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TRUSTEESHIP COUNCIL

Fifth Session

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

Lake Success, New York
Wednesday, 6 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.178 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 fourteenth meeting of the fifth session of the Trusteeship Council.

EXAMINATION OF ANNUAL REPORTS

NEW GUINEA, YEAR ENDED 30 JUNE 1948 (Discussion continued)

The PRESIDENT (Interpretation from French): We continue our discussion on the Trust Territory of New Guinea. We have been dealing with the social conditions and have spent two meetings on this item.

I would like to recall that we are already two days in arrear of our programme and I would therefore ask all the members of the Council kindly to make their remarks and statements as quickly as they can. I will also ask the special representative kindly to answer the questions as quickly as possible. Are there any questions for the special representative?

Mr. INGLES (Philippines): My question is with reference to the statement^{quoted} in question 7 on page 23 of document T/354 and the corrected statement giving the answer in the succeeding page of the same document. The statement reads:

"This downward trend in the number employed as indentured workers shows that the people are becoming increasingly aware of the advantages of the system of employment without indenture."

On page 51 of the printed report where this statement is taken from, it is stated that: "...at the close of the year (1948) only 9,048 were serving under indenture."

When we examined the report last year we found that at the close of the preceding fiscal year there were 5,141 indentured labourers. Therefore there is an increase of 4,000 roughly speaking in the number of indentured labourers. I should like to ask the special representative how this increase could be described as a "downward trend" in the number employed as indentured workers.

Mr. HALLIGAN (Special Representative): Formerly the great majority -- almost all-- of the workers were employed under indenture. In 1941 the number was 39,000. Although there was an increase of people under indenture from 5,000 to 9,000 in the year 1948, the
/over-all increase

over-all increase of natives in employment must be taken into account, and I think it will make the point clear if I give those figures. They are for a later period, but I think they will bring out the point I am making.

The total number of natives employed at the end of the year 1948 was 25,000. In April 1949 it was 30,000, and I am using that figure because I have not the break-up of the figure of 25,000. Of the 30,000 employed in April, 4,000 were employed by the Administration, not under indenture but under a record of service with the Administration, and in addition 3,460 were employed by the Administration on the basis of non-indenture, making a total of 8,154 employed by the Administration. Under indenture to private employers there were 11,000, and under employment with private employers without indenture 11,400, making a total of 22,500 employed by private employers. Although the number under indenture is increasing, I would refer to my former statement that practically all labourers were formerly under indenture, of the 22,000 now employed by private employers, half are not under indenture.

We may possibly expect some increase in numbers during the next year -- as the figures show, the 9,000 in June 1948 has risen to 11,000 in April 1949. But the largest increase in number is those who are not under indenture and gradually the number under indenture will decrease and those not under indenture will eventually comprise 100 per cent.

Mr. INGLES (Philippines): Considering this alleged drop in the number of indentured labourers in comparison with non-indentured labourers, does the special representative think that the decrease is appreciable enough to draw the conclusion that indentured labour may be eradicated within five years, as announced by the Administration in the discussion of the last annual report?

Mr. HALLIGAN (Special Representative): Yes. That decision has been taken, and in a period of five years, that is, in about 1951, the indenture system will then cease altogether.

Even though the people can go under indenture, more than fifty per cent of them are not under indenture and I think it is a very healthy indication that progressively, even before the indenture /system is

system is legally abolished, the people are taking employment without the indenture system.

Mr. INGLES (Philippines): The statement I quoted says that "the people are becoming increasingly aware of the advantages of the system of employment without indenture."

/On page 26

On page 26 of document T/354, in answer to question 14, there is a statement saying that the special representative has no information as to any differences in the actual wages paid to indentured and non-indentured labourers. Will the special representative elaborate further and illustrate to this Council the advantages of the system of employment without indenture, principally the advantages offered by the Administration pursuant to its policy of eradicating indentured labour eventually?

Mr. HALLIGAN (Special Representative): In the first part in reference to wages paid, in that question I answered that except for the fact that non-indentured labourers and indentured labourers must be paid the same minimum, the ^{figure for} wages over and above that paid by private people to non-indentured labourers is not available to me. They are people who just go along and take employment. The advantages of the non-indentured system are that the worker is able to make his own arrangements with the employer and is a system ^{that} is almost universal. The indenture system, as such, was one that was required in the early stages of the Territory and in the early contact with the natives to educate them in ^{the} contractual obligations that an employer and an employee undertake. Now, as they have gradually learned over the years, they are able on their own initiative to make their own arrangements without a written contract -- a contract that would be enforceable at law.

The main reason for the abolition of that is that the worker is able, subject to the safeguards, such as minimum wage and other conditions of employment. (those safeguards will still be in the law as the minimum), to make his own arrangements in regard to the class of employment he goes to and where he goes.

Mr. INGLES (Philippines): It is stated in the report that most of the labourers are employed on the plantations and in the mining industry. On page 154 of the mimeographed report we find that the average wage of labourers in the mining industry and in the plantations is 15 shillings, which is also the minimum wage fixed by the Administration. 15/ in Australian money is equivalent, more or less, to \$2.40 per month.

I should like to ask the special representative if the Administration considers this minimum wage, which is also the average wage for labourers in plantations and in the mining industry, adequate.

/Mr. HALLIGAN

Mr. HALLIGAN (Special Representative): Yes, that is considered adequate as a minimum wage and as the wage for the labourer. It is noticed that the mining labourer and the plantation labourer earn an average wage of 15/. The fact that the labourer is signed on for twelve months only must be taken into account. That would be the reason, largely, that the natives are being paid the minimum -- that they are all being paid the minimum.

Another fact that could be well remembered is that 15/ a month, or, as described, \$2.40 per month, is the actual money received by the labourer, but in addition he receives all his other requirements -- his rations, his housing, medical attention, and everything else that is necessary for him to live is provided, and the cash payment is in addition to those other requirements -- the cash payment of a minimum of 15/ per month.

