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TRUSTEESHIP COUNCIL

Fifth Session

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

Lake Success, New York
Tuesday, 5 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.177 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 thirteenth 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 proceed with the examination of the report of the Administering Authority on the Territory of New Guinea. We shall continue with Chapter IV of document T/354, "Social Advancement."

I would ask the members of the Council to be good enough to put their questions to the special representative, Mr. Halligan.

I would recall that we should have concluded the examination of the report on New Guinea at our last meeting. We are already one meeting behind schedule and I think it would be desirable for us to accelerate our discussion in order to catch up with this lost time.

Mr. INGLES (Philippines): In Question 4, page 22 of document T/354, the Philippine delegation propounded the following question:

" In answer to Question 136 it is stated that there are a number of provisions in the laws of the territory, which, in a minor way, discriminate against the native people. Furthermore, it is stated that some of these laws are designed in the interest of the natives themselves and some are intended to assist in the control of crimes."

Two questions are asked. First, "Would not these laws contribute more to peace and order if they were made applicable to all - - Europeans, Asiatics and natives alike?"

Secondly, "Does not the Administering Authority consider these discriminatory laws and practices incompatible with the provisions of the Charter and the Universal Declaration of Human Rights?"

/ Inasmuch as we

Inasmuch as we do not consider the reply as responsive, it being as follows:

"In the opinion of the Administering Authority, these laws and practices are in the best interests of the indigenous inhabitants."

we should like the special representative to answer more categorically the two questions that we have propounded.

Mr. HALLIGAN (Special Representative): These laws relate to gambling, drinking of alcoholic liquor and the possession of firearms. They are all designed for the benefit of the indigenous inhabitants.

The reply to the specific questions asked is that they would not. Part of the question is:

"Would not these laws contribute more to peace and order if they were made applicable to all -- Europeans, Asiatics and natives alike?"

My reply to that is that I do not consider it would.

"Does not the Administering Authority consider these discriminatory laws and practices incompatible with the provisions of the Charter and the Universal Declaration of Human Rights?"

They are not considered to be incompatible with those provisions in the special purpose for which those laws are enforced, having regard to the general welfare of the native inhabitants.

Mr. INGLES (Philippines): I should like to refer specifically to the Native Administration Regulations appearing in reply to question 27 on page 30 of document T/354. It says that the Native Administration Regulations "restrict the movement of natives within prescribed town boundaries between the hours of 9 p.m. and 6 a.m. without written permission of an employer or District Officer... Local conditions, such as a marked increase in gambling, often influenced the police to prosecute offenders against this regulation."

In connexion with our original question my delegation would like to observe that it might be irksome to the natives that in their own country they cannot go out between the hours of 9:00 p.m. and 6:00 a.m. without the written permission of an employer or District Officer whereas the non-indigenous population may go out during those hours with impunity. That was the reason why we asked the special representative

/whether it would not

whether it would not be better, if the Administering Authority considers this regulation desirable, to make it applicable to all inhabitants, that is, indigenous as well as non-indigenous inhabitants? Perhaps the special representative may further elaborate his reply considering the concrete case which we are presenting to him.

Mr. HALLIGAN (Special Representative): Those provisions relating to the restriction of movement between 9:00 p.m. and 6:00 a.m. relate particularly to town areas and the prohibition is against entry into certain areas of the town. It does not apply to the natives in other areas of the Territory and, as such, is considered a necessary and desirable provision in respect to the areas in which it does apply.

Mr. INGLES (Philippines): The principal reason advanced in this question 27 on page 30 is that:

"Local conditions, such as a marked increase in gambling, often influenced the police to prosecute offenders against this regulation."

I have two questions to ask in this connexion. With respect to the restricted areas, are the natives restricted from entering those areas because of the prevalence of gambling in those areas? The second question is: If the purpose of the restriction is to eradicate gambling, would not the proper measure be the closing of the gambling houses or the raiding of places where gambling is being conducted, rather than the restriction of the movements of the indigenous inhabitants?

Mr. HALLIGAN (Special Representative): Experience has shown that the possibilities for gambling were increased by the presence of a greater number of people in those particular areas. The alternative suggested by the representative of the Philippines would be the closing of the gambling areas. That is one method of dealing with the problem but those gambling areas are under the eye of the local police and are curtailed in accordance with the requirements of the law.

Mr. HOOD (Australia): If the representative of the Philippines has finished his questions on this point I should like to make a short remark but I shall wait until he has finished.

/Mr. INGLES

Mr. INGLES (Philippines): On this particular question I have finished although I have other questions on other matters. Therefore I would ask the representative of Australia to proceed.

The PRESIDENT (Interpretation from French): Does the representative of the Philippines wish to have the floor now?

Mr. INGLES (Philippines): The representative of Australia said that he had observations to make on this point if I was finished and I said that I was finished with this point. Therefore the representative of Australia may talk on the matter although I have other questions to ask on other subjects later on.

Mr. SOLDATOV (Union of Soviet Socialist Republics) (Interpretation from Russian): I thought that it would be better that I should raise the questions now on this particular point so that the representative of Australia could take them into consideration when replying. With the Chair's permission, therefore, I shall ask these questions.

In reply to question 136 of the report of the Administering Authority on page 31 of the printed text there are a few unclear expressions.

/It says here

It says there: "There are a number of provisions in the laws of the Territory, which, in a minor way, discriminate against the native people. Some of these apply to gambling, drinking alcoholic liquor and the possession of firearms, designed in the interests of the natives themselves. The 9 p.m. curfew in towns, and certain powers of arrest and search by the police--not applicable to Europeans and Asiatics--are intended to assist in the control of crime."

