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STANDING COMMITTEE ON PETITIONS

SUMMARY RECORD OF THE FIVE HUNDRED AND FOURTEENTH MEETING

Held at Headquarters, New York,
on Tuesday, 30 June 1959, at 10.15 a.m.

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PRESENT:

<u>Chairman:</u>	Mr. CASTON	United Kingdom of Great Britain and Northern Ireland
<u>Members:</u>	Miss TENZER	Belgium
	Mr. YANG	China
	Mr. RASGOTRA	India
	Mr. KOCLANICICH	Italy
	Mr. ANTONOV	Union of Soviet Socialist Republics
<u>Also present:</u>	Mr. EDMONDS	New Zealand
	Mr. JONES	Special Representative of the Administering Authority for the Trust Territory of New Guinea
<u>Representative of a specialized agency:</u>		
	Dr. SACKS	World Health Organization
<u>Secretariat:</u>	Mr. CHACKO	Secretary of the Committee

EXAMINATION OF PETITIONS CONCERNING WESTERN SAMOA: DRAFT REPORT (T/C.2/L.383)
(continued)

At the invitation of the Chairman, Mr. Edmonds (New Zealand) and Dr. Sacks (World Health Organization) took places at the Committee table.

I. Petition from a deputation of Samoan nurses (T/PET.1/10)

The CHAIRMAN invited the Committee to resume its discussion of draft resolution I.

Dr. SACKS (World Health Organization) explained, with reference to the amendment proposed by the Soviet representative at the previous meeting, that the World Health Organization did not lay down any international standards of qualification for the nursing profession. Its policy was to assist countries to work out their own standards. If the Administering Authority so desired it would, of course, be pleased to consult with it on nursing qualifications in Western Samoa.

The CHAIRMAN, speaking as the representative of the United Kingdom, thought that since the draft resolution was concerned with local standards of nursing and the World Health Organization was not in a position to lay down any mandatory nursing standards it would be better to omit the reference to the World Health Organization in the Soviet amendment.

Mr. ANTONOV (Union of Soviet Socialist Republics) stressed the need to improve training facilities for nurses in Western Samoa by the time the Territory attained independence. The representative of the World Health Organization had said that each country set its own standards and it would seem logical for Western Samoa to accept those of New Zealand.

Although he would in any case vote for the Indian representative's amendment, he would ask for a separate vote on the original operative paragraph 3 as he wished to see a specific reference made to the standard of training required and a time-limit set, especially as he believed the number of nurses required was small.

Operative paragraph 3, as amended, was approved unanimously.

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The CHAIRMAN called for a vote on the original operative paragraph 3 which, if approved would appear as operative paragraph 4.

Operative paragraph 4 was rejected by 3 votes to 1, with 2 abstentions.

Draft resolution I as a whole, as amended, was approved unanimously.

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

Paragraphs 12 to 15 were adopted.

The preamble of draft resolution II was approved.

Operative paragraph 1 was approved.

Mr. YANG (China) proposed the addition, in operative paragraph 2, of the words "relevant parts of" after the words "petitioners to" and the replacement of the words "its examination of conditions in Western Samoa" by the words "health services in Western Samoa".

Miss TENZER (Belgium) proposed the addition, in operative paragraph 2, of the words "that part of" after the words "as well as to".

Operative paragraph 2, as amended, was approved.

The CHAIRMAN observed that some amendment was needed to operative paragraph 3 in the light of the remarks made by the representatives of New Zealand and of the World Health Organization at the 513th meeting.

Dr. SACKS (World Health Organization) proposed that operative paragraph 3 should be redrafted as follows:

"3. Takes note of negotiations between the World Health Organization and the Administering Authority regarding the most advantageous utilization of fellowships."

Mr. KOCIANCICH (Italy) proposed the addition of the words "World Health Organization" before the word "fellowships" in order to make the position clear.

Operative paragraph 3, as amended, was approved.