Mr. INGLES (Philippines): I would like to call attention to the recommendation made by the Trusteeship Council at its last session on page 15 of document A/603:

"The Council, noting that the minimum wage for a labourer had recently been increased from five to fifteen shillings a month, and that the question of wages and other conditions of labour were under investigation by the Administering Authority, felt that the regulations governing wages should be improved, and that the position of workers contracted by the territorial government or other employers should be more consistent with the general trend of prices of commodities. Even when regard was had to the fact that, in addition to his cash wages, a labourer received food, housing and medical care, a monthly wage of fifteen shillings appeared to be totally insufficient to provide him and his family with their other necessities."

May the Council be informed of the steps taken by the Administering Authority in line with the observations of the Council I have just quoted?

Mr. HALLIGAN (Special Representative): The questions of labour and labour conditions are under review, as mentioned then, and certain amendments of the Ordinance and regulations are in the course of examination and preparation for promulgation.

/Mr. SOLDATOV

Mr. SOLDATOV (Union of Soviet Socialist Republics) (Interpretation from Russian): My question deals with the question of wages, which was touched on somewhat by the representative of the Philippines. On page 30 of the printed report, there are replies to questions 129 and 130. In these replies it is said first of all that "no family living studies or other surveys of cost of living were carried out in the Territory during the period under review." Further, it is pointed out that the purchasing ability of the inhabitants has increased, as a result of an increase in wages. I would like to know what increase in wages is referred to here.

/In general

In general, what sort of wage increase is referred to here, and secondly, is it a question of an increase in real wages or is it a nominal wage increase? It seems to me that it can refer only to a nominal increase in wages. I cannot understand how we can speak of an increase in real wages without having any data on family living studies or on the cost of living in the Territory. Without such information I do not see how we can make that statement.

It is in connexion with this, therefore, that I would ask the special representative to clarify the statements made in the replies to questions 129 and 130, as well as the statement on page 31 of the printed text, line 4 from the top, where reference is made to the fact that "generally, housing and living standards are showing a gradual improvement." I would ask the special representative to explain that.

Mr. HALLIGAN (Special Representative): The reference to increased wages would be the increase already mentioned, from 5/- a month to 15/- a month as the minimum. Although that was a considerable increase on the previous rate of pay, the fact that a great number of natives are paid wages far in excess of the minimum would be the basis of the statement to which the representative of the USSR referred, both in sections 130 and 131.

It is noticed that it is said in both cases that it is a gradual improvement. There are signs which evidence this improvement, and the relation to wages would be in connexion with those natives who receive a rate of wage higher than the minimum.

Mr. SOLDATOV (Union of Soviet Socialist Republics) (Interpretation from Russian): The special representative has not replied to my question as to how reference can be made to an increase in purchasing power and in wage rates when there are no data available regarding the cost of living or conditions of life. I should like to know on what basis such a statement could be made.

No investigations or studies were carried out. The cost of living and conditions of life are not known, as it is said in the report, and yet on the other hand we are told that purchasing power and wages have increased. This is not clear to me, and I should like to have it explained.

Is it simply a matter of a statement which is not supported by information available to the Council and to the Administering Authority? Can it be considered as a general statement which cannot be supported by facts?

/Mr. HALLIGAN

Mr. HALLIGAN (Special Representative): Although it is stated in section 129, on page 30, that "no family living studies or other surveys of cost of living were carried out in the Territory during the period under review", that is to indicate that no complete and precise studies that could be published in a completed form have been carried out. But that does not say that the general evidence is not available to support the statements that have been made.

That would be the case. Although we are not able to produce a document giving the results of studies, the general knowledge and general observations would be the basis of the statements made there.

Mr. SOLDATOV (Union of Soviet Socialist Republics) (Interpretation from Russian): In this case, in order that these general comments, based on certain data, be clear to everyone here, I would ask the special representative to tell us what information is available regarding living conditions and the cost of living -- information on the basis of which the conclusions were reached. Perhaps the special representative could tell us something about the cost of the main items of food and clothing, in order that we could see for ourselves. Perhaps he could also give us data regarding the bare necessities required by a person for mere subsistence.

Mr. HALLIGAN (Special Representative): In order to reply, fully or even partially, to that question, I should require to have considerable data as to the cost of living and the various items in the Territory, and, in fact, to have the result of a survey which, as I have said, has not been carried out. I am not in a position immediately to give sufficient information to enable that point, as to what were the actual costs of the various items and what is considered necessary for a person living in the Territory, to be discussed.

This would be an extensive study and would entail not only the mere facts but the circumstances in which the person was living, the general requirements, not only from items imported, but also taking into account the fact that fruit and such commodities are readily available in the Territory at little cost. That of course varies again.

/A few items

A few items come to my mind, but I think they would be quite worthless in comparison, such as tea and butter. They are dearer than in Australia, because most commodities come from Australia and a freight rate is necessary in addition to the cost of the goods when purchased in Australia.

Mr. SOLDATOV (Union of Soviet Socialist Republics) (Interpretatic from Russian): Before going on to my next question I would say that I must reach the conclusion that these general comments to the effect that purchasing power and wages have increased are not supported by facts. These are just general statements which have no support in factual information, and therefore they are at the present time unconfirmed facts and cannot be taken as statements which truly reflect the situation.

My next question deals with the wages paid to labourers in the Trust Territory. In Appendix X, on page xxx of the Appendices, it is said that 8,102 persons are employed by the Administration, and that the majority of this group, viz., 6,698 persons, are engaged as general labourers -- this is taken from another table; 137 persons are employed on plantations.

General labourers receive an average wage of 17/6d. per month. A labourer working on a plantation -- there are 137 of these individuals - receives 20/4d. per month.

/Further, of the

Further, of the 17,822 persons who are employed by private employers, the largest group consists of workers who receive sixteen shillings, one pence per month. There are 6,702 such labourers. Then there is a large group who in the mines and on the plantations receive fifteen shillings per month, and there are 9,117 such labourers. In this way, 22,654 persons of 25,924 who are working as hired employees, receive this generally wage of fifteen to sixteen shillings per month.

In this connexion, I do not think that it can be said that the average wage in the Territory is equal to seventeen shillings, six pence, as is said in the report on page 33, in reply to Question 151 (c) where it says in English:

"The average wage is, however, higher, averaging 17/6 per month (plus rations, accommodations, etc.)."

Therefore this statement cannot be considered to be exact.