I would like to have some clarification of this statement: "Some of these apply to gambling, drinking alcoholic liquor and the possession of firearms, designed in the interests of the natives themselves." I would like to find out what other limitations, besides those in connexion with gambling, drinking alcoholic liquor and the possession of firearms, there are in these Trust Territories. The words "Some of these" imply that there may be other discriminatory provisions of this kind which are not mentioned here and which were perhaps not noted by us in analyzing the report. This is the first part of my question. I would like to find out what limitations there are, and their nature.

The second part of my question refers to the last sentence of the reply to question 136. It is stated here that "The 9 p.m. curfew in towns and certain powers of arrest and search by the police--not applicable to Europeans and Asiatics--are intended to assist in the control of crime." I would be grateful to the special representative or to the representative of Australia if he would clarify the expression "certain powers of arrest and search by the police" and give a clear answer as to what kind of powers these are -- where they begin and where they end -- so that we may have a concrete picture. These are the two questions which I would like to raise at this time.

Mr. HALLIGAN (Special Representative): The first question was a request for information as to any other laws which place restrictions solely upon the indigenous inhabitants. I would require some little time to find a list of those. I do not know if many exist, but one comes to my mind, that is, the wearing of clothes on the upper part of the body. That is a provision specially in regard to the indigenous inhabitants. It varies considerably; sometimes it is a complete prohibition and is designed to safeguard the health of the indigenous inhabitants. It does not apply throughout the Territory or in regard to all natives, but certain natives are prohibited from wearing clothes on the upper part of the body for health reasons. The purpose of that is, of course, for
/cleanliness

cleanliness and the prevention of such ills as would arise from continuing to wear^{wet} clothing.

With regard to the second question, I have not readily available a copy of the Native Administration Ordinance and I would require to see that to amplify and explain further those words "certain powers of arrest." I am arranging for a copy of those regulations to be made available to the Council.

Mr. SOLDATOV (Union of Soviet Socialist Republics)(Interpretation from Russian): Before I ask an additional question in connexion with the reply of the special representative, I would like to find out whether I understood him correctly. Will the special representative be able to give us a full list of those provisions in the laws of the Territory which discriminate against the native people? I understood him to say that he would be in a position to do this, so that we may study these provisions more fully.

Mr. HALLIGAN (Special Representative): I said that I could not immediately call to mind what those provisions were which in any way placed restrictions upon the natives only and that before I could do so I would require some time to look up the laws. I shall do this, and if the Council requires the information later in this session I will endeavour to obtain it; otherwise it could be included in the next report.

Mr. SOLDATOV (Union of Soviet Socialist Republics)(Interpretation from Russian): It would be desirable that the information be supplied by the special representative while we are considering the report on New Guinea, let us say at tomorrow's meeting. As far as I can understand it, this will not impose great difficulties on the special representative, as it is only a question of the listing of these provisions and the special representative has the necessary documents in his possession. It would be desirable, therefore, to get this information as soon as possible.

My question deals with the reply of the special representative that there is a prohibition against wearing clothes on the upper part of the body with regard to the native population of the Territory. As a reason, the question of health is being brought to the fore.

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T/PV 177

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I would like to find out whether the native population who do wear clothes on the upper part of the body are completely forgetful of their own health and continue to wear these clothes although it is very bad for them? Is it really bad that the native population should wear clothes and cease to run around naked on the Territory?

/It seems to me

It seems to me that in the conditions of the Territory and its climate the wearing of clothes is a certain progress, a certain step forward, and I would like, therefore, to get further details and to find out why the local population is prohibited from wearing clothes on the upper part of the body. In normal civilized conditions, in any territory, even in the hot climates, it is usual to wear clothes.

The PRESIDENT (Interpretation from French): I would like to point out that, in respect to the first part of the statement which has been made to us by the representative of the USSR, the Council should take note of the interest there is in putting questions in writing in advance, as provided for. If the representative of the USSR had put in writing the question which he has just put, the special representative would have had time to look up all the legislative texts which would have enabled him to reply immediately to the question. As he is now taken unawares by an oral question during the meeting, he will need a certain time, as he stated, in order to gather together the necessary data to reply to the question put by the representative of the USSR. I hope he will be in a position to do so tomorrow, but if he were not able to, it would only have to be at a later date. The drawback in such a procedure is that we shall have to resume a discussion on the report on New Guinea, whereas we are already late, as I said at the beginning of the meeting.

As to the question put concerning the regulations in respect of clothing, I will call upon the special representative to reply. Nevertheless, I might say that in this present extreme heat such regulations applied to the population of New Guinea would be very welcome, even in the Trusteeship Council.

Mr. HALLIGAN (Special Representative): Natives in their villages and in their natural state do not wear clothes. The wearing of clothes by natives is usually around settled areas and by natives who have been in contact with such areas for a considerable time. Experience has shown that natives wearing shirts invariably get wet and go to sleep in that wet shirt, and as a result sometimes contract pneumonia and sometimes tuberculosis.

It is not a firm and absolute prohibition, because natives who understand correctly the wearing of clothes can wear them. But there has been found need to prohibit the wearing of clothes for the very reason I have stated.

/Mr. SOLDATOV

Mr. SOLDATOV (Union of Soviet Socialist Republics) (Interpretation from Russian): In connexion with the last reply of the special representative, the conclusion must be made that up to now the conditions of life in the Trust Territory are so difficult and the medical services are so arranged that the native population is not in a position to wear any clothes. This is the only conclusion that one can draw.

Therefore, if the special representative or the representative of Australia have the means of throwing more light on this question, I would be grateful to them if they could clarify this question on the prohibition of the wearing of clothes, also with regard to those discriminatory provisions in the Territory applied against the native population.

In connexion with the President's remarks, I would like to say that, according to our procedure and according to the clarification made during the fourth session of the Trusteeship Council, the oral questions are the main questions and therefore we cannot do without them. It is clear that oral questions may call for certain additional information, but they are the main questions in our procedure and are one of the main parts of our work in the Council. I therefore cannot agree with the implication in the President's statement that written questions are, supposedly, the basic ones. It seems to me that oral questions are quite justified, and the example is supplied by the present session of the Trusteeship Council, which proves that many representatives who ask questions in written form still have many oral questions -- more than the USSR representative, who did not ask any written questions.

