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TRUSTEESHIP COUNCIL

Fifth Session

VERBATIM RECORD OF THE TWELFTH MEETING
(Transcription from sound recording)

Lake Success, New York
Friday, 1 July 1949, at 2.30 p.m.

President: Mr. Roger GARREAU France

Note: The Official Record of this meeting, i.e. the summary record, will appear in provisional mimeographed form under the symbol T/SR.176 and will be subject to representatives' corrections. It will appear in final form in a printed volume.

The PRESIDENT (Interpretation from French): I declare open the twelfth meeting of the fifth session of the Trusteeship Council.

EXAMINATION OF ANNUAL REPORTS:

NEW GUINEA, YEAR ENDED 30 JUNE 1948 (T/266, T/354) (Discussion Continued)

The PRESIDENT (Interpretation from French): We shall continue the consideration of the report of the Administering Authority on the Territory of New Guinea.

We had started the examination of political questions in connexion with this Territory at our meeting yesterday. May I request the members of the Council to ask questions of the special representative for the Territory? The representative of the Philippines asked a number of questions yesterday and had the intention of asking further questions but our meeting adjourned yesterday at an early hour. Does he have any more questions to ask today?

Mr. INGLES (Philippines): I have no other questions on "Political Advancement." I should like to wait until we take up "Economic Advancement" to propound further questions.

The PRESIDENT (Interpretation from French): Have we other questions on the political chapter?

Mr. SOLDATOV (Union of Soviet Socialist Republics) (Interpretation from Russian): My question relates to the reply to question 25 of the report of the Administering Authority on page 12 of the report in the printed form.

In reply to question 25 a table is given which shows the number of persons from the native population of the Trust Territory who are in the Administration service. According to this table there are 9,272 people in the service, comprised as follows:

1,170	Members of the police force
6,698	General labourers
137	Agricultural workers
470	Medical and hygiene orderlies
112	Clerical and allied positions
685	Artisans, seamen and cooks

/I am interested

I am interested in the number of the clerical employees. It says: "Clerical and allied positions" and the number given is 112. I would be grateful to the special representative if he could inform us as to what kind of positions these 112 people occupy. I would like him to specify in this connexion ^{into} /what groups, according to their education, these people are divided: how many have higher education, high school education and elementary schooling?

Mr. HALLIGAN (Special Representative): I have referred to the further table in the appendices, table marked 24, in which greater detail is given as ^{to} /the classes of positions held by indigenous inhabitants in the Administration. In reply to the specific questions, none of these people would have had secondary education; they would have had primary education only. From the table you will see that "Clerical and allied positions" would take in such other positions as draughtsmen, assistants, clerical assistants, grades 1, 2, 3 and 4.

/ Mr. SOLDATOV

Mr. SOLDATOV (Union of Soviet Socialist Republics) (Interpretation from Russian): To what table is the special representative referring?

Mr. HALLIGAN (Special Representative): It is Appendix X, on the last page of this appendix.

Mr. SOLDATOV (Union of Soviet Socialist Republics) (Interpretation from Russian): What is the title of this table?

Mr. HALLIGAN (Special Representative): "Administration Servants - Approved Wages Scale." It is on the left-hand page, and Appendix XI is down at the bottom of the right-hand page.

Mr. SOLDATOV (Union of Soviet Socialist Republics) (Interpretation from Russian): That table indicates the minimum and maximum wages per month.

Mr. HALLIGAN (Special Representative): My purpose in referring to that table was to indicate the class of position, not so much the wages -- the classes of positions in which natives are employed. I did not have any idea of referring to the wages at this moment, but I thought that might be the most convenient way to show the break-up of the 112 "clerical and allied" positions. It will be seen from that table that there are draughtsmen, clerical assistants, radio operators, technical assistants -- positions other than artisans.

Mr. SOLDATOV (Union of Soviet Socialist Republics) (Interpretation from Russian): But this was not my question. I asked what kind of positions the 112 people are occupying which are mentioned as "clerical and allied positions." This is the first part of my question.

The second part of my question is to ask for a specification as to how they are distributed according to their education. I speak only of the 112 "clerical and allied positions"; how many of these 112 have higher education? How many have high school and how many elementary school education? This table does not supply these data, it only indicates the general occupations of

/all Administration

all Administration servants and their wages. I am referring to something different.

Mr. HALLIGAN (Special Representative): The persons referred to there in the category of "clerical and allied positions" would be natives employed in the various departments of the Administration on clerical work, some of them on typing.

I think that was the first question. With regard to their grouping according to education, none of them would have had a secondary education; they would have received primary education only.

Mr. SOLDATOV (Union of Soviet Socialist Republics) (Interpretation from Russian): My second question refers to the table to be found in Appendix X on page xxx of the printed text -- the first table in this appendix.

Data are contained in this table with regard to the number of natives who are employed in different branches of industry and agriculture including police and other Administration servants. In all there are 27,094 people. In this connexion the question arises: On the basis of this information, can one conclude that the rest of the population of the Trust Territory continues to live in the villages in conditions of natural economy?

Mr. HALLIGAN (Special Representative): The figure of 27,094 represents the total number of natives in employment in the Territory. The others live in their villages, cultivate their gardens and live, as described, in their natural economy.

Mr. SOLDATOV (Union of Soviet Socialist Republics) (Interpretation from Russian): The next question is with regard to the same figure of 27,094 people who are working for the Administration and for private companies.

I would like to ask the special representative to indicate how these people are distributed according to education. I refer both to those who work for the Administration and those who work for private companies. In particular I should like to know whether there are any who have had higher education, how many have high school education and how many have primary education, as well as the number of illiterates.

/Mr. HALLIGAN

Mr. HALLIGAN (Special Representative): None have had higher education. I do not have statistics available of those employed in the Administration indicating the number who have received primary education. Some of those in the artisan category will of course have received training in technical subjects but I have no statistics available which would enable me to say how many of those employed by the Administration have received primary education.

/ Mr. SOLDATOV:

Mr. SOLDATOV (Union of Soviet Socialist Republics) (Interpretation from Russian): Before I pass to the next question, I would like to ask the Administering Authority in the next report to supply if possible this information -- to some extent, at least.

My next question refers to document T/354, page 9, question 7 and the reply, with regard to village and advisory councils. My question refers only to the village councils. I would like to know how many such village councils are in existence, how many of the population participate in the elections to such councils, and how many people were elected to such councils.

I would like to know also what the method of electing these members of the councils is, in concrete form, if possible: who they are, according to their situation or position in the tribe or in the village, and whether women participate in the elections as well.

Mr. HALLIGAN (Special Representative): I have not statistics available to give answers to the enquiries that were just made, but I can just state in general terms that the village councils -- and I think I have mentioned this reply -- were until recently mainly around Rabaul. There was not a great number of them. During the last few years, the village councils, as mentioned in the report, have also been established in the Madang District and in the New Ireland District.

I shall take note of the request for statistics and information of the type described and arrange for information of that sort to be included in the next report.

Mr. SOLDATOV (Union of Soviet Socialist Republics) (Interpretation from Russian): Perhaps the special representative could tell us about these councils, as the number of these councils is certainly not very great and he must have an impression of the method of election to such councils, who participates in such elections, and whether women participate in these elections, in order to enable us to have a concrete picture of what these village councils represent.

Mr. HALLIGAN (Special Representative): All the village would participate, or all the groups covered by the council would participate in the elections -- that would be all adults. The elections are carried out by the natives themselves. I think that was the main part of the question asked by the representative of the USSR.