At one time, when we discussed the report on Nauru, information was supplied which shows that workers of the indigenous population of Nauru who received a wage of five pounds, ten shillings per month were doomed to a starvation existence. We have no data for New Guinea regarding the cost of foodstuffs nor for the cost of clothing in New Guinea, although the special representative's statements to the effect that tea and butter cost more in New Guinea than they do in Australia makes it possible for me to reach some conclusions, because I feel that the prices, for instance, in Australia have not changed substantially since 1946 although there has been a slight increase there.

On the basis of all of this data, the very fact that the nominal wage rate in New Guinea is five or six times less than that of Nauru allows us to speak of the black poverty and exploitation of the population of New Guinea who work as hired employees. I presume that the special representative, who knows the conditions of life in the Trust Territory very well, will be able to confirm the correctness of this conclusion of mine. Or, if he cannot do so, I would ask him to submit such information which would clarify and correct my conclusions so that the Council will not reach incorrect conclusions. I would be grateful to the special representative if he could supply information to us as to how a worker in the Trust Territory can live on fifteen or sixteen shillings per month. What can he purchase for this money? Can he feed himself? Can he purchase any clothing? I/^{do not} think that we could agree with the fact that the indigenous inhabitant does not require any clothing as was stated at our last meeting by the special representative. It seems to me that any normal individual,

/working

working under normal conditions, requires clothing, not only on the lower part of his body, but on the upper part of his body as well.

I would ask the special representative to furnish this additional information to us.

Mr. HALLIGAN (Special Representative): All the calculations and the conclusions reached by the representative of the USSR are based on the absence of one most important factor. He inquires how anyone can live on a wage of fifteen shillings a month -- or even sixteen shillings or seventeen shillings and six pence -- and what can he buy. The factor he has not mentioned, although I previously mentioned it, is that the labourer is paid that money and in addition is provided with food, hospital care, clothing, medical treatment and all other necessities of life.

Mr. SOLDATOV (Union of Soviet Socialist Republics) (Interpretation from Russian): I have not quite completed the question.

The special representative is incorrect when he says that, in my statement, I overlooked the fact that the worker receives rations and allowances. I did say that; everyone heard it. I even read, in English, that part of the report which mentions that and I included those words. I am sorry, but perhaps the special representative did not notice that part of my statement.

However, it is not only a question of the fact that a worker must live somewhere and must eat. I raised, specifically, the question of clothing. I shall now raise an additional question. What possibilities does this worker have to satisfy his personal cultural requirements, that is, to read a newspaper or book, or to go to movies, or any of the most fundamental requirements? What possibility does he have to send his child to get a secondary education in Australia, since there are no secondary educational institutions in the Trust Territory? How much will it cost him to send one child to get a secondary education in Australia?

Mr. HALLIGAN (Special Representative): The first item mentioned was clothing. Amongst other things, I mentioned that clothing as well as rations were supplied to these people. The question is asked as to how they are able to provide for their cultural needs. The natives there are just recently from their villages and I think I made it clear that these natives are not able to read and write. As far as pictures go, in places where there are pictures, the natives are able to go for a fee of, I think, one shilling.

The PRESIDENT (Interpretation from French): I should like to make a general remark, applicable whenever we discuss a question such as the one we are discussing now. The representative of the USSR asks whether the wages make it possible for an indigenous inhabitant to send his child to Australia for education. This is a matter of education which cannot be based on the salary which the worker receives. I do not believe that in any country a working man can afford to send his children to some other country for their education. There are essential conditions which are different; it is a matter of scholarships.

In normal countries, even a person belonging to the middle class cannot afford to send his child to another country for his education in a university without state support.

I therefore believe we should confine ourselves to questions of a more practical character.

/Mr. HOOD

Mr. HOOD (Australia): I want to refer to a remark which the representative of the Soviet Union made in the early part of what he called his conclusions regarding living conditions in the Trust Territory.

He said, I think, that the section of the report under this heading consisted mainly of generalized statements without factual evidence to support them. Where facts are asked for by the Council and where it is possible to provide them, the special representative is, of course, here to help the Council in that respect and will certainly do so to the extent to which figures and other specific data are not contained in the actual report. But it is not proper, I would suggest, to complain that this section of the report -- and doubtless other sections would come to mind -- is in general terms, because the questions addressed to the Administering Authority, particularly under this heading, are themselves in general terms. The Administering Authority is invited to express its opinion as to the changes or improvements in living conditions generally in the Territory, and that is exactly what the Administering Authority has done in the report. The opinion of the Administering Authority is that housing and living standards are showing a gradual improvement.

That is what the Administering Authority is asked to do -- to express its opinion -- and it does so, and supplies thereby the information which the Council itself has asked for. It is not, I think, a matter for criticism that in these sections of the report there are no specific data and figures included, because the Council asks to be informed on what the Administering Authority itself thinks in general terms. That is what is given here.

Mr. SOLDATOV (Union of Soviet Socialist Republics) (Interpretation from Russian): I apologize for holding up the representative of Mexico, but I have one more question on this general matter. I shall then postpone the rest of my questions in order to allow the representative of Mexico to ask his.

But I feel that the question I have now is important because it deals with this general topic under discussion at the moment. The President said that no simple worker in any country has the opportunity of sending his child to get a secondary or a higher education in another country. But the point is that in the majority of countries there is no need for this.

/Furthermore,

Furthermore, I hope the President will allow me to disagree with his conclusion that such conditions do not exist in any country. But, of course, that matter is not under consideration now and a detailed discussion is not required at the moment. I simply wanted to state my complete disagreement with the President's conclusions.

But we are taking the concrete conditions as they exist in the Trust Territory. In the Territory there is no provision for the possibility of getting a secondary or higher education. In order to get such an education, a child must be sent at least to Australia, since Australia is not so far from New Guinea.

I could put my question in another way. Perhaps the Administering Authority gives some sort of grant or allowance to make it possible in some way for the indigenous inhabitants to get a higher education, since their wages do not allow them to do this.

Since my question refers to the section on education rather than to that on social advancement, I shall limit myself simply to asking the question with the request that the special representative answer it when we come to the section on education. That is the additional question which I should like a reply to when the Council comes to a discussion of the section on educational advancement. I shall have several additional questions after other members of the Council shall have asked their questions.