Mr. HOOD (Australia): I must confess to being a little surprised to hear criticism from any quarter of this particular form of specialized regulations in respect to the indigenous inhabitants of New Guinea. I fail to see how any such conclusion, as the representative of the USSR suggests, ^{could} be drawn from it. If any conclusion can be drawn, it surely is that this regulation is founded on a special attention to the health and general welfare of the indigenous inhabitants. Presumably it would be easier for the Administering Authorities to follow a laissez-faire attitude in this and let the natives wear anything they like or nothing if they wanted to. But it is precisely in order to /safeguard their own

safeguard their own interests that these regulations in respect to clothing have been found necessary in certain areas which, as the special representative has explained carefully to the Council, are removed from the localities in which the New Guinea inhabitant becomes accustomed -- and that process is a gradual one -- to such habits as that of wearing clothing. You cannot transform the long custom.

of their not wearing clothing to that of wearing a clean shirt every day overnight -- that takes time, and surely that must be realized by anybody who gives any thought to the question.

However, I had not meant to refer to that specifically in my first request to speak. I wanted to point out that the implications in the question which the representative of the Philippines addressed to the special representative, both in writing and orally, are, of course, not new to the Council and have a certain importance. This question of the exact nature of the so-called discrimination against native inhabitants in Trust Territories has come up on, I think, every report which the Council has discussed in its last two or three sessions, and it has come up usually in relation to the Charter provisions regarding human rights and fundamental freedoms, and, in particular, in relation to the recently adopted Universal Declaration of Human Rights.

I think it should, for the purpose of clearness, be made known to the Council exactly what the attitude -- and I think I speak on behalf of more than one Administering Authority -- of the Administering Authorities is in this respect. It happens that the representative of the Philippines took part, I think, in the majority of meetings of the Commission on Human Rights, both during the drafting of the Declaration last year and during the drafting of the Covenant of Human Rights at the recent session of the Commission. He would recollect very well that at the time those who found it necessary to enter reservations of a general kind against the application in every specific instance of either the Declaration or the Covenant included the representatives, at any rate of some, of the Member States which administer Trust Territories.

/I recollect

I recollect that the point came up more than once in the debate in the Commission on Human Rights, and it was made clear by those representatives, on behalf of their respective Governments, that, for good and practical reasons, some of which were explained and some of which have now been explained again to the Council, it is neither possible nor, still less, desirable, to undertake a commitment at this point to apply, specifically in every instance, in the case of Trust Territories, one and all of the principles and articles of the Declaration on Human Rights.

The fact that that was done with so much frankness in the Commission on Human Rights should have dispelled any idea or suggestion that this alleged or so-called discrimination -- which actually is not the best word to use, but it has been used -- is not made, applied or conceived with any sinister motive whatsoever. On the contrary, it is rendered necessary by the special and differing conditions appertaining to Trust Territories, which, by definition of the Charter itself, are Territories requiring tutelage. Tutelage must be given, and this is one of the ways in which it has been found necessary to give it.

In fact, the phrase "discrimination against" the natives of the Territory, which I notice is used in the report itself, is probably not the best. A fairer one might be to say "discrimination in favour of" the natives.

Mr. SAYRE (United States of America): Question 118, on page 29 of the report speaks of the organization of "a Social Development Planning Committee.....with the object of formulating a plan for co-ordinating future social welfare work amongst the indigenous population."

The setting up of such a Committee seems to my Government a very interesting and commendable proceeding, and I should like not only to speak of my Government's interest in the setting up of such a Committee but, further, to ask as to the composition of the Committee and as to the results which have been reached or are being reached by that Committee.

Mr. HALLIGAN (Special Representative): The Committee consists of the representatives of the Departments in the Territory, of Native Affairs, Education, Health and Agriculture. I do not have it precisely written out, but I think that is the composition. That is from memory.

/I have no

I have no complete report of the activities of the Committee, but their findings, conclusions and recommendations would be taken into account by the Administration in dealing with various subjects relating to social development and native welfare generally.

Mr. SAYRE (United States of America): With regard to that matter, may I ask whether the Committee expects to make a single study and investigation and then publish its reports, or whether the Committee, on the other hand, is a continuing Committee which, as time goes on and developments take place, will keep its thoughts on the situation and currently make recommendations? May I ask also whether these recommendations are to be made public and, if so, when they are likely to be made public and whether the Trusteeship Council could be informed of those recommendations?

Mr. HALLIGAN (Special Representative): The Committee is not established for one particular purpose but is a continuing Committee of a departmental character, and it has not been given the task of making one complete report. Its report on the various subjects it deals with from time to time would be submitted to the Administrator and dealt with there. If necessary it would be forwarded to the Administering Authority and the more important matters would become part of the established policy laid down for any particular subject.

It is not proposed that this Committee should do just one task and publish a report, but I will, if practicable, obtain and place in the next report at least some of the conclusions and reports submitted by the Committee.

Mr. SAYRE (United States of America): I should appreciate that very much, for it seems to me a very interesting Committee and the conception of trying to do some long-range planning in a work of this kind seems to me a thoroughly commendable one.

Similarly, I am interested in question 171 as it appears on page 36 of the report. The answer to question 171 speaks of the setting up of a nutrition survey, and also of a malaria survey, from each of which, as I understand it, the conclusions will be made known. May I ask similarly, with regard to those surveys, whether

/the results

the results will be made public and, particularly, whether the Trusteeship Council will be kept informed of the work of those two surveys?

Mr. HALLIGAN (Special Representative): The nutrition survey was especially organized, and led by the Director of the Institute of Anatomy at Canberra. He organized a party which spent some time in the Territory carrying out this particular survey.