The CHAIRMAN suggested that in operative paragraph 4, the word "international" should be inserted before the word "agencies" and the words "of the United Nations" deleted since agencies other than those of the United Nations might be involved.

Operative paragraph 4, as amended, was approved.

The CHAIRMAN pointed out that in operative paragraph 5 the word "would" should be replaced by "will".

Operative paragraph 5, as amended, was approved.

The CHAIRMAN, speaking as the representative of the United Kingdom, thought that operative paragraph 6 repeated what had already been stated in operative paragraph 5 and proposed that it should be omitted for that reason.

Mr. ANTONOV (Union of Soviet Socialist Republics) said that, since the Territory would soon become independent, it was important that the Administering Authority should take all possible measures to raise the standard of the Territory's health services and to ensure that they would be adequate by that time. The targets to be achieved should be defined in the draft resolution and he would therefore call for a separate vote on operative paragraph 6.

Operative paragraph 6 was rejected by 3 votes to 1, with 2 abstentions.

The draft resolution as a whole, as amended, was approved unanimously.

Dr. SACKS (World Health Organization) withdrew.

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

Paragraphs 4 to 6 were adopted.

The preambular paragraph of draft resolution I was adopted.

Mr. ANTONOV (Union of Soviet Socialist Republics) wished to know to which of the Administering Authority's observations it was intended to draw the petitioner's attention. He also wished to have a fuller explanation of why Mr. Pereira had not been allowed to enter New Zealand.

The CHAIRMAN said that the Administering Authority's observations were given in document T/OBS.1/6.

Mr. RASGOTRA (India) observed that it was within the authority of any Government to decide who should be admitted to its country. At the 512th meeting the Special Representative had made various suggestions as to possible ways of dealing with Mr. Pereira's case and he thought it reasonable to draw the petitioner's attention to them. He was prepared to support the draft resolution as a whole.

Operative paragraphs 1 and 2 were approved.

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Mr. ANTONOV (Union of Soviet Socialist Republics) pointed out that when he had originally suggested operative paragraph 3, it had been worded differently. The words "fails to" and the word "elsewhere" should be omitted and the word "give" should be replaced by the word "gives".

The CHAIRMAN agreed that that had in fact been the case.

Mr. RASGOTRA (India) proposed that operative paragraph 3 should be redrafted to read as follows:

"Recommends that if, for any reason, it should not be possible to agree to the petitioner's request for entry into New Zealand for purposes of training or education, he should be given assistance in obtaining suitable facilities elsewhere."

Mr. KOCIANCICH (Italy) felt that there was no connexion between the question of the entry of the petitioner into New Zealand, which depended on immigration legislation, and the obligation of the Administering Authority to provide educational facilities elsewhere. No doubt the representative of India had had his Government's offer of a fellowship in mind when he had made his proposal. As had been stated in paragraph 5 under Section III, that question was at present under discussion. The question of providing other educational facilities did not arise in the circumstances.

Mr. RASGOTRA (India) reaffirmed his view that there was a relationship between the two aspects of the proposal. He had not had in mind his Government's offer of a fellowship when making his proposal. The petitioner had expressed a preference for training in New Zealand and the New Zealand representative had agreed that further training would be of benefit to the petitioner and could usefully be provided in New Zealand. However, as there were some difficulties, such training could be provided elsewhere. It should be left to the Government of New Zealand to decide where the training should be given.

Mr. EDMONDS (New Zealand) pointed out that the proposal, as worded, implied that if the Administering Authority refused anyone entry into New Zealand, it had to assist him in receiving his education elsewhere. Furthermore, as the petitioner was a member of the Civil Service, his nomination would have to be approved by his Minister and the Public Service Commission. If facilities were offered by another Government, the authorities might decide, for example, to send a younger man.

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The CHAIRMAN, speaking as the representative of the United Kingdom, suggested that the phrase reading "he should be given assistance...elsewhere" should be replaced by the phrase "the possibilities of study elsewhere should be explored".