/Mr. SOLDATOV

Mr. SOLDATOV (Union of Soviet Socialist Republics) (Interpretation from Russian): I am grateful to the special representative for this information, but I am interested in the following matter: one can imagine that in a large village one can find part of a tribe having its own chiefs, its own elders -- perhaps a village council created by the population itself -- a kind of organization that has been existing for years and years. Further, these elders usually in a tribal system which has not been destroyed play a decisive role, and the role of these elders is characterized by different symbols, attributes, in various stages of the tribal system. I am sure in different parts of New Guinea there are varying stages of the development of the tribal system.

In this connexion, I am interested in finding out whether use is being made in any way of the forms of administration already existing -- the village councils, the Council of Chiefs, councils of elders, etc.; or is there a new democratic form of administration being introduced, different from the system which the local population used to have. This is why I am interested in the question of who elects, at what age they begin to vote, whether women participate, how these elections take place -- whether by secret or open ballot -- and how the candidates are nominated, at an open meeting or by any other method.

If the special representative has conversed with his own officials of the local administration, he would have the picture and could describe to us briefly all of this which is most important for our understanding of the conditions of life in which the local population lives in the Trust Territory. I would be most grateful for a comprehensive reply, even if given in general terms.

Mr. HALLIGAN (Special Representative): I have some notes here which will enable me, I think, to proceed in some detail. The general question which was asked is: Has the ordinary native tribal system been abolished and something entirely new put in its place? That is not the case: the native customs, and their organizations within the village, are used by the Administration, and only something harmful would be prohibited from continuance. Generally, the native customs and the village organizations are continued when the Administration supervises villages.

Mr. SOLDATOV (Union of Soviet Socialist Republics) (Interpretation from Russian): In order not to detain the Council in the
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T/P.7. 176
23 - 25

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future, I would like to say that I have a few more problems which I would like to have clarified. I am sorry that the special representative does not have the information with regard to the village councils, and I would be very grateful if this information, in one form or another, would be supplied to the Council in the future.

/My next question

My next question concerns question 8 and the reply thereto on page 9 of document T/354. From the answer it is clear that the Queensland Criminal Code is in force in the Trust Territory. As far as I can remember there are in the Queensland Criminal Code no provisions for the special conditions of life of the aborigines, the native population of Australia, who live in Queensland. Furthermore, the special conditions in the Trust Territory of New Guinea are not taken into consideration in this Code.

I should therefore like it specified whether there are any changes or modifications of the Queensland Criminal Code, except the general remark on Section 10 of the Laws of Repeal, Ordinance of 1921-1929, which is mentioned on page 14 of the report. I should like to know whether there are any other additions to or modifications of the Queensland Criminal Code which would take into consideration the special conditions and the kind of life and customs of the population of the Trust Territory.

Mr. HALLIGAN (Special Representative): As I mentioned in the reply, the Queensland Criminal Code is the basic law for the Territory. It does not extend there by its own force but has been adopted by the Territory as the basis of its Criminal Code.

As the representative mentioned, it is not especially designed for New Guinea, but it covers, in much the same way as any other criminal code, all the major items that are required in any country. But for the special circumstances of the Territory ordinances are made, and I mentioned in the reply that there are supplementary ones to the Criminal Code; in the case of the Police Offences Ordinance, which is an Ordinance of the Territory especially designed to cover Territory conditions. There are also the Native Administration Ordinances and Regulations. They are Ordinances dealing with criminal matters and have been especially designed for the Territory. The Queensland Criminal Code is an adopted law and is the basis of the Criminal Code of New Guinea.

Mr. SOLDATOV (Union of Soviet Socialist Republics)

(Interpretation from Russian): I did notice that in the special representative's reply it is stated that the basic law in this case, on which is based the Criminal Code, is the Queensland Criminal Code.

/This is thus

This is thus the law of the Territory. In this connexion the question arises what special ordinances have to be accepted by the Administration in order to bring this Criminal Code into line with local conditions. I will clarify my idea.

In all Criminal Codes of societies which have already reached the capitalist stage of development there is the idea of private property. All these Criminal Codes are so construed as to protect this private property. But the New Guinea tribes are at a stage of development which does not know of private property in the form in which it is understood by societies which are at a stage of capitalist development.

Does it mean, therefore, that the Code, elaborated in the State of Queensland, in conditions of capitalist society and with regard to the legal norms of that society, does not need any basic changes and modifications if it is to be applied in conditions of a primitive society, in which the native population of the Territory lives?

If modifications and changes were necessary, then it is important to know how they take into consideration the provisions of Article 76 of the Charter.

Mr. HALLIGAN (Special Representative): The Queensland Criminal Code, as an adopted law of the Territory, could be amended by an ordinance of the Territory. It is not within my immediate knowledge that there has at any time been an amendment to the Code.

The subsequent and supplementary legislation takes care of the subject so far as the special circumstances of the Territory are concerned. There is no need for any amendment of the Code particularly to give effect to the Charter. I should not think that there is anything in there that would be counter to it. But if it were found necessary -- and up to date it has not -- then the Queensland Criminal Code in its application to New Guinea could be amended by local ordinance.

Mr. SOLDATOV (Union of Soviet Socialist Republics)
(Interpretation from Russian): Could the special representative tell us what main changes and modifications were made in this Queensland Criminal Code, and in what direction, in order to take into consideration the most specific conditions of the Trust Territory as compared with /conditions in

conditions in the State of Queensland?

Mr. HALLIGAN (Special Representative): I mentioned that, in my immediate recollection, the Criminal Code has not been amended in its application to the Trust Territory. I cannot immediately recall any amendment having been made to it in its application to New Guinea.

Mr. SOLDATOV (Union of Soviet Socialist Republics) (Interpretation from Russian): Then the Queensland Criminal Code is in force in the Trust Territory without changes: this is the conclusion we must draw.

I have another question which refers to the answer to question 21 in the report of the Administering Authority, on page 11 of the printed text. In the reply to this question it is said that "no new legislation especially designed to further the political advancement of the Territory towards self-government or independence was passed during the year."

/From answers to other

From answers to other questions -- particularly, the questions raised at the third session of the Trusteeship Council -- it becomes obvious that during the administration of New Guinea, the military administration since 1914 and then the civil administration, the Administering Authority did not pass any measures which would guarantee the creation of legislative, executive and judiciary organs in which the local population would participate. The native population of the territory is deprived of participation in the administration of its own country.

In this connexion I should like to know whether the special representative or the representative of Australia^{is} in a position to inform us as to whether there are any general ideas or concrete plans to indicate just how long a time will be necessary for the Administering Authority to create such legislative, executive and judiciary organs in the Territory in which the local population might participate.

If the question is not clear I am prepared to clarify it.

Mr. HALLIGAN (Special Representative): In the Papua and New Guinea Act, provision has been made in Section 36 for the composition of the Legislative Council which is to be established in the Territory at a later date, and provision is made there for the appointment of three non-official native members who are to be nominated by the Administrator and appointed by the Governor-General of Australia. That is the only piece of legislation so far which specifically makes provision for the indigenous population to take part in the making of the legislation for the Territory.

Mr. SOLDATOV (Union of Soviet Socialist Republics) (Interpretation from Russian): I should like also to have information on a matter which deals both with political development and educational development. If the President is of the opinion that it is better to defer this question until we come to the chapter on educational development, I shall be ready to resubmit my question later.