In Appendix XVIII of the present report, a summary of the findings of that survey is given. The complete report is about to be printed and copies will be made available to the Trusteeship Council.

The malaria survey of the Central Highlands was a normal administration survey. Malaria is not found in the Central Highlands to the extent that it is on the coastal area and this particular survey is being made as a part of the ordinary administration health service. In that case also, a special report will no doubt be furnished, and I will endeavour to have it incorporated in the next annual report.

Mr. SAYRE (United States of America): I am interested in the answer to question 174, on page 36 of the report. This answer deals with the question of obtaining qualified medical personnel for service in the Territory.

You will remember that this same problem was raised in connexion with the Nauru report, regarding the general staff and trained officials.

/I should like to ask the

I should like to ask the special representative what steps are being taken to secure qualified medical personnel; whether he feels that the salaries offered, the tenure and the general conditions of service in New Guinea are such as would attract doctors from Australia; whether the rates of pay, for instance, are comparable to those prevailing in Australia or elsewhere, and whether steps are being taken to meet this very difficult problem which we discussed in connexion with the report on Nauru?

Mr. HALLIGAN (Special Representative): Special steps are being taken and have been continuing for a considerable time -- to secure medical officers. The overall number of medical officers, including specialists and qualified administrative medical men, is around forty for the two Territories of Papua and New Guinea. Probably of those, twenty-five or thirty would be required for New Guinea. We have been able to secure and retain about eighteen or twenty at the present time.

In reply to two written questions, I set out at some length in document T/354 some idea as to the steps we are taking to secure qualified medical men. In regard to the first point made as to whether the salaries and conditions are such as to be attractive to possible appointees, I do not think that has been a deterrent on a sufficient number of applicants coming forward, but in any case, as I mentioned in regard to other questions dealing generally with administration services, the rates of salaries and the conditions of employment are being stabilized, and just recently a Public Service Ordinance containing those conditions has been published. After a survey^{of the salary ranges} by the public service officers, the revised salary ranges are to be brought into operation from 1 July. If the salaries which have been paid up to date have been the cause for insufficient applicants coming forward, this further revision should show that up. But I do not think that is the case because there is a general shortage of qualified medical officers, not only in the Territories of Papua and New Guinea, but in other colonial Territories and in Australia itself.

One of the questions I answered is Question 18 on page 28 of document T/354, where it was stated by the representative of Mexico:

"We note that much difficulty has been experienced in obtaining qualified medical personnel for service in the Territory and that only three additional medical officers were added to the staff during the year. What is the nature of these difficulties? What are their causes and what is the Administration doing to overcome them?"

/I answered

I answered that question in writing to the effect that:

"Since civil administration was restored in the territory vigorous and continuous efforts have been made in Australia and elsewhere to secure the number of qualified medical officers. Continual advertisements appear in appropriate journals, and all likely points of contact for possible appointees are constantly covered. The Administering Authority is continuing its efforts to obtain the necessary appointees."

Mr. INGLES (Philippines): Touching on the point of discriminations the representative of the Administering Authority ^{said} that they were discriminations in favour of, and not discriminations against, the indigenous inhabitants. I am sure that until this Council has before it a detailed list of these discriminatory practices which were requested by the representative of the USSR from the special representative, this Council will not be in a position to accept that statement.

My delegation fails to see how the nine o'clock curfew in towns and the certain powers of arrest and search by the police, not applicable to Europeans and Asians, can be in the interests of the indigenous inhabitants.

I have, however, a similar question which would deal, not with the indigenous inhabitants, but with immigrants. In Question 25 on page 29 of document T/354, my delegation asked:

"What is embraced within the term 'prohibited immigrant' who may be deported from the Territory?"

The answer was:

"A definition of 'prohibited immigrant' is contained in the Immigration Ordinance 1932-1940, a copy of which is being obtained for the information of the Trusteeship Council."

Inasmuch as we do not yet have before us this Immigration Ordinance, perhaps the special representative can inform us as to what the term "prohibited immigrant" embraces under the Immigration Ordinance.

Mr. HALLIGAN (Special Representative): It is a definition within the Ordinance itself, and it is a very lengthy one. Generally, however, it is a person who has secured admission to the Territory contrary to the provisions of the Ordinance. I may just possibly be able to give some more details on that if I can find the question to which this question relates. The representative of the Philippines would assist me if he could give me the section number of the Questionnaire.

Mr. INGLES (Philippines): Section 213 on page 43 of the report.

/Mr. HALLIGAN:

Mr. HALLIGAN (Special Representative): I have not a copy here of the Immigration Ordinance of the Territory -- as I mentioned, I am endeavouring to obtain one -- but from these notes I may give some idea of what is included in the term "prohibited immigrant". I was unable in the time to find my complete notes, so that this information is not exhaustive; the ^{definition} "prohibited immigrant" covers about two pages, but I shall endeavour to pick out the more important examples.

"Any person who fails to pass the dictation test, that is to say who, when an officer or person duly authorized in writing ^{by an officer} dictates to him, not less than fifty words in any prescribed language. . . . Any person not possessed of the prescribed certificate of health. . . . Any idiot, imbecile, feeble-minded, epileptic person, person suffering from dementia, insane person, person who has been insane within five years previously, a person who has had two or more attacks of insanity. . . . a person suffering from a serious transmissible disease or defect. . . . any person suffering from pulmonary tuberculosis or any other loathsome or dangerous communicable disease. . . . Any person who is likely to become a charge on the public funds of the Territory. . . ."

There are many more, but I give the above examples just as an indication of the type of persons covered by the term "prohibited immigrants". I cannot give the complete answer without having the legislation directly in front of me.

Mr. INGLES (Philippines): The special representative mentioned a dictation test. This, I presume, is a dictation test in English required of immigrants.