Mr. PADILLA NERVO (Mexico): One of the written questions submitted by my delegation is question 12: "What proportion of indentured labourers who have already served a term of indenture has been recruited for a second term?" The special representative in his answer tells us that: "Information is not available for the year under review." However, he gave us some figures that might be of interest to the Council in relation to the year 1939 - 1940.

I should like some clarification of these figures if it is possible to give that. The special representative in his answer states that: "At the close of that year /1940/ there were 39,344 natives working in industry. During that year, 6,777 natives whose contracts of service expired, immediately signed new contracts." I should like to know what is the proportion of indentured labourers in that figure of 39,344. I imagine that this figure is the total number of workers under private employers, under the Administration, indentured workers and ^{non-}indentured workers. Could the special representative tell me what proportion of these 39,344 workers were indentured workers?

/Mr. HALLIGAN

Mr. HALLIGAN (Special Representative): The full number, 39,344, were all indentured workers for that year -- that is, the year ending June 1940. There were in addition, at that time, about 2,000 - 3,000 non-indentured labourers in the Territory -- I have not got the precise figure, but that is a fair estimate. The figure quoted, 39,344, relates to indentured labourers only, however,

/Mr. PADILLA NERVO

Mr. PADILLA NERVO (Mexico): Then this figure of 6,777 is about one-sixth of the total indentured workers, the only ones who applied for new contracts and were again recruited for indenture?

Mr. HALLIGAN (Special Representative): They were the ones who signed on immediately. Others would go home first, possibly stopping in their villages for some time and then renewing their contracts. But these are the ones who signed on for a further period immediately after their contract expired without their going home first.

The regulations have since been changed. The contract at that time was for one, two or three years but now the maximum period of contract is twelve months and a labourer ^{may} not be signed on for a further term unless he goes home to his village and remains there for three months.

I gave those figures for that year just as some indication as to what the natives were doing at that time in the way of signing again. We do not have similar figures for the present year as to what number re-signed but none of them could re-sign immediately, as I have explained, because they are required by the Ordinance to go home to their villages and remain three months. We probably will not be able to have these figures in the future because a man goes home and starts a fresh contract three months later so each year is a fresh contract.

Mr. PADILLA NERVO (Mexico): I wonder if the special representative could make a note in order to furnish to the Council in the future reports the information on how many indentured workers, after the three-month period in their villages required by the Ordinance, signed fresh contracts. We understand that this Ordinance requiring an indentured worker to go to his village and remain there three months before signing a new contract is a recent Ordinance which was not in force several years ago.

Mr. HALLIGAN (Special Representative): The Native Labour Ordinance at present in force came into force in October 1946. I shall endeavour to get the information requested by the representative of Mexico as to the number of natives who, having once served a period of employment and having had their period at home, have then signed another contract.

/Mr. PADILLA NERVO

Mr. PADILLA NERVO (Mexico): In answer to question 20 presented by the delegation of Costa Rica, the special representative stated that, at this time, he does not have information in respect to the question as to whether "the abolition of imprisonment as a penalty for breach of contract by an indentured labourer" has had some influence on the number of breaches of contract.

In relation to this question, I should like to ask what is the penalty now for a breach of contract by an indentured worker?

Mr. HALLIGAN (Special Representative): The penalty can be a fine only under the present Ordinance. The former question of penal sanctions in the previous Native Labour Ordinance has been excluded from this new Native Labour Ordinance.

Mr. PADILLA NERVO (Mexico): The statistics given on page xiii of the report relating to the number of convictions under the Native Labour Ordinance in the District Court list 46 convictions for "absence from employment." I should like to know whether these convictions refer to all indentured workers and employees or only to employees and, if possible, the penalty imposed after these convictions.

I understand the special representative has given the penalties only in the case of imprisonment and that all other sentences handed down by the court have not been included.

Mr. HALLIGAN (Special Representative): That would apply to indentured workers who are required under their indenture to perform certain work. Section 107 of the Native Labour Ordinance provides the penalty for a breach of contract and reads as follows:

"A native who has entered into a contract under this Ordinance and who fails, or refuses without reasonable cause, to commence work under his contract at the stipulated time or (b) without leave or other reasonable excuse, absents himself from his place of employment, shall be guilty of an offense and shall be liable upon conviction to a fine not exceeding an amount equal to his wages for a period of two months."

/Mr. PADILLA NERVO

Mr. PADILLA NERVO (Mexico): Therefore this figure refers, as the special representative has stated, to indentured workers. In this respect, I should like to know whether it would be possible to state in the next report the number of days these labourers were absent from their work when such absences constituted a breach of contract according to the Native Labour Ordinance and the fine imposed for such absences.

Secondly, in view of the fact that the penalty for absence from employment according to the Native Labour Ordinance could be the equivalent of two months' wages, what would be the penalty for non-payment of the fine?

/Mr. HALLIGAN

Mr. HALLIGAN (Special Representative): It merely becomes a civil debt. There is no question of imprisonment for non-payment of fines; any question of imprisonment under the Ordinance has been abolished. Section 120 regarding "Deduction of fines from Wages" says; "Where a labourer is convicted by a Court of any offence, and the Court directs the payment of any fine or costs to be paid by instalments, the Court may order the instalments to be deducted from the wages, including deferred wages, of the labourer." That is, if he is unable to pay the money straight out it can be ordered to be deducted by instalments from his future wages.

Mr. PADILLA NERVO (Mexico): In a case where a labourer is under penalty of a fine, is he obliged to work to pay off his fine?

Mr. HALLIGAN (Special Representative): If he is absent from his employment, that means he is coming back to his employment. If he were absent/^{and disappeared}altogether his contract would be annulled and that would be the end of it. But in cases where he was absent for, say, a month, his contract would carry on when he came back, not for the purpose of paying his fine but for the continuation of his contract, and the payment of the fine may, if needs be, be ordered by the Court to be paid by instalments and taken out of his wages.

Mr. PADILLA NERVO (Mexico): I would like to know what is the position of an indentured labourer and an employee in a similar case --if he is absent from employment for several days?

Mr. HALLIGAN (Special Representative): I do not know whether I have understood that question correctly but I take it to be, what is the difference in treatment as between a native indentured labourer and a labourer not under indenture in the case of absence from employment?

In the case of the native under indenture, he has entered into a contract and it is a breach of his contract.