Mr. RASGOTRA (India) said that he had had no intention of creating difficulties for the Government of New Zealand or the Administering Authority. He proposed a further revision of his amendment:

"Recommends that, if, for any reason, it should not be possible to agree to the petitioner's request for educational facilities in New Zealand, the question of assisting him in obtaining suitable facilities elsewhere should be sympathetically considered."

Mr. ANTONOV (Union of Soviet Socialist Republics) asked the representative of New Zealand whether the Administering Authority considered that the petitioner should receive assistance regardless of his age and that it was for the New Zealand Government to grant assistance to the petitioner by sending him elsewhere. Why should a country which had assumed obligations under the Trusteeship System advocate sending the petitioner elsewhere? If New Zealand was unable to make the necessary facilities available to the petitioner, however, his delegation would support the Indian amendment.

Mr. EDMONDS (New Zealand) stated that the New Zealand Government had already provided the petitioner with educational facilities for a two-year period and the point at issue was his entry into the country. He suggested that the phrase "agree to the petitioner's request for educational facilities in New Zealand" in the Indian amendment should be replaced by the phrase "give favourable consideration to the petitioner's request for entry into New Zealand". It would be for the Samoan Government to deal with the question of providing training facilities and of the petitioner's nomination.

Mr. RASGOTRA (India) stated that the question under discussion had arisen because of the petitioner's wish to receive further training in New Zealand. If there were continued objection to his proposal, however, he would withdraw it and a vote could be taken on the original operative paragraph 3.

The CHAIRMAN suggested that the New Zealand representative's point would be met if the word "educational" was inserted before the phrase "facilities elsewhere".

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Mr. KOCIANCICH (Italy) said that he was unable to agree with the proposed text, although it was an improvement on the previous one, as it still linked the entry of the petitioner into New Zealand with the alleged obligation of the Administering Authority to provide assistance in obtaining educational facilities. The conclusion might be drawn that anyone who had committed an offence would be entitled to the assistance of the Administering Authority in obtaining educational facilities.

Mr. RASGOTRA (India) said that he had had no intention of protecting persons who had committed offences. It was for the Government to decide on the petitioner's fitness to enter New Zealand. The question of obtaining educational facilities was a separate matter. The New Zealand representative had stated that the petitioner would benefit by further training; therefore, the question of giving him assistance in obtaining training elsewhere should be sympathetically considered.

Mr. KOCIANCICH (Italy) said that he had not meant to imply that the resolution encouraged the commission of offences in order to get assistance. That was obviously not the intention of the sponsors, but anyone who read the resolution would draw such a conclusion.

The CHAIRMAN, speaking as the representative of the United Kingdom, said that, although an ill-wisher might read such a meaning into the resolution, it was not a necessary interpretation, nor an inevitable one. His delegation would support the text in its present form.

Mr. YANG (China) drew attention to the fact that there was some conflict between operative paragraphs 2 and 3, implying a lack of confidence in the actions of the Administering Authority.

The CHAIRMAN suggested that the phrase "give favourable consideration to" in operative paragraph 3 might be replaced by the word "grant", which would obviate that difficulty.

Operative paragraph 3, as amended, was approved by 4 votes to 1, with no abstentions.

Mr. YANG (China) said that he had intended to abstain in the voting but in view of the New Zealand representative's approval of the modified proposal, he had voted in favour of it.

The draft resolution as a whole, as amended, was approved by 4 votes to none, with 1 abstention.

Mr. Edmonds (New Zealand) withdrew.

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

Paragraphs 7 and 8 were adopted.

The preamble of draft resolution IV was approved.

The operative paragraph was approved.

Mr. ANTONOV (Union of Soviet Socialist Republics) proposed the addition of a second operative paragraph to read as follows:

"Recommends that the Administering Authority should investigate further the possibility of improving living conditions in the Settlement."