Mr. HALLIGAN (Special Representative): The dictation test may be in any "prescribed language" -- that is, prescribed by the regulations.

Mr. INGLES (Philippines): Does the Immigration Ordinance mentioned by the special representative follow the same general policy as the immigration policy of the metropolitan territory?

Mr. HALLIGAN (Special Representative): Yes.

/Mr. INGLES (Philippines):

Mr. INGLES (Philippines): The immigration laws of the metropolitan territory discriminate against persons of Asian extraction. Does this mean, therefore, that in the Trust Territory immigrants of Asian extraction are prohibited?

Mr. HOOD (Australia): The representative of the Philippines is, of course, not intending to discuss the immigration laws of the metropolitan territory in this connexion, and I do not quite see the object of his reference to those laws. The obligations which the Administering Authority has towards New Guinea are defined and set out in the Trusteeship agreement.

Mr. INGLES (Philippines): The object is that, whatever the immigration policy of the metropolitan territory may be, that of the Trust Territory should follow certain prescribed principles. For example, Article 76 (d) of the Charter stipulates "equal treatment in social, economic, and commercial matters for all Members of the United Nations and their nationals". Therefore, the point is that under the Charter, although a person may be prohibited from immigrating to the metropolitan territory, he should not be prohibited from immigrating to the Trust Territory according to the principles of the Charter relating to the Trusteeship System.

Mr. MANS (Belgium) (Interpretation from French): I wish to make a remark of a general character concerning what are called discriminatory laws. I should like to ask the members of the Trusteeship Council to show a little imagination in this respect.

What the Charter meant to prohibit were distinctions which strike at a person because of his nationality, his race, his religion, his sex, and so forth. But that does not mean that the Charter wanted to prohibit any kind of differing legislation when the differences are justified by reasons other than colour, race, religion, etc.

I shall give the Council a simple example of this. Reference is made to certain possibilities given to the police for arresting persons in certain cases. What are the principles with respect to legislation concerning preventive detention in civilized countries? It is said that since a person is presumed innocent until he is proved guilty before a
/court,

court, the preventive arrest is only allowed within the terms of our Penal Code if it may be feared that the accused person may try to flee and thus escape the action of justice. If you are not sure that you can seize this man in order to bring him before the competent court, you are allowed to arrest him.

Sometimes the public authorities guarantee that they can bring this man before the court by setting a high bail, for instance, which would be lost if he failed to appear before the court.

But let us take the case of a European or an Asian in Rabaul or any other place in New Guinea who is found, for instance, entering a house at night. There is no difficulty; all the police officers who arrest him know him; they know who he is and where they can find him. It is impossible for this man to escape the action of justice. Therefore, there is no reason to arrest him. On the other hand, if it is an indigenous inhabitant who is not known, who is exactly like all the other indigenous inhabitants, it is certain that if he is left free it will be quite impossible to find him in order to bring him before the court. In those circumstances, simple common sense shows that when an important part of the population is unidentifiable certain different rules must be laid down and certain preventive arrests must be authorized where they would not be authorized for persons who are well known by the authorities.

/Let me give

Let me give another example. Everyone knows that indigenous inhabitants in an area where there is no tuberculosis and where the population has not moved about much, the inhabitants are much more sensitive to the germs of pneumonia and tuberculosis. If special precautions are taken for the indigenous inhabitants of such an area, if it is said that there is no danger for Europeans to meet with other Europeans because they have all developed the necessary resistance to the germs carrying these diseases but that indigenous inhabitants of various tribes cannot meet under the same circumstances, it will simply be because some tribes may be exposed to pathogenous germs to which they have not been previously exposed and the risk will be greater for them than for Europeans. It cannot be called discrimination to take the necessary precautions in such a case.

Let us take the case where there may be an epidemic of exanthematic typhus. In such a case, the persons carrying lice must be deloused. If a certain category of the population has never had lice, can you impose upon this category of the population precautions which would be perfectly reasonable in the case of others who have lice? Let those who have lice be deloused and let those who do not have lice be exempted from the treatment without it being considered discrimination.

The Charter compels the Administering Authorities to respect the various customs and cultures of indigenous populations. There are certain legislations which are called discriminatory here but which are really a protection for the indigenous inhabitants. For instance, when it is forbidden to grant loans to the inhabitants, or to place them in debt, it is to prevent them from running certain risks. If they are permitted to receive loans, they will get into debt and for the remainder of their lives they will be forced to execute labour or supply contracts. It is for their protection that they are prohibited from contracting loans. The same applies to the prohibition on the sale of liquor to indigenous inhabitants.

In other cases, indigenous inhabitants may have two or three wives if their laws and customs allow polygamy, whereas Australians would not be allowed to have two or three wives. Is this considered to be condemned as such?

A distinction should be made. Let those laws which are really discriminatory be condemned, but there is no reason to condemn legislation based on actual differences and enacted because some categories
/of the population

of the population have different customs, different ways of life and different needs.

It is exactly as though you gave the same diet to both Europeans and indigenous inhabitants in the prisons of New Guinea. If the same diet were given to both, some of the indigenous prisoners would probably die because of this diet or, in any case, would not want to eat it. Does that mean that you would have to give the same diet ^{to Europeans} as you give the indigenous inhabitants of New Guinea? Not at all. Consider them all to be prisoners and treat them humanely by giving them sufficient food of the type they are accustomed to eating. But do not inflict additional punishment upon them by giving them a diet completely different from that to which they are accustomed.

I therefore ask the Trusteeship Council to take into account these ideas when it is judging legislation alleged to be discriminatory.

Mr. SOLDATOV (Union of Soviet Socialist Republics)(Interpretation from Russian): Before I ask my questions, I should like to make a brief observation. It seems to me that some time ago the President indicated that the Council would, at this stage, divide its work on this report into two parts: one part, oral questions and replies, and the second part, general observations by the members of the Trusteeship Council.