I should like to know why the Administering Authority takes no measures to prepare native teachers with higher education, physicians, legal workers, agronomists, engineers, technicians, etc. Such an educated group of people could actively participate in the political life of the Territory in general and in the administration of the Territory. What are the reasons which prevent the Administering Authority from applying such a policy? It is clear that if, twenty-five years ago, a few high schools had been created it could mean that now the Territory might have some 10,000 people with high school education. If, ten years after the creation

/of such

of such high schools, at least one university had been created, there would be hundreds of people from among the native population who would have a higher education.

Up to now, however, if we are to judge according to the report presented to the Council, such measures have not been applied. This obviously retards the political development of the Territory. I should like therefore to know just what are the reasons which prevent the Administering Authority from applying such a policy in the administration of the Territory, the policy of preparing educated people from among the native population.

Mr. HALLIGAN (Special Representative): It is the policy of the Administration^{and of the Administering Authority} to educate the people and to prepare them for participation in the government of the Territory.

The representative of the USSR inquired as to why, over the years, there were no high schools and indicated what would have happened had there been such high schools.

A lot has happened in those years. There have been no high schools in the Territory, but education has been going on during the years from 1921 to 1942 when considerable advancement was made in education -- and in all other aspects of administration. Please bear in mind the figures I gave yesterday as to the people then under control and the people now under control. At that time there were 197,000 people of the controlled population of the Territory and there are now 668,000. It has taken quite a long time to establish administration to cover all those areas and it would not be possible to say that you can take a number of natives, put them into a high school and immediately have the qualified people of the type described by the representative of the USSR.

When we come to the chapter dealing with education, I shall give full details. Further details would refer to our educational policy and programme and the progress which is being made.

Mr. SOLDATOV (Union of Soviet Socialist Republics) (Interpretation from Russian): It is one thing to place people under the control of the Administering Authority, but it is another matter to conduct a policy of the political education of these people. We all understand the difficulties which the Administering Authority encounters in the Trust Territory. Difficulties are encountered by all Administering Authorities. I am not referring to the administrative difficulties of placing people under control; my question was with regard to measures of political

development of the people of the Trust Territory. I know of many examples where much shorter periods -- only twenty years, for example -- were necessary for people of a primitive stage of development to attain a state where they could absorb secondary and higher education.

Therefore there are no such general difficulties or obstacles. I should like to know what special obstacles prevent the Administering Authority from implementinig measures which would really bring about the political development of the Territory, and, in particular, the preparation of an educated group of people from among the natives of the Territory.

/I would be

I should be grateful for further clarification of the special representative's reply which was given in a most general way. If, at this moment, neither the representative of Australia nor the special representative possesses this information, perhaps we could, at a later stage, get the additional information; or perhaps the representative of Australia could give it to us in a general statement.

Mr. HOOD (Australia): This question will no doubt be further discussed under the Chapter on Educational Advancement; the special representative will then have quite a lot more to say about the aims and objects of the educational system in New Guinea, and I think the Council will find that the record, even over the last twelve months, is greatly to the credit of the Administration.

However, I do think it desirable at this stage to make a brief comment on what the representative of the Soviet Union has just observed. He is really asking something to which there can be no answer, and I feel sure he must understand that himself basically. It is not possible to set out any precise timetable in terms of years or in terms even of tens of years for the completion of the process of education leading to a political sense and eventual self-government. It is not possible to do that; what the Administering Authority is doing is to lay the foundations -- a large part of the foundations has already been laid -- on which that process can and will be worked out.

Time and again it has been stressed in this Council, both by the representatives of the Administering Authorities and by those representing the non-administering powers, that education is the main, and indeed the sole basis for political development, and that until that is firmly established there can be no political development in the sense in which the representative of the Soviet Union is speaking.

As regards the rate at which such an educational basis can be made, that is a matter, of course, which is determined by local conditions, by budgetary considerations, and especially by language considerations -- there is no common vernacular language in New Guinea -- and, although it is open to any member of the Council to criticize that rate, it is, I would suggest, not possible for anyone to attempt to lay down a time limit in which it can or should be concluded.

/There are no

There are no special difficulties, in the sense which I think the representative of the Soviet Union intended, attached to the process of political education and development in New Guinea, but there are the general difficulties which apply to all Trust Territories -- and which perhaps apply in a somewhat more intense form in some respects in New Guinea. The whole task is to lift a primitive people, of a not inconsiderable number, from the state in which they were when the Mandate was first assumed to a condition in which they can take part in the running of their own affairs. A beginning has been made with that.

In the Act which has just been passed, as the special representative pointed out a moment ago, provision is made for the first time for the association of representatives of the native people in the legislative organ. That, I submit, is quite a marked step forward; and it is not really reasonable criticism to suggest that more could be done, or could be done more quickly, without specifying exactly what could be done.

I should like to be able to return to this matter when we discuss the Chapter on Educational Advancement; it could then be discussed in more detail.

Mr. SOLDATOV (Union of Soviet Socialist Republics) (Interpretation from Russian): Those are all my questions. The representative of Australia asks me to say what can be done in these conditions; in my further remarks and questions I shall endeavour to reply to his question. I shall not reply now because I do not want to keep the attention of the Council when we are putting questions to the special representative.

Sir Alan BURNS (United Kingdom): The last sentence in the answer to question 7, on page 9 of document T/354, states that "the village councils do not possess treasuries." In view of the importance ^{from} the educational point of view of allowing such people to have the management and control of a budget of some sort, however small it may be, does the Administration propose to introduce treasuries to these village councils or to any larger political units in the Territory?

Mr. HALLIGAN (Special Representative): That reply related to the village councils now in existence which are, as is indicated, of an experimental nature. The village councils in future will be /controlled

controlled by the Ordinance that I mentioned which is shortly to be made under the Papua/^{and}New Guinea Act. I am not in a position to indicate at present what the provisions in that Ordinance will be, but, as I mentioned yesterday, it should be available for consideration by the Trusteeship Council when the next report is being examined. Then the question of budgetary or any form of monetary control by village councils will be taken care of by the Ordinance if that is the decision reached by the Australian Government.

Sir Alan BURNS (UNITED KINGDOM): Will the Administering Authority give consideration to that point, because I am quite sure that it would have a tremendously valuable effect if the members of the village councils learned to handle funds -- however small they may be -- for themselves.

Mr. RYCKMANS (Belgium) (Interpretation from French): In the course of the questions the representative of the Soviet Union has just asked concerning the application of the Penal Code of Queensland, he was wondering whether the penal code of a country such as Queensland could be satisfactorily adapted to a very primitive society such as the indigenous population of New Guinea.

In this connexion, I should like to ask the special representative whether the customary authorities have reserved their traditional right to punish purely customary infractions -- not infractions against the Queensland Penal Code, but against the indigenous custom of New Guinea. I should like to know whether the customary judicial authorities still function, whether they do punish this kind of infraction, whether the exercise of this right of punishment by the indigenous authorities is recognized by the Administering Authority, and whether it is organized and supervised by the Administration.

/Mr. HALLIGAN

Mr. HALLIGAN (Special Representative): That would not come under the Queensland Code. Such matters that have purely New Guinea relevance come under the Native Administration Ordinance and Regulations which are a set of laws dealing especially with native matters. Any punishment of natives would come under that Ordinance except, of course, that the Queensland Code would apply throughout the Territory and major crimes would be dealt with under the Queensland Code. But generally speaking all, and particularly minor, matters relating to the natives are dealt with under the Native Administration Ordinance and Regulations.

Mr. RYCKMANS (Belgium): The special representative said before that the Administration recognizes native customs except when native custom is repugnant to sentiments of humanity or decency.

Is it considered repugnant to humanity or decency to have courts? If the natives have no judiciary, if they have no native courts, do they not punish offenders? Why has that custom of punishing offenders against native law not been recognized by the Administration as have other customs which are not repugnant to civilized notions?

