered in his favour.

Mr. POWLES (Special Representative) said that despite the judgement the Samoans had not left the land that they had been occupying improperly. It was now for Mr. Carter to ask the court to enforce the judgement.

Mr. ANTONOV (Union of Soviet Socialist Republics) asked if the Western Samoa Trust Estates Corporation had the right to lease land to aliens.

Mr. POWLES (Special Representative) said that that was so, but added that Mr. Carter was not an alien.

The CHAIRMAN thanked the Special Representative.

The meeting rose at 1.10 p.m.