The other has just taken on employment from day to day. He has not made any breach of contract so he cannot be under any penalty. He is just a man who has taken on employment and if he goes off that is all about it -- he is not paid his wages but there cannot be any / other penalty

other penalty as he has not committed a breach of contract; whereas the man under indenture has entered into a definite contract and has broken it, therefore there is a penalty.

Mr. LIU (China): In answer to Question 6a on page 23 of document T/354, the special representative gives examples of prohibitions of recruiting in various parts of the Territory. The last example he gives is that of the Central Highlands, where it is stated: "No natives to be recruited from an area of an altitude of 3,500 feet or higher, for employment in any place in the territory having an altitude of less than 3,500 feet,"

I am not clear as to the reasons for this prohibition. Does the difference in altitude make so much difference in the effect on the health of the workers that those from a district of high altitude are not allowed to work in a district of low altitude?

Mr. HALLIGAN (Special Representative): Yes, it is purely for health reasons. The main reason is that the Highlands, and the part of the area at that altitude, are practically free from malaria, and natives living in that area who come down to the coast, where malaria is prevalent, are very susceptible to it. That is why, even in the transit of natives, particular care has to be taken, even if they are coming from an altitude, down through the coast, back to an altitude. Experience has shown that they are very susceptible to malaria even in those circumstances, and that is the reason for the prohibition against their working at low altitudes.

Mr. LIU (China): What about the prohibitions in other cases?

Mr. HALLIGAN (Special Representative): I have made some indication in the last sentence: "The District Officer makes a determination having regard to the requirements of the village and the welfare of its inhabitants."

The circumstances of the village are taken into account. It may be that the recruitments from that area have already reached such a number that the life of the village may not go on if further recruiting takes place. It may be that some exceptional circumstances

/ in the village

in the village require that the men should stay there. Not that they are obliged to stay there but merely that people are not allowed to recruit them from that village. If they wish to go away themselves and work they are at liberty to do so but they are not allowed to be recruited for employment under contract. It is purely for the welfare of the village and the inhabitants.

Mr. LIU (China): In the answer to Question 7c on page 24 of document T/354 reference is made to "Compliance with the immigration laws of the territory." Are any immigrant employees prevented from taking their wives and families because of the nationality or race of those wives and families?

Mr. HALLIGAN (Special Representative): No. Compliance with the immigration laws is the factor that is necessary to secure admission to the Territory. And if they comply with those laws, and subject to the availability of accommodation, the employees may take their wives and families to the Territory.

Mr. LIU (China): There is no racial discrimination involved?

Mr. HALLIGAN (Special Representative): There is nothing in the laws of the Territory relating to racial discrimination. The laws are stated and the requirements apply to everyone.

Mr. LIU (China): The answer to Question 7d makes reference to "laws in force in relation to such accommodation." What are the "laws in force in relation to such accommodation?" Do they contain any features of racial discrimination?

Mr. HALLIGAN (Special Representative): I included that phrase particularly on account of the word "accommodation" being used which I took to cover housing also. Particularly in the case of housing there are certain building regulations and other sanitary laws that apply. That was my main purpose in speaking of compliance with those laws. There again there is no racial element involved in those laws.

/ Mr. PADILLA NERVO:

Mr. PADILLA NERVO (Mexico): I would like to request the special representative to have the Administering Authority in its next report send the Trusteeship Council a copy of the contract under which indentured workers are employed.

I would also like the special representative to tell me what is the criterion followed in determining whether labourers are to be taken under indenture or as employees, whether the worker under indenture is completely free to refuse to work under that contract and whether or not he is aware of the relative ordinances and the penalties to which he will be liable in case of breach of contract; also if he knows all the aspects and possibilities of one of his acts being construed as a breach of contract.

Mr. HALLIGAN (Special Representative): Regarding the first part as to why certain natives will prefer to be employed under contract and, on the other side, as to why certain employers would take contracted labourers and others would take non-indentured labourers, it is largely ^{determined by} the availability or geographical set-up. Non-indentured labourers are generally those labourers who have been employed previously and live in reasonable proximity to their place of employment. In other cases the people under contract may come from a place like the Sepik District -- a place from which a great number of recruits are obtained and where there are very few plantations or other industries. The people there, instead of making their own arrangements to take up employment, are employed under indenture. From the time that they are taken under indenture they become the responsibility of their employer.

With regard to people under indenture, and the penalties and as to whether they are clear as to what the conditions are under which they are going to work, a requirement of the Native Labour Ordinance -- and this is one that is very rigidly enforced -- is that the District Officer's responsibility is to explain to the worker before he signs the contract exactly what the contract provides, what his responsibilities are under it and that the District Officer must be satisfied on his part that the labourer understands and that he is taking the job voluntarily.

Mr. SOLDATOV (Union of Soviet Socialist Republics)

(Interpretation from Russian): My question deals with page 30 of the printed report, the reply to question 124. In this reply it is said that there are "no restrictions on the movement of the

/population

population within the Territory."

On the other hand, at one of the earlier meetings the special representative advised us that the population of the Trust Territory does not have the right to pass the boundaries which separate the so-called controlled from the uncontrolled areas, that is, the areas which are not under the control of the Administering Authority. Furthermore, the fact that there do exist restrictions and limitations on the movements of the indigenous inhabitants of the Trust Territory between the hours of 9:00 p.m. and 6:00 a.m., in accordance with regulation 80 (2) is stated in the report. On page xiv of the Appendix it is said that for violation of this ordinance 139 persons were tried and 126 were convicted for being "absent from quarters between the hours of 9 p.m. and 6 a.m." Therefore very strict limitations exist regarding the movement of the population in the Trust Territory. I ask the special representative to explain this contradiction in the information supplied us.

Mr. HALLIGAN (Special Representative): As stated there, there is no restriction on the movement of the population; that is, there is no general restriction. The two instances quoted by the representative of the Soviet Union are special features: one, in relation to entry into or exit from uncontrolled areas, applies to those particular areas and not to the whole of the population and the other applies only to towns between the hours of 9 p.m. and 6 a.m. But there is no restriction on the movement of the population. The word "generally" should be inserted there. These are two exceptions that apply to particular areas and to particular circumstances.