Mr. HALLIGAN (Special Representative): Those customs would still be recognized. They would not be recognized specifically in the law but they would be recognized by the Administration, and the natives themselves, within their tribes, conduct their own courts, and punishments would be imposed by them within their own villages.

Mr. RYCKMANS (Belgium): But those courts are not recognized by the Administering Authority nor supervised by the Administering Authority?

Mr. HALLIGAN (Special Representative): They are recognized but not as part of the judiciary of the Territory and are not supervised by the Administering Authority. They are recognized in a general way but they are not mentioned in the laws of the Territory up till now.

There is another ordinance to be promulgated which is in the course of preparation now, the Native Village Courts Ordinance. It will create village courts with statutory authority. The village court exists now but it is not mentioned in the laws of the Territory and it has no statutory authority, but only the authority of local native law and custom.

Mr. RYCKMANS (Belgium)(Interpretation from French): I am happy to learn that the organization and recognition of native justice is envisaged. I think this is a highly important question. The exercise of justice is just as important as the administration of a budget in the progressive training of the natives towards a greater part in their own administration.

The PRESIDENT (Interpretation from French): If there are no further questions on political conditions in New Guinea, the Council will now take up Chapter III, "Economic Advancement."

Mr. RYCKMANS (Belgium)(Interpretation from French): I submitted a written question in connexion with the payment for copra. A portion of the special representative's answer is as follows:

"The Board operates under regulations administered by the Minister for External Territories who, from time to time, fixes the price of copra having regard to all factors including the costs of marketing and the world price of copra. The price of copra is at present fixed at L.A.60 f.o.b. port of shipment."

I should like to know, at the time the price of copra was fixed at L.A.60 per ton, what was the world/^{market}price for copra, and if the factors which the Minister takes into account in fixing the price comprise a certain amount which remains with the Production Control Board as a profit or as a reserve fund for possible needs.

Mr. HALLIGAN (Special Representative): Even now there is no figure which could be called a world price for copra. Before the last war there was a stable world price for copra, but the price has varied and for small lots there is^{no}over-all world price for copra.

Some shipments could have received, at that time, possible L.A.70 per ton. In fixing the price of copra, the factors making up the price as against the price paid to the planter out of the amount received, f.o.b. Territory ports, include the cost of handling and shipping to Australia and sale of the copra at the wharves in Australia.

In addition to the cost of marketing, there is also a deduction of L.A.5 per ton from the price received as a contribution to a stabilization fund held on behalf of the growers. Out of the price of L.A.60, f.o.b. Territory ports, the grower receives L.A.48 at the present time. The difference of L.A.12 is made up by the stabilization fund, handling charges and export customs duty.

/Mr. RYCKMANS

Mr. RYCKMANS (Belgium)(Interpretation from French): This reply is not complete. The special representative says we cannot speak of a world price for copra. Nevertheless, in order to establish the price to the producer, how did the Minister reach the figure of L.A.60 if not on the basis of a world price?

I believe there is a price in New York which is well known and I should like to know, if the information is available now or if it can be given in a later report, what was the price of copra in New York at the time the Minister fixed the price of copra at L.A.60 per ton.

/Mr. HALLIGAN

Mr. HALLIGAN (Special Representative): I will endeavour to find that figure which I do not have available now. That is, what was the price of copra in New York when £60 a ton f.o.b. was fixed for Territory ports in New Guinea.

All shipments were made to Australia and the price of copra was fixed there by the price-fixing authorities. Price-fixing control ceased in Australia some months ago and the price has advanced from what it was then. The price in Australia is now determined according to the sales that can be made.

Mr. LIU (China): I refer to Question 25 on page 19 of document T/354. In the answer to that question it is provided that "certain goods, produce of the Territory of Papua should, on importation into Australia direct from the Territory, be free of duty."

That means that Australia enjoys a preference in importing these goods. Is that consistent with the provisions of Article 76(d) calling for equal treatment for all members of the United Nations?

Mr. HALLIGAN (Special Representative): I think that the representative of China mentioned that Australia gets a preference. There is an Australian Act, the Customs Tariff (Papua and New Guinea) ^{Preference Act} by which certain goods from Papua and New Guinea should, when imported into Australia direct from the Territory, be free of duty. In the Australian tariff some of those goods would be subject to duty and therefore the preference is to the Territory.

This is an Act which was passed in 1932 and which is still in operation and I do not know whether it would be contrary to Article 76(d) of the Charter. I should not think it would be.

Mr. RYCKMANS (Belgium) (Interpretation from French): The special representative does not believe that it is contrary to Article 76(d) of the Charter but I am sure that it is not in the least opposed to that Article. Article 76(d) means that New Guinea can not accord privileged treatment to Australian goods as compared to American ^{Chinese} or Belgian goods. But nothing in the Charter says that / Australia

Australia can not accord special treatment to goods coming from Trust Territories.

The same applies to Belgium in respect of Ruanda-Urundi. According to trade treaties there is a general tariff which imposes certain taxes on certain goods. For instance, the coffee of Ruanda-Urundi was allowed free into Belgium, but no Belgian goods have any advantage over any other goods into the Territory. And I do not think that any Australian goods have any advantage on importation into the Trust Territory. That would be against Article 76(d) of the Charter.

Mr. SAYRE (United States of America): In speaking of Article 76(d) I was interested particularly in Question 40 of the Provisional Questionnaire which asks; "What steps have been taken by the Administering Authority to give effect to the economic equality provisions of Article 76(d) of the Charter?"

The answer to that question, which appears on page 21 of the report is: "Economic equality is enjoyed by all inhabitants of the Territory." That seems an answer so incomplete and unresponsive that it is asked again in the written questions, Question 1 at the top of page 12 of document T/354: "In view of the statement that 'economic equality is enjoyed by all inhabitants of the Territory' could the special representative indicate the specific steps which have been taken by the Administering Authority to give effect to the economic equality provision of Article 76(d) of the Charter which provides for equal treatment in economic and commercial matters for all Members of the United Nations and their nationals?"

The answer given is: "Economic equality is enjoyed by all inhabitants of the Territory and it was not deemed necessary to take any specific steps during the year to give effect to the provisions of Article 76(d) of the Charter."

I am sure that the special representative understands that Article 76(d) of the Charter applies to equal treatment for all Members of the United Nations. It is not economic equality for all inhabitants of the Territory, but particularly for all Members of the United Nations. What I am wondering is whether, in the commercial activities of the Territory the various Member-States

of the United Nations do receive equality of treatment, as I presume they must under the provisions of Article 76(d) of the Charter.

Take the case, for example, of mining concessions, or any other economic activity. Is any discrimination made in the case of mining concessions or of other economic activities? Do the ^{nationals of} Members of the United Nations receive the same treatment with regard to economic activities as any other nationals or inhabitants of the Territory?

I wonder whether the special representative would be good enough to show specifically and concretely just what is the answer to this question with regard to the applicability of Article 76(d) of the Charter in the Territory.

I wonder if I make my question clear.

/ Mr. HALLIGAN:

Mr. HALLIGAN (Special Representative): The question is clear but I find it very difficult to answer beyond the statement that was made in the report, and I repeat it again, that economic equality is enjoyed by all the inhabitants of the Territory which includes all Members of the United Nations, of course, and there was no need to take any steps during the year to make that effective.