Unfortunately, the representative of Belgium has deviated, to a certain extent, from this procedure on which we had agreed. Therefore, I shall allow myself to deviate for a minute or two from this agreed procedure.

The representative of Belgium made several observations protecting and defending the discriminatory policies of the Administering Authorities in regard to native populations. The representative of Belgium spoke in general terms, as far as I understood him, in regard to the policies of Administering Authorities and not particularly in regard to the policies of the Administering Authority of New Guinea.

He attempted to justify these discriminatory practices with regard to other Administering Authorities. In this connexion, he followed the lead of the representative of Australia who also attempted to justify these discriminatory practices. The reasons of both the representative of Belgium and the representative of Australia are not well-founded and should not be considered by members of the Council. In any case, I cannot accept these reasons as serious ones. They do not convince me.

/The representative of

The representative of Australia asked whether the Council would like the Administering Authority to introduce a policy of laissez-faire. But does the representative of Australia really mean that the prohibition of wearing clothes on the upper part of the body is an example of the special care taken by the Administering Authority in regard to the native population? Would it not be more correct to suppose that proper health services and proper educational services, along with other measures which the Administering Authority should apply, would protect the health of the population of the Trust Territory?

In any case, any fair observer and any member of the Council cannot but come to that conclusion.

These are the brief observations which I wanted to make at this time. In the future, I shall use my right to dwell on this matter again and prove that the reasoning of the representative of Belgium and the representative of Australia is unfounded when they attempt to justify discriminatory practices. There is no reason in nature which could justify such a discriminatory policy.

The PRESIDENT (Interpretation from French): When does the representative of the USSR intend to make his statement? This is a problem which is a part of social advancement. If he has a statement to make, he might make it now.

Mr. SOLDATOV (Union of Soviet Socialist Republics)(Interpretation from Russian): I shall make my statement when we come to the part of our agreed procedure to be devoted to general discussion. At this stage, many important points with regard to social advancement or educational development are not yet clear.

I now have a question in regard to the reply to question 47 on page 14 of the Report, under "Economic Advancement", but which refers directly to social problems. The second part of this reply reads as follows:

"There is already evidence of increasing social consciousness on the part of the more-advanced indigenous inhabitants of the part they are playing and will be able to play in the future of economic development."

/In this sentence

In this sentence the reference is not only to the social consciousness of the indigenous population of the Trust Territory but of the "increasing/^{social}consciousness" also. I should like to get some testimony of this increasing social consciousness on the part of the inhabitants in connexion with the economic development of the Territory. What facts are meant here? Perhaps there is a possibility of producing examples which would prove that this social consciousness is really on the increase -- the consciousness of the part the population is playing and will be able to play. Such examples would be most important for our understanding of the matters pertaining to the Territory.

Mr. HALLIGAN (Special Representative): Such matters as these would be the evidence on which the statement is based: the interest being shown by the indigenous inhabitants in the co-operative societies movement; the fact that a commencement has been made by indigenous inhabitants in maintaining and running trade stores; the fact that they are displaying an interest and taking part in running businesses on their own account, for instance, the purchase and running of motor trucks for hire. That would show not only their advancing interest in the economic aspect but also in the social aspect. Reference is made in that paragraph to the more advanced indigenous inhabitants and I must point out that this relates to comparatively few, but the evidence is there and the movement is seen.

Mr. SOLDATOV (Union of Soviet Socialist Republics)
(Interpretation from Russian): Thus, the special representative is of the opinion that the purchase of some trucks by a few local inhabitants is a testimony of the increasing social consciousness of their role in the economic development of the Territory. I did not hear any other examples from the special representative except the general statement that the population shows an interest in the co-operative movement.

Perhaps the special representative will be able to tell us about the activity of native inhabitants in the co-operative movement; to give us examples; to describe to us a concrete person from the local population who has studied the co-operative movement, who has studied and understands the problems of the Trust Territory and of his people. Who is this man? What education has he had? What / role does he play

role does he play in the Territory? All this would be very important if it could be presented to us in concrete terms.

In this connexion I would be grateful to the special representative for making it clear what he means when he speaks of the "more advanced" indigenous inhabitants. Who are those who make up this group and how large is it?

We know, for example, that there are 112 employees in the Administration who are natives, 112 people who should, in fact, be grouped among people of intellectual professions, so to say. In reply to a question the special representative said that there was no such intelligentsia, no such educated group of people in the Territory and that these 112 are people in clerical and allied positions and just have an elementary education.

Perhaps in this case the special representative has in mind the representatives of some tribes and we would like to know what type of people they are, as far as their education goes. We would like to have a picture of the situation and to see to what extent one can speak of real evidence of increasing social consciousness, not only in the field of economic development -- of which no evidence was supplied -- but also in other fields. Perhaps in other fields there are some concrete proofs.

I would be very grateful to the special representative for bringing such facts to the fore.

Mr. HALLIGAN (Special Representative): The questions put by the representative of the Soviet Union cover the whole of the Territory and its activities and to give a reply would require a book -- if it were written. But I will endeavour, as far as I can in a brief period, to bring to the notice of the representative of the Soviet Union the matters that are stated in the report and if I can clarify them I will do so.

His request would seem to imply that he would expect to find in the Territory some individual who was fully educated and had all the qualities to be able to take any position. He talked about an intelligentsia and enquired of me what are the more advanced people. A further point he touched on was the fact that in the Administration service there were 112 people who occupied clerical and allied positions.

I think the best way to reply to his questions would be to

/ endeavour to

endeavour to give a very brief picture of the natives, what they do and the numbers of them that are described as the people who are taking part in such things as ^{the}co-operative movement, purchasing trucks and, in a limited way, taking initiative in the setting up of businesses for themselves.