The CHAIRMAN, speaking as the representative of the United Kingdom, said that such a recommendation would not be appropriate since its adoption might arouse undue hopes in the Settlement.

The second operative paragraph proposed by the USSR representative was approved by 2 votes to 1 with 1 abstention.

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

Paragraphs 8 and 9 were adopted.

The preamble to draft resolution V was approved.

Operative paragraph 1 was approved.

Mr. YANG (China) proposed that the words "takes note of" in operative paragraph 2 should be replaced by the word "notes".

Mr. RASGOTRA (India) proposed that the phrase "in due course" in operative paragraph 2 should be replaced by the phrase "as soon as possible".

The CHAIRMAN, speaking as the representative of the United Kingdom, proposed that the phrase "it is conscious suffer" should be replaced by the phrase "the villagers of Fagalii do in fact suffer" and the words "the present" should be replaced by the word "this".

Operative paragraph 2, as amended, was approved.

Mr. YANG (China) proposed that the phrase "takes note further" in operative paragraph 3 should be replaced by the words "notes further".

Operative paragraph 3, as amended, was approved.

The draft resolution as a whole, as amended, was approved by 5 votes to none, with no abstentions.

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

Paragraphs 7 and 8 were adopted.

The preamble of draft resolution VI was approved.

The operative part of draft resolution VI was approved.

Draft resolution VI, as a whole, was approved unanimously.

Introduction (paragraph 3)

The CHAIRMAN said that, as no special information was required concerning the action taken on any of the resolutions in the report, the numbers I to VI should be inserted in the blank in paragraph 3.

Paragraph 3 was adopted.

PETITION CONCERNING NEW GUINEA (T/PET.8/13 and T/OBS.8/6)

At the invitation of the Chairman, Mr. Jones, Special Representative of the Administering Authority for the Trust Territory of New Guinea, took a place at the Committee table.

Mr. RASGOTRA (India) asked when the investigation mentioned in the final paragraph of document T/OBS.8/6 had been undertaken.

Mr. JONES (Special Representative) said that a full investigation of the area comprising the land referred to by the petitioner was being carried out. Officers of the Department of Native Affairs had been sent to the district to

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(Mr. Jones, Special Representative)

inquire into the situation and had reported to the Director of Native Affairs, who had referred the question to the Land Commissioner. The first hearing had been held on 21 March 1958 and the first claim considered in November of the same year. All claimants had been represented by counsel provided for them by the Department of Native Affairs. The first hearing had been adjourned in order to enable the claimants to prepare their case. The date of the second hearing had not yet been fixed, so as to afford time for a full investigation; it would be announced by the Land Commissioner when sufficient information had been collected.

Mr. RASGOTRA (India) asked whether the results of the investigation could be communicated to the Trusteeship Council at its next session.

Mr. JONES (Special Representative) said he could give no definite commitment to that effect, as the investigation would take some time.

Mr. RASGOTRA (India) asked whether there were any plantations on the land claimed and if so, how large they were and whether they were worked by non-indigenous persons.

Mr. JONES (Special Representative) said that there were two plantations, one of about 128 and the other between 150 and 200 hectares respectively, in the area under investigation, but he did not know whether any of the land claimed had plantations on it.

Mr. RASGOTRA (India) said that it was clear that the Administering Authority was dealing with the matter. He hoped that the investigation would be completed without delay. The Committee could examine the petition in greater detail at a later date, when the results of the investigation had been communicated to the Trusteeship Council.

Mr. ANTONOV (Union of Soviet Socialist Republics) asked whether the land claimed was privately owned or whether it belonged to the State.

Mr. JONES (Special Representative) explained that the investigation was being carried out precisely to establish the titles of ownership, which had been lost during the Second World War. According to the evidence collected so far, some of the land belonged to the Administration, some of it - the two

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(Mr. Jones, Special Representative)

plantations he had mentioned - was leased, and another part was claimed by the Custodian for Expropriated Property. When the situation had been clarified, the petitioner's claims could be considered.