The representative of the United States of America mentioned mining concessions or any other economic activities. There is no discrimination in any of those fields. Therefore, beyond stating that the answer is: "Yes, all Members of the United Nations receive equal treatment and we adhere to Article 76(d) of the Charter," I am afraid that there is nothing further I can add except to reply to specific enquiries. I cannot myself think of anything at all at the moment that would in any way qualify that statement.

Mr. SAYRE (United States of America): So that if I correctly understand the special representative in respect to mining concessions, for instance, the nationality of the applicant would have no bearing, that is, all applicants would receive the same treatment with regard to the grant of a mining concession or the like?

Mr. HALLIGAN (Special Representative): That is so.

Mr. RYCKMANS (Belgium) (Interpretation from French): I would like to take this opportunity to show the imperfection of the questionnaire. This is one of the questions against which I protested when the questionnaire was drawn up.

The representative of the United States who, obviously, has no desire to come and ask useless questions of the special representative apparently feels that the answer is insufficient/ ^{and it cannot be denied.} The question is: "What measures have been taken in order to render effective economic equality?" The answer is: "We took no measures at all." What is the impression of anyone who reads this answer? The impression is that Australia has done nothing in order to implement one of the main requirements of the Charter.

But, in fact, ^{what is economic equality,} what does Article 76 aim at? That Article requires that everyone should receive the same treatment, that is, that no

/privilege should be

privilege should be accorded anyone.

The question should not have been asked in that form. What we should have said is: "Did Australia take any specific measure in order to grant any Australian subject a privilege as compared with all the others?" Then Australia would have answered: "No, we did not grant any privilege to anyone." Therefore we could have concluded that Australia had fulfilled all its obligations under Article 76.

But if we say: "What measures did you take in order that there should be noⁱⁿ equality?" the answer is: "We took no measures at all. It is impossible to take any measures since everyone has received equal treatment and everyone is equal before the law."

What would happen if you ask in a country where that principle of equality before the law prevails such as in the United States of America: "What measures were taken in the year in order to ensure equality before the law?" The answer will be: "None, because that is not necessary; we have no measures to take." I am just giving one of the characteristic examples of these negative questions which place the Administering Authorities in an unfavourable^{position} even when they answer in full sincerity.

Mr. LIU (China): I wish to return to my question and its relation to the explanation given by the representative of Belgium. Perhaps we were talking about two different aspects of the same question. He was talking about imports which I am very clear on; there may be no differentiation ^{between} treatment accorded to the imports from the different countries into New Guinea. I was talking about exports.

As a result of the preference given to the exports to Australia is it not clear that other countries will not have the same privilege to import these goods from New Guinea? Is that not in theory a little inconsistent with the provision calling for equal treatment under Article 76 (d)?

Mr. HOOD (Australia): I think there still is a misunderstanding because if there is a preference in fact, it is a preference exercised by the Australian Government in respect of the metropolitan territory of Australia and it has nothing whatsoever to do with the obligations regarding the Trust Territory of New Guinea. What the Australian Government chooses to do in respect

/of its own tariff

of its own tariff administration is entirely its own matter and it can in no way be affected by its obligations toward the Trust Territory. Surely that must be clear.

Mr. RYCKMANS (Belgium) (Interpretation from French): There is no preference at all within the Territory of New Guinea to goods going to Australia. For instance, copra pays excise duties whether it goes to Australia or to any other country. Excise amounts are exactly the same. Therefore every country has the same possibility to buy New Guinean copra but Australia taxes copra from whatever its origin but renounces its right to levy ^{an} import tax on goods coming from New Guinea. This is not contrary to Article 76.

Mr. LAURENTIE (France) (Interpretation from French): I think that we could even add that any country could buy the copra of New Guinea under the most favourable conditions from New Guinea even if paying a premium. The United States could do so and any other country could do so. This is a possibility which is open, not only to any Member of the United Nations but to any country in the world.

The PRESIDENT (Interpretation from French): I think that the Council has perfectly well understood that it would be different if a privilege were accorded to copra exported to Australia if that preference were accorded on the basis of export licences but this is a preference accorded by Australia in respect of the Australian market. France could, ^{do so} for instance, and I think that is the case and measures have been taken in this direction, on coffees coming from our own French territories, including Trust Territories, and it was to the benefit of Trust Territories. But if France had said that there is an export duty on Cameroon coffee ^{except if exported to France} there would be discrimination and we would then be acting against the provisions of the Charter. Have we further questions?

Mr. INGLES (Philippines): I should like to go back first to question 25 on page 19. The question is: "What is the policy behind the preference given certain exports from the Territory to Australia?" The answer, it seems to me, is not quite responsive and I would ask the special representative to elaborate on the reasons for the policy.

Mr. HALLIGAN (Special Representative): As I mentioned, this Act was passed some time in the twenties I think but the policy behind it would be, was and still is the encouragement and assistance of the growing of those crops mentioned which are admitted to Australia duty-free to encourage their production in the Territory.

Mr. INGLES (Philippines): My delegation appreciates that this policy was motivated by generosity in order to encourage the production of certain products by New Guinea for export into Australia. But the next question which arises is whether the Administering Authority has contemplated the possibility that by virtue of this policy the economy of the Territory will be so geared as to make it dependent on the Australian market?

Mr. HALLIGAN (Special Representative): I should say that would not be the case and the encouragement of the products mentioned is not only to export them to Australia but they can export them from the Territory anywhere. As I said, it is a method of encouraging the people in the Territory to extend their operations and give them a market in Australia which would probably be more favourable to them than goods coming from elsewhere.

I might mention that practically the only thing in this category is coffee and, to a very small extent, ginger; these are the only things which are grown to any great extent in the Territory, despite that encouragement.

Mr. INGLES (Philippines): In connexion with question 18 on page 17, the question was: "Considering that mining companies pay no income or business taxes, does the Administering Authority consider adequate the royalty on gold which is roughly only 4 per cent?" and the answer was that "The Mining Ordinance prescribes that a royalty of 5 per cent shall be payable on gold exported from the territory."

The question still remains unanswered because the question is whether the Administering Authority considers this royalty on gold adequate in view of the fact that the mining companies pay no income or business taxes.

/Mr. HALLIGAN:

Mr. HALLIGAN (Special Representative): I might mention before answering the question directly, that the mining companies pay customs import duty into the Territory which is the main source of revenue under the heading of "Customs".

So far as an answer to the question: "Does the Administering Authority consider adequate the royalty on gold which is roughly only 4 per cent?" is concerned, I would have to submit that to my Government before I could express an opinion on it. That is the royalty which obtains at the present time, but before I could express an opinion on this I would have to submit it to my Government.

The PRESIDENT (Interpretation from French): We shall have a short recess after the next question.

Mr. INGLES (Philippines): This question is in connexion with the enquiry made last year by the Trusteeship Council as to what the nett profits of the gold mining companies are for the year under review. Can the special representative give us any information on this matter?

Mr. HALLIGAN (Special Representative): No, I have not that information available. Some effort was made to get it but I have not yet been able to obtain it for the Council. The efforts will be continued with a view to furnishing the information as soon as we can obtain it.

The PRESIDENT (Interpretation from French): Contrary to our recent custom, we shall revert to the system of a few minutes' recess. A certain number of members of the Council have expressed the desire to have a short rest, otherwise our meetings are really rather long. We shall now have a fifteen minutes' recess and I ask all members of the Council to be back in this room by 4.45. This recess should not last too long. The meeting is adjourned now and will be resumed at 4.45.

The meeting was suspended at 4.26 p.m. and re-convened at 5.10 p.m.

The PRESIDENT: (Interpretation from French): We shall resume, for the time being, the examination of economic conditions in New Guinea.