The population of the Territory is approximately 600,000 of counted people and the estimated number of the remainder of the population is 300,000, making ^{about}1,000,000 all told.

Of those 600,000, the people in employment, that is, people not in their villages, total at the most 50,000.

/ The remainder

The remainder of the people, the 600,000, live in their villages following out their normal village customs. A good many of them have at times been away and been employed on plantations or in other occupations in the Territory. But they have returned and they are now part of the village life of their area. They have, no doubt, taken back to that village many of the things they have learned during the period of their employment but nevertheless they are controlled by the customs of the village. Therefore the number that you will see actually living in their villages is something like 600,000 out of 650,000.

Those people in their villages have had some education, in a good many cases having received education in the past from the missions. Now the educational policy -- as we will come to later -- envisages the Administration going into the villages and establishing village schools and it will be they who will teach there.

The remainder of the people are those who are employed in various capacities: on plantations or in mining. Out of those people there may be some who have returned to their village who feel that they can go, set up near a town, purchase a truck and start a carrying business on their own. Others have established trade stores which were formerly entirely in the hands of the non-indigenous inhabitants. Quite recently -- even since the close of the period under review -- that movement has taken and some natives are now purchasing ^{goods} in a considerable way, setting up and selling them in their villages through trade stores which they conduct themselves.

Others have two plantations -- small islands -- which were formerly run by Europeans in the Sepik district of the Territory. They had been damaged during the war and the European owner did not return to them. Arrangements were made for the Administration to acquire these and they have been made available to natives. Those natives are there now, running those plantations and making copra themselves.

To that extent they are taking part. It is ⁱⁿ a very limited way but it is a commencement both in the economic and, what must naturally follow, the social advancement of the people.

Mr. HOOD (Australia): I do not know if the representative of the Soviet Union is thinking of continuing his present line of

/questioning

questioning but if he is I do ask him to reflect exactly what he is expecting the special representative to do before he puts any more questions of that kind.

In effect what the representative of the Soviet Union asked was: what is the evidence of emerging consciousness among the inhabitants of New Guinea of their social, economic and political development. The evidence is to be found in the report. Naturally it requires some study of the report to find it but there it is. It is not a question which properly comes within the category of supplementary questions arising out of the report.

I would ask the representative of the Soviet Union to consider whether he really wishes to continue with questions of that kind.

Mr. SOLDATOV (Union of Soviet Socialist Republics)
(Interpretation from Russian): In my opinion the representative of Australia did not understand my question fully and I can repeat it, especially in view of the fact that this question is of a nature that -- as already indicated -- was quite clear to the special representative. If the representative of Australia would wish me to repeat it I could do so, but we shall wait for his reply.

In the meantime I would like to get an answer from either the special representative or the representative of Australia to the second part of my question. I asked whether there is mention made of representatives of certain tribes and I would like to get information in general about these representatives of tribes who show increasing social consciousness of their role in the Trust Territory. I would also like information about the small group of educated people, -- let us say two or three people -- ^{as} a description of what kind of people they are.

It is not clear whether the representative of Australia or the special representative is in a position to supply information on this very concrete question -- information which is not contained in the report -- information on the representatives of tribes which have attained already this stage of development and which have had education which permits us to speak of an increasing social consciousness of their role in the Territory; and perhaps also the same information with regard to a few intellectuals such as those who work on newspapers in the Territory. There may be one or two such men. It is very important for us to visualize what ^{sort} these most advanced representatives of the native population are. They may only number one, two or three

/but it is important

but it is important to visualize them and it is important to know that they are representatives of their own people, representatives of the native population of the Trust Territory.

Therefore I cannot agree with the representative of Australia that my question is of such nature that replies to this question are to be found in the report. There are no replies to this question, just as there are no replies to many other questions, and that is why I am forced to ask these questions here. I would therefore request that a reply be given to this part of my question if there is information. If there is no such information I shall go on with other questions.

Mr. HALLIGAN (Special Representative): I can reply to one part of the second part of that question. I understand the question is: could I indicate the representatives of some tribes? I take it to be in the category of those people I endeavoured to describe. There are no particular tribes represented. There are the people in the various categories of employment or in various classes. They are not confined to one particular tribe but may be taken from any of the various tribes of the Territory.

In reply to the part/^{asking me} to name some educated people, I cannot state anyone by name and can go no further than to give the general description that I just gave as to the classes of natives who are going into occupations or showing evidence of going into lines of study or occupation that they previously did not do.

/Mr. SOLDATOV

Mr. SOLDATOV (Union of Soviet Socialist Republics)(Interpretation from Russian): In connexion with the reply to question 47 on page 15 of the printed report, a series of matters which are not clear arises, specially in connexion with the last part of this reply.

It is mentioned here that "there is already evidence of an increasing social consciousness on the part of the more advanced indigenous inhabitants of the part they are playing and will be able to play in the future of economic development."

Perhaps in English this sounds quite clear and it is only in the Russian translation that it is slightly hazy, but in any case the question here is of the more advanced indigenous inhabitants becoming conscious of the part they are playing in the future of economic development.

I do not understand this matter. If the native population is already playing a role, they are playing it now. If they do not play this role, then it is envisaged that in the future they will play such a role and the matter must be presented in this way. There is something here which is not clear and precise. Perhaps this lack of precision can be explained by the abstruse construction of the phrase. I would like to know whether the question here is of the consciousness of the role played at present in the economic development of the Territory by the indigenous inhabitants. If so, then it must be so said. Of, if it is a matter of the consciousness of the future role which the indigenous inhabitants will play in the future in the economic development, it should be so stated. I would like clarification of this matter. In its present form this phrase seems not to be clear and may create the wrong impression.

Mr. HALLIGAN (Special Representative): I understand that the representative of the Soviet Union, after a very close analysis of the words in reply to question 47, would like to know a little more clearly what is intended. It was his close examination of the words which made me look a little closer and I think it is possible that we have not made the position clear and I will endeavour to do so.