Mr. ANTONOV (Union of Soviet Socialist Republics) pointed out that a lease implied a lessor.

Mr. JONES (Special Representative) said that the leases had been granted by the Territorial Administration, which had acquired the land from its former indigenous owners.

Mr. ANTONOV (Union of Soviet Socialist Republics) wished to know how the land had been acquired.

Mr. JONES (Special Representative) said that the Trusteeship Council had been apprised of the method by which the land had been acquired. The present investigation would clarify the position with regard to ownership.

Mr. ANTONOV (Union of Soviet Socialist Republics) asked whether the investigation was being carried out by administrative or judicial authorities.

Mr. JONES (Special Representative) said that the investigating commission had been set up by the Administering Authority. All claims were referred to the Land Commissioner, who collected evidence from all possible sources.

Mr. ANTONOV (Union of Soviet Socialist Republics) asked whether the Toma Council was represented on the investigating commission, and if not, whether the Special Representative thought that it should be?

Mr. JONES (Special Representative) said that the Commission consisted of one person, the Land Commissioner himself, who was specially qualified for that work. It would be undesirable to include members of the Council on the commission, as most of them were claimants and the commission's finding must be entirely independent.

Mr. ANTONOV (Union of Soviet Socialist Republics) did not agree. The investigation would cover the whole question of property relationships between the Administering Authority and the indigenous inhabitants, including the Toma Council.

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(Mr. Antonov, USSR)

If observers from the Council were on the investigating commission, they would be of help to the Administering Authority. Their presence would also demonstrate the Administering Authority's intention to deal fairly with the inhabitants.

He asked whether any action had been taken before the petition had been submitted.

Mr. JONES (Special Representative) said that the investigation had been started long before the petition had been submitted. The usual routine had been followed: the indigenous inhabitants of the area had been approached and asked whether they had any claims to the land; if they had, the claims had been investigated and placed before the Land Commissioner.

Mr. ANTONOV (Union of Soviet Socialist Republics) said that in his view the investigation should be completed by a specific date, preferably before the next session of the Trusteeship Council. Secondly, as it was an administrative inquiry, he thought the Toma Council should be represented on the commission.

Mr. YANG (China) said that it was clear that the Administering Authority did not need to be convinced of the necessity for a thorough investigation, which was being carried out already. When it was completed, the results would be submitted to the Trusteeship Council. For the time being, the only appropriate action the Committee could take would be to inform the petitioner that the investigation was proceeding.

The CHAIRMAN, speaking as the United Kingdom representative, endorsed the view expressed by the previous speaker. He could not agree with the USSR representative that representatives of the Toma Council should be included on the investigating commission. Even if he could accept that proposal in principle, which was not the case, he could not agree that it would be desirable to change the composition of the commission while the investigation was still going on, as that might throw doubt upon its findings.

Mr. RASGOTRA (India) asked whether any members of the Toma Council would be prevented from submitting evidence in support of their claims if they were not members of the investigating commission.

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Mr. JONES (Special Representative) said that, on the contrary, many members of the Toma Council were claimants and had actively assisted the Native Affairs Officer to obtain evidence during the preliminary investigation. They were now collecting more evidence to support their claims. It would obviously be out of place to have an interested party associated with a judicial decision. Therefore, they would be out of place on the investigating commission.

Mr. RASGOTRA (India) concurred with that view.

Mr. ANTONOV (Union of Soviet Socialist Republics) said that he did not wish to press the point, but he would have thought that the Administering Authority would have wished to include indigenous inhabitants on the commission, in order to give them training and experience of such matters.

The CHAIRMAN suggested that the Secretariat should be asked to draft a resolution covering the points which had emerged from the debate.

It was so decided.

Mr. Jones, Special Representative of the Administering Authority for the Trust Territory of New Guinea, withdrew.

The meeting rose at 12.15 p.m.