In the meantime a draft resolution will be distributed which we shall discuss at the end of the meeting. It is presented by the representative of Iraq. But while we wait for the written text of this draft, we shall continue the examination of economic conditions in New Guinea.

Mr. RYCKMANS (Belgium) (Interpretation from French): In respect of the question which was asked earlier by the representative of the Philippines, I also believe that in normal times a global value of 5% of the gold produced as the exclusive contribution of the gold-mining industry to the economy of the Territory is a rather small figure. It is possible that at present the situation of gold-mining is a special one, inasmuch as the costs of production are now ^{three} times higher whereas the value of gold increased only 50%. Therefore, the situations of gold mines which were very prosperous before the war has in many cases become rather serious, and we know of certain countries where the government has to subsidize the industry.

However, it would be interesting -- as was asked of the Administering Authority -- to know what profits the mining companies show, and in particular what these profits were in normal times; so that if at any time the value of gold were to be modified, the policy of the Administration could be prepared far ahead in order to ensure for the Territory the maximum participation in prosperity, thanks to the contribution from the gold-mining industry.

The PRESIDENT (Interpretation from French): Does the special representative wish to make any comments on what the representative of Belgium just said?

Mr. HALLIGAN (Special Representative): No, not beyond stating, as I have already mentioned, that I shall bring the views expressed in the Council to the attention of my Government.

I should also like to make one observation with regard to the cost of production and the price of gold: the price of gold in relation to New Guinea is the same now as it was for a few years prior to the suspension of the Administration in 1942. That is

/a fact

a fact which obviously has to be taken into consideration in any question of royalties.

Mr. RYCKMANS (Belgium) (Interpretation from French): In that case, I shall repeat the remark I made in the form of a question. I asked what reason inspired the Australian Government to seek its principal income from import duties rather than from export duties?

^{for instance.}
I find that the price of oil seeds throughout the world world increased considerably without the cost of production increasing in a corresponding proportion, the increase in price being attributable to a world shortage rather than to production costs.

It seems to me that the Administration might find the taxation of copra, which is the main export product, useful in increasing the revenue. There is a disproportion between the amount derived from import duties and the very small amount which comes from export duties.

Mr. HALLIGAN (Special Representative): I am not quite clear what the question is, beyond a repetition of the question asked in writing. Is that the further question which the representative of Belgium now puts to me: why the policy is to get the most part of the customs revenue from import duties and not from exports?

I have given the answer in reply to question 9a in document T/354. I referred to the statistics given in the report showing the class of goods exported from the Territory: "the total value of exports was L.A.1,927,075, of which gold amounted to L.A.851,570 and copra to L.A.625,662. The royalty on gold is shown under the heading of "Mining Receipts" in the financial statements. An export duty is payable on copra."

The other items which will be noticed from an examination of the returns, Appendix VI, page xxvii. From that it will be seen that the exports from the Territory, or quite a number of them -- I mentioned one -- are purely transient items, such as automobiles and parts.

Mr. RYCKMANS (Belgium) (Interpretation from French): My remark was precisely that copra, which represents a value of some L.A.625,000 for 18,000 tons, brought in export duties to the total of only L16,000, which means less than L1 per ton; whereas the

/Minister of Island Territories

Minister of Island Territories fixed the price of copra at £60. It seems that, in view of the increased value of copra, that product could should carry a larger export duty than less than £1 per ton.

This is not a question; it is just a remark.

/Mr. INGLES

Mr. INGLES (Philippines): In question 10 on page 15 of document T/354 we put the following question:

"In answer to Question 61 it is stated that penalty for non-payment of the Native Head Tax is imprisonment with hard labour for a period not exceeding six months, though in answer to Question 60 it is stated that the Native Head Tax has not been collected since the resumption of the Civil Administration in October 1945. Is it intended to abolish this feudal tax for good, or is its collection merely suspended temporarily?"

The answer was as follows:

"No decision has been taken in this matter. This inquiry will be brought to the notice of the Administering Authority."

The reason for our question was to congratulate the Administering Authority if it had made a decision to abolish this tax. On the other hand, if its collection is merely suspended temporarily, we wished the Administering Authority to consider measures for replacing this Native Head Tax with a more progressive system of taxation more in line with the recommendation of the Trusteeship Council during its last session for Administering Authorities to review their systems of taxation.

I should like to add that, in addition to bringing this point in question 10 to the attention of the Administering Authority, perhaps the observations made by the Philippine delegation on this matter might also be brought to the attention of the Administering Authority.

Mr. HALLIGAN (Special Representative): I shall be pleased to bring that to the attention of the Administering Authority.

Mr. RYCKMANS (Belgium)(Interpretation from French): I have no questions to ask but I should like to make some comments in relation to the statement made by the representative of the Philippines. This is a question which interests more than one Trust Territory.

I should like to answer to the effect that in many Territories -- and to my knowledge, in two Territories at least, the Belgian Congo and Ruanda-Urundi -- far-reaching studies have been made with the idea of replacing the head tax with some more modern form of taxation which would take into account the possibilities of the population.

/These studies

These studies have always shown that where there are very primitive populations the head tax is the only possible form of direct taxation. All attempts which have been made to reach a better form of taxation have come against obstacles which made it necessary to return to the head tax. The head tax obviously is a very simple tax and can be justified exclusively in the case of very primitive populations at the beginning of their economic development.

It is impossible to replace such a tax if we speak of populations as backward as that of New Guinea.

Mr. INGLES (Philippines): I have a correction on the observations made by the representative of Belgium. The poll tax imposed in some Territories in Africa is not based on the ability of the individual to pay, and more often the justification for the imposition of the poll tax is to compel the indigenous inhabitants to work for the non-indigenous inhabitants in order that they will be able to pay this poll tax.

In some instances the poll tax is such it takes the indigenous inhabitant from one to four months to earn enough in order to pay this poll tax.

The PRESIDENT (Interpretation from French): On Tuesday, the Trusteeship Council will take up the study of Chapter IV, "Social Advancement" of the report on New Guinea.

The Council will now consider the draft resolution which has been submitted by the representative of Iraq. I shall request the representative of Iraq to state his reason for submitting this draft resolution.

Mr. KHALIDY (Iraq): The other day, when the President introduced the subject of a drafting sub-committee, I thought that a committee of four could do the work in view of my own past experience. However, I had the impression that other members of the Council were in favour of a committee of twelve, and after having talked the matter over with them, I am also of the same opinion that this time a committee of twelve would be a happier medium for drafting the report.

Perhaps some of the members will not like one or two points in this draft resolution which I have prepared but I should like to point
/out that this

out that this resolution is the result of merging many different points of view. This is the only way of getting as many votes as possible.

My only concern in this connexion is that, knowing how much this committee will have on its hands and knowing how much work is pending, the committee should get on with the work as soon as possible. I am sure there is plenty to do.

The PRESIDENT (Interpretation from French): To clarify the spirit in which this proposal is made, I should like to recall to the Council the agenda which we have to follow. We shall have three days in which we will not be working. Our meetings will be resumed on Tuesday, 5 July.

We have a committee which works every morning and studies the matters connected with education in Africa. This committee has already accomplished a great deal but cannot finish its work before the end of next week. Therefore a number of the members of the Council are already busy every morning in that committee.

Nevertheless, it is necessary to set up a drafting committee which should, if possible, begin its work on 11 July. It will have to deal with three Territories and we know from experience that this will call for a certain number of meetings.

The third week, from 18 to 22 July, the Trusteeship Council should be able to finish its work for this session on the condition that a number of morning meetings of the Trusteeship Council are held.