Mr. SOLDATOV (Union of Soviet Socialist Republics)
(Interpretation from Russian): In respect of the reply given by the special representative I should like to clarify this matter because we find ourselves facing greater confusion.

Let us assume the following possibility: five or six people of some village near Madang has decided to go to Madang. In accordance with the existing regulations in the Trust Territory, if this group of people finds itself caught on the road at night after 9 p.m. they are subject to arrest. Or, if these people live three nights' trip from Madang what do they have to do in order to get to Madang?

/ Let us assume

Let us assume another situation where these five or six people have come to Madang any time after 9 o'clock; these people can be arrested. Does the population of any village have to have special permission to go to any other village or city? Is permission required or not? If it is not required how in practice can this group visit, for example, the village of Madang and return intact to their native village?

Mr. HALLIGAN (Special Representative): No permission is required to move around the Territory. In the case of the example quoted of natives going from a village to the town of Madang, I point out that ^{the} restriction of movement from 9 p.m. to 6 a.m. is in respect of townships so that those natives moving along the road in the direction of Madang would not be in the township and as such would not be subject to the restriction or the regulation. If they were ^{visiting} in the town the regulations make provision for the issue of authority and administratively that would be taken care of.

/Mr. SOLDATOV

Mr. SOLDATOV (Union of Soviet Socialist Republics) (Interpretation from Russian): The special representative's reply bears evidence to the fact that these restrictions on movement within the Territory exist not only in reference to the boundary lines between the controlled and uncontrolled areas and not only in respect to people living in towns, but also to people living in villages; because if they do not have to get permission, they still have to get some sort of administrative permission to enable them to be in a building at five minutes after nine at night when they are within a township. If they decided to return home at that hour they would be taken into custody.

Therefore, not only indirectly but directly, the movement of the population -- the people of the villages and of the townships -- is restricted.

My next question deals with the reply to question 125 on page 30 of the printed report of the Administering Authority. In connexion with this reply, I would like to have clarification as to the statement before us to the effect that on the island of New Britain in the village of Pooaing a recruiter named Robinson was killed and eight of the party accompanying him were killed some time in mid-December. I would like to know how that fact jibes with the answer to question 125.

Mr. HOOD (Australia): Before the special representative replies to that question I wish to refer to the conclusion which the representative of the Soviet Union attempted to draw from the answers to questions based on section 124 of the report.

Either there is a complete misunderstanding of the nature of those replies and of the intention of the original question or something much more deliberate has taken place on the part of the representative of the Soviet Union, because it is perfectly clear from the original questionnaire that this question 124 is addressed not to local perambulations of any given number of inhabitants in a particular locality but to general movements of population as a whole in the Territory -- movements of economic or social significance.

The answer given -- and repeated again by the special representative -- makes it clear that there are no restrictions on that sort of movement. There are none. That answer applies to the controlled territory -- naturally, no one would reasonably

/imagine that it

imagine that it could apply to the uncontrolled territory which by its very nature is outside of the administrative control of the authority of the Territory.

To endeavour ^{to represent} -- or to fall into any misunderstanding regarding -- this question and answer as applying to the local regulations prohibiting movement within certain hours in certain settled districts -- townships and towns -- is not, I submit, a proper conclusion which should be drawn from this discussion, and I think the Council as a whole will appreciate just what the significance and implication of the answers given is.

Mr. RYCKMANS (Belgium) (Interpretation from French): I would like to make a remark somewhat similar to that made by the representative of Australia.

I believe there is a misunderstanding here. In fact, there is no contradiction whatever between the information supplied by the Administering Authority and the answers given by the special representative.

When the question was asked "Are there restrictions on movements of the indigenous population?" it was understood as follows: "Are there pass laws? Can a man be arrested on the road? Can a man who is found anywhere on the road be called upon to justify his presence there?" And here the Administering Authority replies: "No, we have no such restrictions on the liberty of movement of the population."

But this has nothing to do with the fact that by police regulations movements can be controlled in some areas. For instance, in the United States, where there is full liberty of movement guaranteed by the Constitution, if you walk around Fort Knox or near Los Alamos you are told that you are not allowed to go there. This does not imply that you cannot move freely within the territory of the United States.

Mr. SOLDATOV (Union of Soviet Socialist Republics) (Interpretation from Russian): In spite of the efforts of the Australian and ^{Belgian} representatives to confuse this very clear question, it still remains a very clear question, and it seems to me that the best thing for the Council to do would be to take the ^{facts} into consideration rather than try to deny them when they are self-evident.

/The question I

The question I asked was quite clear. The question asked is quite clear. It says: "Do any restrictions regarding the movement of the population exist within the Territory and outside the Territory?" This refers to large groups of people and in this particular case it is a question of restrictions between 9 p.m. and 6 a.m.

Of course this question could be divided into two sub-questions. It could be divided into a question of general limitations on general movements of the population and a question of individual movements.

Let us take the first question: "Do any restrictions exist on mass movements, general movements of the population?" Yes, they do exist. Well then, say so. The Administering Authority itself has said that it forbids movements across the line of demarcation between the controlled and uncontrolled areas of the Territory. Is that a restriction? Is that a prohibition? Yes. Therefore there is a restriction on the movement of the indigenous inhabitants of the Trust Territory. If that is so, why say that there are no limitations? A limitation is before us. It is a limitation, a restriction, which separates 600,000 people in the Territory from some 300,000 people. It seems to me that is a very clear fact and I think the reply to it should be equally clear. The representative of the Soviet Union has no special aim or idea in asking this question. It is simply a question of asking for clarification of a matter set forth in the report of the Administering Authority which is now before us. That is the first aspect of the question, that is, the movement of the population in large masses.

/As regards the

As regards the question of local movement of population, the representative of the Administering Authority does not deny that certain limitations and restrictions exist -- that is, the restriction of movement of individuals between 9 p.m. and 6 a.m. That is what I am talking about; that is the clarification I wanted to receive from the Administering Authority. There are no particular implications in my questions; I simply wanted further clarification of the material offered.

Now I would ask the special representative to reply to the question I asked regarding information in the press that in the middle of December of 1948 on the island of New Britain in the village of Pooaing a workers' recruiter, Robinson, and eight members of his party were killed. I would ask the special representative as to how true this statement is. If this statement in the press was true, I would ask him to explain the circumstances of the killing.