That also led me to look at question 47 to which this is the answer. Question 47 says: "Give a brief appraisal of the social consequences of recent economic developments."

/The answer there

The answer there is intended to convey that the indigenous inhabitants have in the past played the role of employees and that they have in recent times, as I have endeavoured to explain, departed from that role, at least some of them have. So the fact is that they are becoming conscious of the part they are at present playing which is in the role of employee and of the part they may be able to play in the future in the capacity of working on their own account. I think that is as clear as I can make it.

Mr. SOLDATOV (Union of Soviet Socialist Republics) (Interpretation from Russian): The representative of the United States mentioned the question of the Social Development Planning Committee. In particular he was interested in the membership of this committee. I was interested in it myself and now I will deal only with that part of the question which has not yet been raised here. It was not raised by the representative of the United States and therefore there was no reply to it.

I am interested in the question as to when this committee was created and if there^{are} representatives on it of the native population. If such representatives are members of this committee, who are they? Further, are there any data with regard at least to preliminary considerations of this committee?

In this connexion I would like to have clarification on point (b) of the reply to question 118 on page 29 of the printed report. It says here: "The establishment of permanent local Social Welfare Committees which would be representative of Administrative Departments, Mission bodies and public-spirited citizens." I would like to know who these public-spirited citizens are. Are they Europeans or Asians, or are they natives of the Territory? If they belong to the indigenous inhabitants I would like to get a clear picture of these people -- their social position, their general stage of development and their education.

These are a few clarifications which I should like to have from the special representative.

Mr. HALLIGAN (Special Representative): This committee was formed about twelve or eighteen months ago. It is a committee entirely in the Territory, formed -- as I explained previously -- of /officers of

officers of the Administration and of those departments I mentioned. There are no representatives of the population, indigenous or otherwise, on it, as it is a purely Administration and departmental committee. Its reports and its considerations are a normal part of the Administration's framework and its reports would not be published as separate documents but would be the basis of consideration when the various subjects were before the authorities.

The establishment of a permanent local Social Welfare Committee was one of the subjects before the committee. This list here does not set out those items which were to be considered immediately but is a general charter to which the committee would turn over a lengthy period.

/The committee

The Committee envisaged in (b) has not yet been formed, but I will give the definition of "public-spirited citizen" to indicate that the Social Welfare Committee consists not only of administrative officers, but also representatives of missions and any other of the non-indigenous inhabitants of the Territory who may wish to take a part in it, as well as any of the indigenous inhabitants who would be able to go on such a committee.

Mr. SOLDATOV (Union of Soviet Socialist Republics) (Interpretation from Russian): Thus there is no question of the representatives of the native population participating in the local committees. I do not know if it is difficult now for the special representative to clarify what persons are meant here from the native population. If the special representative is in a position to do so, it would be a very good idea to get such information right now. On the other hand, if it is impossible, it would be very good if the Administering Authority would supply, in the next report, information on the activities of the main Social Development Planning Committee, and also on the local Social Welfare Committees, so as to make it easier for us to visualize the activity of the Administration in this extremely important field of the life of the population of the Trust Territory.

My next question refers to the reply to question 119 on page 29 of the printed report. If the President will allow me, I will ask this question right now.

The PRESIDENT (Interpretation from French): We shall first of all have a recess and we will resume the discussion in twenty minutes.

I would ask the heads of delegations to be good enough to meet in the little office next door in order to examine before the resumption of the meeting the question of terms or reference which should be given to the drafting committee on reports. I think that several members of the Council have expressed the desire to discuss this matter before we examine it in Council.

The meeting was suspended at 4.22 p.m., and was resumed at 5:21 p.m.

/The PRESIDENT

TERMS OF REFERENCE FOR THE DRAFTING COMMITTEE (T/360)

The PRESIDENT (Interpretation from French): Our agenda for to-day included, as item 1, Terms of reference for the Drafting Committee for Trust Territories which are being examined during this session.

You will recall that the representative of Iraq had presented a draft resolution which has been circulated as document T/360. Mr. Khalidy has just informed me that he wishes to withdraw this draft resolution, but as time is passing and as we must now start the preparation of the report, at any rate as far as the Island of Nauru is concerned -- because the examination of the report on Nauru is completed -- and as we have only very little time left to examine the three reports on the three Trust Territories which are being examined at this session, I will ask the twelve delegations of the Council to meet together in a few moments, unofficially, in room 333. That will enable the members of the drafting committee to examine their plan of work and to take useful decisions.

I repeat it is not an official meeting of the Council but it is a preliminary meeting which is being organized informally.

Under the circumstances, we will not continue tonight the examination of the report on New Guinea but will resume it to-morrow at 2.15 p.m.

Mr. SOLDATOV (Union of Soviet Socialist Republics) (Interpretation from Russian): What is the President's decision with regard to the form of the report that we are going to prepare? Will the form be the same as in the fourth session? That is, that Part I will be the summary of conditions, Part II, conclusions and recommendations of the Trusteeship Council and Part III, observations, conclusions and recommendations of the individual delegations.

Or does the President suggest a different form for the report?

The PRESIDENT (Interpretation from French): I do not think that the question arises because it was already put to a vote at our last session. The vote was not reserved to the work of the third or fourth sessions, it was a vote of a general character. Therefore I do not think it is appropriate to return to this problem which has already been cleared up.

/ What the members

What the members of the Council may discuss later on in this informal meeting is the way in which the committee may, as quickly as possible, elaborate the draft reports which will later come before the Council to be voted.

Under the circumstances we have exhausted the items on our agenda for to-day. I will ask each delegation to be represented at this meeting in a quarter of an hour. As the heads of delegations have worked during the recess which we have just had that will enable members to have a moment of rest and then to meet later.

The meeting rose at 5.24 p.m.