/This would make

This would make it possible for us to complete our agenda not on 26 July but on Friday 22 July. I happen to know that a number of members of the Council are very desirous of finishing the work of the Council on 22 July. If we meet until 26 July we shall have the days of 23 and 24 July which will be lost and we should have to meet the following week only on 25 and 26 July. Therefore it is desirable that we finish our work on 22 July, but this will make it necessary for us to have additional meetings in the mornings in the course of the last week.

The question of the setting up of a committee to draft the reports is therefore extremely urgent and it is very desirable that this work should begin next week. I would ask the Council to study this question immediately. It calls for the setting up of a drafting committee for the reports and also for the consideration of the terms of reference which should be given to that committee.

That is the purpose of the draft resolution from the delegation of Iraq, which is now before us.

I would like to know what the members of the Council think of this draft. If we could agree on a text to-day then the committee could meet as early as Tuesday morning and this would gain time.

Mr. SAYRE (United States of America): It seems to me that the Council owes a debt of appreciation to the representative of Iraq for working out and presenting this draft resolution.

As the President has just said, the Council has only three weeks before it before we hope it will have completed its work. If it is to complete its work in three weeks it will certainly be necessary for a working committee on the draft reports to begin its work next Tuesday morning. For that reason I hope that the Council will see fit to approve this resolution.

On reading the resolution I find that it is substantially an incorporation of the practice which we followed last year -- there are no substantial or radical changes. I hope therefore that we can pass this resolution more or less as a matter of course, acknowledging our appreciation to the representative of Iraq, as I said before, for making it possible, in this expeditious way, to reach what I hope will be a unanimous conclusion.

/ Mr. CRAW:

Mr. CRAW (New Zealand): I would like to inquire, for purposes of clarification, whether we were intending to discuss this draft resolution to-day. I had thought, apparently quite wrongly, that we were just about to go on to the supplementary questions on Social Advancement in New Guinea, but since the representative of the United States and others are speaking on the draft resolution my understanding must be quite wrong, and we are now faced with this resolution, though I note there is no item on the agenda to-day which would take account of it.

Now that I have the floor I might say that it seems to me that this draft resolution is perfectly acceptable but I cannot understand the reference of the representative of the United States to the effect that this is the same procedure as was adopted last year. If I remember rightly, last year we had a committee of four. I think that the last session was perhaps meant by the representative of the United States.

Mr. SAYRE (United States of America): The representative of New Zealand is right. I meant the last session.

Mr. CRAW (New Zealand): When I look at the resolution -- though I am very grateful, as is the representative of the United States, to the representative of Iraq for putting it before the Council -- I agree with the representative of the United States that it does, in fact, sum up what was done at the last session, what was the practice of the Council and of the committee itself, and therefore I cannot quite see why the Council should wish, at this stage, to adopt a resolution. Could we not just agree that we should continue with the practice adopted last session?

Therefore the point of my intervention is to inquire as to the purpose of the Council in adopting a resolution at this stage. It seems to me to be a little unnecessary.

Mr. RYCKMANS (Belgium) (Interpretation from French): I must confess that I am not very enthusiastic in respect of this draft resolution but I am willing to accept it if the majority of the Council thinks fit to do so.

However it seems that it will be impossible for this committee to meet usefully on Tuesday because we do not have before us the
/ preliminary work

preliminary work to be done by the Secretariat in summing up the remarks made, and here again I would insist on getting the members who made remarks to inform the Secretariat, once they are in possession of the documents prepared by the Secretariat, which remarks they would like to see included in the report to the General Assembly.

I am convinced that if one studies carefully the work which will be done by the Secretariat and indicates those remarks which the author would like to see included in the report to the General Assembly, a lot of time would be saved.

Personally, I would like to see go before the General Assembly only remarks of real importance which the Trusteeship Council could form as a recommendation. If the Trusteeship Council does not wish to follow me in my remarks, I would like the General Assembly to see my remarks ^{and} /that if the Trusteeship Council did not adopt such a remark at least one member of the Council -- in that case myself -- had made that remark to the representative of the Administering Authority.

As to other remarks -- and there are many which were made by some of us -- the real aim is to inform the Administering Power of certain doubts and a certain lack of clarity in its administration. All that is being asked is that the Administering Power should be informed of the impression which the report has made on the Council and the remarks which members of the Council felt it necessary to make.

Reading the report on Nauru or on New Guinea and submitting to the General Assembly all these remarks seems to me to be completely useless, and I believe that many of my colleagues will reach the same conclusion. Therefore if members of the Council would limit themselves to asking that the report should include only the remarks of such importance that they are desirous of seeing them transformed into remarks voted by the Trusteeship Council, we would certainly save a lot of time.

/ I understand

I understand that the Mandates Commission should not be a model for us but nevertheless meetings of that Commission generally led to a report to the Council of the League of Nations in which certain important points were stressed on which the Commission felt that the Administering Power would concentrate its attention. Our recommendations would have much more weight if they were fewer in number and if each year we were to deal with a few really important points, leaving it to the Administering Authority and the local administration to refer to the summary records of our meetings. I am certain that the responsible authorities will read these documents with considerable interest and with fruitful results.

Mr. SOLDATOV (Union of Soviet Socialist Republics)

(Interpretation from Russian): In connexion with the draft resolution just presented to us by the representative of Iraq, I must state that apparently those with whom the representative of Iraq conducted certain consultations are familiar with this draft resolution and are prepared to vote on it. I do not belong to this select group who already participated in the preparation of this draft resolution and I am, therefore, in a peculiar position -- apparently in the same position as the representative of New Zealand. Moreover I did not think that we would consider the matter today. This item does not appear in any way on our agenda today and we did not know that it would be taken up. In this connexion I must say that I am not fully prepared to consider this draft resolution but a cursory reading of it brings to the fore a series of questions on which I would like to get some clarification in order to understand this draft.

In particular, in paragraph 2 of this draft it is stated:

"Each report shall contain three parts, i.e., Part I, a 'summary of conditions', Part II, 'conclusions and recommendations', and Part III, 'observations.'"

It is not entirely clear what is envisaged for Part II. Is it a question of the conclusions and recommendations of the Council or the conclusions and recommendations of individual delegations? This is not clear from the draft.

Part III deals with observations. Once more, what kind of observations are envisaged? At the last session with regard to this Part III we had an agreement that this Part would include the observations and the recommendations introduced by individual delegations. Is this envisaged for Part III or something else?

/Once more, it is not

Once more, it is not a clear question and clarification must be given for we are considering an important document and the experience of the fourth session proves that it must be drafted very carefully if we are to take a decision which will not lead us to waste the time which we wasted at the fourth session of the Trusteeship Council. These are the points which are not clear with regard to the second paragraph.

Paragraph 3 also provokes a series of doubts. The first phrase of this paragraph says:

"Following the discussion in the Trusteeship Council, the Secretariat shall be requested to prepare a balanced summary of the observations made during the Council debates."

It is not clear what kind of observations and whether only observations are envisaged. What does it mean when it says: "a balanced summary." What is the meaning of this expression? Does it mean that the observations will be balanced according to their size or according to the nature of the observations? In other words, does it mean to balance it in a manner ^{such} that there would not be any observations which, although made by certain delegations, would be displeasing to some delegations or even to the majority of the delegations. Up to now when there were such observations by certain delegations they were included in Part III and no one attempted to change the formulation of these observations for these observations were made on behalf of delegations. It is obvious that the drafting of such observations was the business of the delegations. One can curtail certain observations made in the Council but one cannot change them, one cannot add anything that was not brought to the fore in the Council; in other words, we cannot start the work all over again.