The PRESIDENT (Interpretation from French): As to the first part of the remarks of the representative of the USSR, I must say that the representative of Australia could not be accused of having brought confusion into the debate. The representative of the USSR has asked a question; the representative of Australia has given a very pertinent answer, and I believe on this point he is right in respect of general movements of population. The representative of Australia has never attempted to throw any confusion into the debate; he has given an answer to the question asked by the representative of the USSR, and I believe that the Council shares this view.

As to the incident about which the representative of the USSR speaks, I shall now call upon the special representative.

Mr. HALLIGAN (Special Representative): Mr. Robinson was in an area of New Britain recruiting; he was killed by natives, and a number of natives accompanying him was also killed. That occurred in December last; it is not reported in this report, but details of it will be reported in the report covering the period in which it occurred -- that is, the 1948-49 report.

Mr. SOLDATOV (Union of Soviet Socialist Republics) (Interpretation from Russian): All I wanted to clarify was the fact itself. If the special representative cannot supply full information regarding
/the circumstances

the circumstances and the reasons for the killing, it would be, of course, satisfactory to have them set forth in the next annual report as fully as possible, and have it submitted to the next session of the Trusteeship Council, which will discuss the report on New Guinea for the next year.

I have another question on this matter of recruitment. The press stated --

The PRESIDENT (Interpretation from French): I think we should all have a short recess now, and after I shall call upon the representative of the USSR. We shall have a recess of fifteen minutes now.

The meeting was suspended at 4:13 p.m., and was resumed at 4:41 p.m.

/Mr. SOLDATOV

Mr. SOLDATOV (Union of Soviet Socialist Republics) (Interpretation from Russian): The press advises us that employers are not bound by any laws regarding the recruiting of workers and have even set up their own association in order to recruit workers more easily. The recruiters are employees of this association and they receive six or seven pounds sterling for each recruited indigenous worker.

I should like to know whether the Administering Authority has taken any steps to put an end to such criminal acts on the part of employers and what measures are being taken. Furthermore, I should like to ask how many people were convicted of such unlawful acts and what penalties are imposed on such individuals.

Mr. HALLIGAN (Special Representative): The representative of the USSR prefaced his remarks by saying that this had been reported in the press. I have not seen anything of that sort, nor do I know which press reported it. But as for the last and most important part of this question, the reported fact that recruiters are paid six or seven pounds sterling for each recruit is entirely wrong.

Before the Native Labour Ordinance of 1946 was enacted in October 1946, it was possible for recruiters to be what is known as professional recruiters that is, people who went out and recruited and were paid by the people who required the recruits. That system was abolished and the Native Labour Ordinance, Section 1¹, describes what persons may recruit. It says:

"A native shall not be recruited for employment as a labourer except by

(a) a person who intends to enter into a contract with the native" -- that is, of course, the employer himself.

(b) a recruiter in the regular salaried employment of a person who intends to enter into a contract with the native"-- that is, who is paid an annual salary and is not paid on any results.

(c) a recruiter in the regular salaried employment of a company or firm which intends to enter into a contract with the native, or

(d) a recruiter in the regular salaried employment of an association of employers who holds the written authority from that association authorizing him to recruit natives for one of its members, specified in the authority, who intends to enter into a contract with the native. Provided that the authority which shall be in accordance with the prescribed form and signed by a representative of the association of employers shall be void unless given prior to the recruiting. Provided further that before such authority is acted

upon, the representative of the association of employers or the person to whom it is issued, shall produce the original authority and lodge a copy thereof with the District Labour Officer, who shall endorse the original with his signature and the date of production."

That is the present law in relation to recruiting and recruiters.

Mr. SOLDATOV (Union of Soviet Socialist Republics)(Interpretation from Russian): My question refers not to the legislation which exists regarding the recruitment of workers; I asked my question regarding violation of the regulations which exist in the Trust Territory. My question was worded as follows:

The press advises us that employers do not take any laws into consideration regarding the local recruitment of workers and have even, for this purpose, created an association. Recruiters are employees of this association and receive from six to seven pounds per head per recruit: indigenous worker.

I asked further whether the Administering Authority is taking any steps to put an end to these unlawful acts on the part of the employers and what steps were being taken. Further, I asked how many people were convicted of such unlawful acts and what penalties were imposed on those convicted.

In view of the fact that the information referred to is rather recent it seems to me the question has a very real significance and would require it seems to me, an appropriate reply and information from the Administering Authority. In this case I could quote the exact words from one of the magazines on this question. The words of the magazine do not differ from what I have said and I therefore feel there is no need to repeat them. It is an Australian magazine.

Mr. HALLIGAN (Special Representative): Can the representative of the USSR give me the name of that magazine? I should be rather interested.

Mr. SOLDATOV (Union of Soviet Socialist Republics)(Interpretation from Russian): The magazine is called "Pacific Islands Monthly", January 1949, page 7.

The PRESIDENT (Interpretation from French): I do not know in what measure we should take into account press articles which were not presented to the Council before the meeting. Each of us, I suppose, could

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produce a number of press articles and ask a lot of questions. This should not become a custom.

If the special representative wishes to answer the question on the basis of a press article which he has not read, of course he may do so, but he may also refuse to answer.

/Mr. HALLIGAN

Mr. HALLIGAN (Special Representative): I shall answer very briefly by referring the Council to Appendix III under Justice and Penal Administration, which shows the offences against the Native Labour Ordinance. It is set up in three columns: Europeans, Asiatics and Natives.

As to the other part of the question, I explained the law, and if that press report maintains that the planters take no notice of the law, certainly the Administration does. Any breaches of the law -- and the law is what I read -- would be reflected in the statistics relating to the court cases; under the activities of the district courts in the Native Labour Organization it will show what breaches have been brought before the courts.

For example, there is one European "sending unauthorized native to recruit". That is a breach of the law, and he was taken up and tried.

Mr. SOLDATOV (Union of Soviet Socialist Republics) (Interpretation from Russian): Perhaps the special representative is not familiar with certain specific facts, particularly since reference has been made to a magazine published in 1949. In this connexion, I personally should like additional information, particularly since the magazine which I have named here is not an irresponsible journal which prints unfounded information, such as might be contained in some other types of journal. I think, therefore, something might be done to clarify and evaluate the information contained in that journal.

