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PETITIONS CONCERNING THE TRUST TERRITORY OF NEW GUINEA

197th Report of the Standing Committee on Petitions

Chairman: Mr. L. SMOLDEREN (Belgium)

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1. At its 447th and 448th meetings on 3 and 20 June 1957, the Standing Committee on Petitions, composed of the representatives of Belgium, China, France, Guatemala, the Union of Soviet Socialist Republics and the United Kingdom of Great Britain and Northern Ireland examined the petitions concerning the Trust Territory of New Guinea which are listed in the preceding table of contents.
2. Mr. J. H. Jones participated in the examination as the Special Representative of the Administering Authority concerned.
3. The Standing Committee submits herewith to the Council its report on these petitions.

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I. Petition from Mr. Yan Kam Wing (T/PET.8/10)

1. In a petition dated 31 May 1956, the petitioner states that he is of Chinese nationality, born at Rabaul, New Guinea in 1911. He left Rabaul in 1923 and stayed at Canton, China until 1931, when he returned to Rabaul for two years. From 1933 until 1953 he served in the Chinese Air Force and thereafter returned to Rabaul. In 1941, while in China, he married Miss Gin Tak Fong and they have five children. The petitioner states that during the past year he has applied on a number of occasions to the proper authorities both at Canberra and in the Territory for permission to bring his family to Rabaul but that all his applications were rejected. He now appeals for aid to the Trusteeship Council.

2. In its observations (T/OBS.8/4, section 1) the Administering Authority states that the petitioner was born in Rabaul, New Guinea, in July, 1911. He was married to Szto Fong San (also born in Rabaul) in June, 1930 at Canton, China. There are three children of the marriage. Yan Kam Wing and his wife returned to the Territory in 1931. In 1933 they again departed for China. His wife, Szto Fong San returned to Rabaul in 1937, and has since then resided there with her three children. Yan Kam Wing remained in China until his return to New Guinea in September, 1953.

3. In his application for permission to re-enter New Guinea Yan Kam Wing gave personal particulars about himself and family wholly different from those furnished in the petition to the Trusteeship Council. In the personal application made by Mr. Yan on 27 July 1953, he stated that he wished to return to his relatives, and he gave the following particulars regarding his marital state:

Wife's Maiden Name:	Szto Fong San
Birth Place:	Rabaul
Present Address:	Rabaul
Children:	John Yun, 21 (Resident at Rabaul)
	Peter, 18
	Joseph, 16 (both resident at Sydney)

4. On the case stated in the application a permit to return to the Territory for an indefinite period was granted.

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5. Yan Kam Wing at no time prior to his return to the Territory indicated that he was married to Gin Tak Fong or that he was the father of her children. The first occasion on which it came under notice that he had another family in Formosa was after his return to the Territory in September, 1953 when he sought permission for the entry of Gin Tak Fong and her children to reside with him in the Territory. Careful consideration was given to that application and to subsequent applications made by Yan Kam Wing regarding Gin Tak Fong and her children, and their entry into New Guinea has not been approved as there are no circumstances in this case which would justify any departure from the established immigration policy for the Territory. Yan Kam Wing has been divorced by Szto Fong San since his return to the Territory. The decree became absolute on 20 October 1955.
6. The petition was examined and discussed at the 447th and 448th meetings of the Standing Committee (documents T/C.2/SR.447 and 448).
7. The Special Representative stated that, since the petitioner has been divorced by his first wife, his request for permission to bring his second wife and family to Rabaul is under reconsideration.
8. At its 448th meeting, the Committee unanimously approved draft resolution I, annexed to the present report, which it recommends that the Council adopt.

II. Petition from the New Guinea Chinese Association (T/PET.8/11)

1. In a letter dated 1 June 1956, the petitioners request that the present Immigration Regulations as applied to Chinese be improved so that the families of Chinese born and resident in New Guinea be allowed to enter the Territory to rejoin their kinsfolk. The petitioners state that under the existing immigration regulations in New Guinea the wives of Chinese residents who married before 1921 are allowed to enter the Territory whereas the wives of those who married after 1921 are not allowed to do so. They point out that no such rigid restrictions barring the entry of the families of Chinese residents exist as regards Australia and that such discriminatory restrictions are applied only to the Chinese since immigrants from European countries are allowed in with their families.

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2. In its observations (T/OBS.8/4, section 2), the Administering Authority states that this matter has been examined and the following observations are submitted:

Policy in respect of all immigration is determined in the light of the obligations and responsibilities assumed by Australia under the Charter of the United Nations (especially Article 76) and the Trusteeship Agreement. Policy is not inflexible and reviews already made have resulted, in respect of the Chinese element of the population, in many wives and families being able to remain with, join, or accompany their husbands and parents in or to the Territory. In fact, all aspects of immigration are kept constantly under review so that it will always conform with the needs and interests of the Territory as a whole.

3. The petition was examined and discussed at the 447th and 448th meetings of the Standing Committee (documents T/C.2/SR.447 and 448).

4. At the 448th meeting, the representative of the Union of Soviet Socialist Republics proposed that the following paragraph be added to the draft resolution being considered by the Committee:

"3. Expresses the hope that in questions of immigration no discrimination will be made on grounds of race."

This proposal was rejected by 3 votes to 2 with 1 abstention.

5. At its 448th meeting, the Committee approved by 5 votes to 0 with 1 abstention draft resolution II, annexed to the present report, which it recommends that the Council adopt.

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Annex: Draft resolutions proposed by the Committee

I. Petition from Mr. Yan Kam Wing (T/PET.8/10)

The Trusteeship Council,

Having examined the petition from Mr. Yan Kam Wing concerning New Guinea in consultation with Australia as the Administering Authority concerned (T/PET.8/10, T/OBS.8/4, T/L.782).

1. Draws the attention of the petitioner to the observations of the Administering Authority and to the statement of its Special Representative;
2. Expresses the hope that the Administering Authority will expedite its consideration of the petitioner's request and that it will take a favourable view of it.

II. Petition from the New Guinea Chinese Association (T/PET.8/11)

The Trusteeship Council,

Having examined the petition from the New Guinea Chinese Association concerning New Guinea in consultation with Australia as the Administering Authority concerned (T/PET.8/11, T/OBS.8/4, T/L.782).

1. Draws the attention of the petitioner to the observations of the Administering Authority, in particular, to the fact that all aspects of immigration policy are kept constantly under review so that it will always conform with the needs and interests of the Territory as a whole;
2. Expresses the hope that as a result of this review the Administering Authority will find it possible, taking into account the best interests of the Territory, as a whole, to take a favourable decision on the petitioner's request.