Therefore, it is not clear from this paragraph 3 -- especially the first phrase -- what the meaning is of the expression, "balanced summary"? A summary of what observations is to be given? It is not clear to me personally and I once more explain it by the fact that I did not belong to the chosen group who had a chance to see this draft before.

In the second half of this paragraph 3 it is stated:

"Members of the Council, participating in the Working Committee, may make such additions, corrections and changes in this summary as may appear necessary, except that the

/Committee may reject

Committee may reject any additions, corrections or changes which in its opinion destroy the balance of presentation."

Again the question of balance is introduced. What is the matter here? I do not grasp the significance of it. If a delegation made ^{some} observations and recommendations -- usually such observations and recommendations are very brief -- there would be no question of balancing it according to size. What is envisaged here? The contents of these observations and recommendations? If the contents are being envisaged here, then one has to specify what kind of content is meant. In fact, one cannot in a working committee introduce such additions, corrections etc. which were not made in the Council meetings, for the working committee is only an auxiliary body of the Council and has to work with the material which is available to the Council. Therefore, it must be specified that the question is of the statements made in the Council.

/Secondly, it is stated

Secondly, it is stated here at the end of the paragraph that "the Committee may reject any additions, corrections or changes which in its opinion" -- the opinion of the committee -- "destroy the balance of presentation."

Once again I ask, what is the question contained here? What does it mean? Does it mean that in Part III which is to contain observations and recommendations of individual delegations, the delegations will not be able to present their point of view as it was presented to the Council? Or is something else meant here? I do not understand it.

There are many other questions which arise in connexion with this resolution. The representative of Iraq mentioned some kind of a compromise as being the basis of this resolution. It may be a compromise, but it is usually understood in a compromise that one party goes half-way to meet the other party; but is this not the kind of compromise where one party has to go three-quarters or more of the way and the other party gives way only one-third or even less?

In connexion with all these doubts ^{my}in/mind and in view of the fact that this item did not appear on our agenda for today, I would request the Council to defer, if not the consideration, at least the final consideration and the vote on this draft resolution, on the basis of rule 57, for twenty-four hours.

It seems to me, moreover, that there is no reason for haste and that the loss of one day -- after having wasted many days -- which will not be wasted in fact, will not affect the work of the Council. I would therefore ask the Council to meet my request and to defer the final consideration and the decision on this matter until Tuesday or -- if it is necessary -- until tomorrow. I am ready to consider it tomorrow. But I would like to study this draft.

The PRESIDENT (Interpretation from French): I have not submitted this question to the Council arbitrarily. The members will recall that a few days ago the Council had already been seized of the question as to how it was going to establish its reports on the reports it had examined. I expressed the personal opinion that it might be better to revert to the old system of having a drafting committee of four or six members in order to distribute the work more evenly over the members of the Council.

/At that time

At that time we had a lengthy discussion which showed that the majority of the Council was in favour of the system adopted at our last session, that is, a committee of the whole, every member of the Council being represented on that committee. I asked the members of the Council to think this matter over and said that we would take up the discussion of this point at the next meeting and that is why I did it today. As I explained, there will be three days in which we shall not work since 4 July is a holiday and we shall have no meeting on Monday.

On the other hand, I explained that in view of the fact that we had already a committee meeting every morning which would work in any case during the whole week and that we had only three weeks before us, the problem of knowing how we were going to prepare the report for the General Assembly is an urgent one which must be settled as soon as possible.

As your President I would have liked to see this matter settled the day when I presented the question to the Council but since members of the Council were not ready at that time to make a decision, I asked them to think the matter over and I was hoping that today we could reach a conclusion. In fact, a number of delegations have thought the matter over, they have consulted among themselves and the result is the draft resolution which the Council has before it. It was originally, I think, a mere suggestion on the part of the representative of Iraq in order to clarify the thoughts of the Council in this matter.

Mr. HOOD (Australia): My own judgment is still what it was, namely, that it would be better to go back -- on balance -- to the system employed last year; but if the majority of the members of the Council desire to retain last session's procedure I would not attempt to reopen that question.

It might be wise, however, to have a look at this text with some care. I notice, for example, that in its present form there is no limitation as to the application of this resolution and if the Council adopts this rather formalistic way of settling its business I suggest that it ought to be careful not to tie its hands indefinitely. In other words, if we are to have a resolution of this nature, let it be confined to this session only, without

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prejudice to what may be done in later sessions.

I still feel that it may eventually prove to be not the best or most acceptable way of presenting the report to the General Assembly which after all is the responsibility we have to discharge; I think that the previous kind of report was a good deal superior in that respect.

I would ask the representative of Iraq if he would consider an amendment to the effect of at least limiting the application of this procedure to the present session.

The PRESIDENT (Interpretation from French): I take it that the representative of Australia, in view of his preference for the system adopted last year, . . . is thinking of the committee of four members.

Mr. CRAW (New Zealand): I thought I had understood what was meant by paragraph 2 of this resolution, but after listening to the representative of Belgium I now have considerable doubts.

I refer in particular to the word "observations" under Part III. In Part II we have the words "conclusions and recommendations" and I have no doubt at all that that means the conclusions and recommendations of the Council taken by a majority vote in the Council. When I previously looked at "observations" under Part III I of course thought that that meant observations of the Council as being the sort of things which were made, I think, on the New Guinea report at the third session.

But the intervention of the representative of Belgium now leads me to think that this does not say what it means, in other words, it means observations submitted by individual members and that was the system adopted at the last session. If I remember rightly, in the report we said what we meant; when we put into the report the observations made by individual members, we said it at the top of that particular section. I just wonder what this does mean now. If it does mean observations made by individual members then I must say that I am absolutely opposed to that particular system.

/I would recall

I would recall to the Council that we have our summary records; they are available to all Members of the General Assembly, and it seems to me quite useless and, indeed, dangerous to have in the reports "Observations made by individual members." At the last session my delegation opposed that system, although unsuccessfully. To my great delight, then, when I saw this resolution, I thought that the group of people who have apparently drafted this have agreed that we are going to have Council observations, but now I discover that I am quite wrong. I do hope that someone will enlighten me as to just what is meant here. If it means individual observations, I, for one, am opposed to it.

The PRESIDENT (Interpretation from French): It is my impression that there is much more confusion than before in the deliberations of the Council. That results in many cases from draft resolutions.

I think the members of the Council will need to think this matter, which is an urgent one, over very carefully. On the other hand, any member of the Council may call on rule 57 and ask for some time before we vote. It would serve no purpose to sit through another hour here, because the representative of the USSR asked for a twenty-four hours' delay. Therefore, we could listen to some further remarks. But I think we have reached 6 o'clock and it is better to listen to no further remarks tonight.

Will you please think the matter over, and on Tuesday on our agenda you will find this matter
We shall take this matter up on Tuesday.

Mr. SOLDATOV (Union of Soviet Socialist Republics) (Interpretation from Russian): I do not wish that it could be said that the representative of the USSR is delaying the work of the Council. Perhaps we can have a meeting tomorrow morning and finish the work. Then there will be no delay and on Tuesday we will be able to convoke the drafting committee.

The PRESIDENT (Interpretation from French): I would like to thank the representative of the USSR for his very generous proposal,
/but honestly I

46

but honestly I cannot accept it for myself, and it may not be acceptable for the great majority of the Council.

In these conditions we shall take up this matter again on Tuesday, but once more I insist that the matter is urgent and that a decision must be taken if we are to finish our session at the date we have in mind.

The meeting rose at 6.03 p.m.