If the statement of the special representative to the effect that all the violations committed during 1948 are covered here is correct, perhaps such violations are covered in a general way which would make it difficult to specify exactly which violations are involved. However, as I have said, the article which I mentioned refers to the latter part of 1948, and perhaps even to 1949. Therefore, I should like to ask the Administering Authority to supply all possible information on this question.

Mr. HOOD (Australia): I suggest that it is not altogether reasonable for the representative of the Soviet Union to place a certain construction on the reply which was very courteously given by the special representative on the basis of a press article, the text of which is not before any other member of the Council. If the
/representative

representative had wanted information in more detail on this point, he was at liberty to circulate a question in writing with due and proper notice which would have enabled the question -- if it were a proper one and within the scope of the present discussion -- to be answered. But I certainly deprecate any attempt to place a certain construction on the nature of the reply in the circumstances in which the question was asked.

Mr. SOLDATOV (Union of Soviet Socialist Republics) (Interpretation from Russian): I do not quite understand the representative of Australia. What lack of tact is he referring to on the part of the Soviet representative?

I referred to an article and asked for an explanation. The special representative said the information was not available at the moment, and I asked only if it were possible for the Administering Authority to furnish this additional material when it has the opportunity to do so after having looked into the matter. I do not see what the representative of Australia was referring to; it seems to me that I have been quite considerate. I have simply asked for the submission of additional information.

As for the comment that I should have submitted this question in written rather than in oral form, I do not think that important. I should remind members of the decision of the Council that the oral questions are still the basic questions. As we say in Russian, I am afraid that the Australian representative is trying to break through an open door; I do not quite see why he would have the Soviet representative do something more than he can possibly do in this case.

Mr. HOOD (AUstralia): All I asked was to have it noted that no kind of colour or construction should be put on the special representative's reply. Any reasonable request for information will be met, of course, by the Administering Authority.

Mr. INGLES (Philippines): Touching upon the reply of the special representative to a question put by the representative of Mexico before we had our brief recess, I should like to ask what is the economic or social reason behind the wide disparity of treatment sanctioned by the Administration as between indentured labourers and non-indentured labourers?

/For example,

For example, a non-indentured labourer absent without good reason for one day is deprived of that day's wages, whereas an indentured labourer absent for the same reason is fined two months' wages, so that if he is absent for six days he is fined one year's wages or is compelled to work for one year without wages.

Mr. HALLIGAN (Special Representative): The conclusion arrived at there is not in accordance with the provisions of the law that I read before, so I shall ^{read} it briefly again -- an indentured labourer is a labourer who has entered into a contract; a non-indentured one is one who has not entered into a contract, and so has no contract to break: "A native who has entered into a contract under this Ordinance and who fails or refuses without reasonable cause to commence work under his contract at the stipulated time, or without leave or other reasonable excuse absents himself from his place of employment, shall be guilty of an offence and shall be liable upon conviction to a fine not exceeding an amount equal to his wages for a period of two months."

That does not say that the labourer is fined two months' wages for each day's absence -- I think the representative of the Philippines made some calculation on the basis that each day's absence brings a fine of two months' wages. That is the maximum fine that may be imposed upon the labourer for any period of absence.

/Mr. INGLES

Mr. INGLES (Philippines): The point is that for each absence he may be fined two months' wages. I should like an answer to the question which I propounded: what is the economic and social reason behind this disparity in treatment; whereas a non-indentured labourer absent for one day without good reason has only one day's wages withheld while an indentured labourer absent for one day without good reason is subject to a fine up to two months' wages?

Mr. HALLIGAN (Special Representative): I explained that in the opening part of my previous remarks. One has entered into a contract and he has broken that contract; the other has not entered into any contract. He has sought employment and received employment. For his part, an indentured labourer has a period of employment assured him for twelve months. That is the advantage of his contract to him if he prefers it that way -- the security of a twelve months' engagement. A non-indentured labourer may have his services terminated at any time. There is no contract to break. That is the difference.

Mr. INGLES (Philippines): The special representative gave the legal reason by saying that there is a contract involved. I should like to remind the special representative that the liberty of contract is not absolute and that the State may prohibit unconscionable contracts-- for example, contracts against public policy and morals.

However, what I asked for was not the legal reason but the economic or social reason. To put it more concretely, can the special representative give us the difference in the damage suffered by the employer if a non-indentured labourer is absent one day and the damage suffered by the same employer if an indentured labourer is absent one day?

Mr. HALLIGAN (Special Representative): The damage is exactly the same. The employer has lost the services of one labourer for the day. I do not know whether I have interpreted the question correctly but that is my answer to the question as I understood it.

Mr. RYCKMANS (Belgium)(Interpretation from French): Without intervening in the debate, I believe I can give the explanation requested by the representative of the Philippines.

The difference is exactly the same as if we had, on the one hand, a farm hand without any contract whatsoever who sells^{milk} to a milking establishment. One^{day he} sells his milk and gets paid for it. Another day he does not work and does not receive any money. He does not work, therefore he has no milk to sell.

/On the other hand,

On the other hand, if a farmer enters into a contract to furnish two gallons of milk a day and he does not fulfil his contract, there is damage involved for the co-signer of the contract. If he does not fulfil his contract, it is evident that he causes a greater prejudice than in the case of a man who works from one day to the next without a contract.

If we speak of indentured labour, we must remember that the employer has had to spend large amounts before signing the contract. He has recruited the man, he has sent a recruiter, he has paid travel expenses, he has paid for the man's equipment and, in some cases, he has given the man some training, which are all important expenses. I happen to know that in mining enterprises in the Belgian Congo there are workers who, before they even worked, cost the company from Frs. 3,000 to 4,000, in the form of travel expenses, medical attention and so on.

If these people do not execute the work for which they have signed a contract, there is serious damage to the employer. That is the economic reason for the difference in the treatment of an indentured labourer and a non-indentured labourer who might be absent.

Mr. INGLES (Philippines): It is said that if an indentured labourer is absent without good reason, he is subject to a fine up to two months' wages. Who determines whether the labourer is absent without good reason?

Mr. HALLIGAN (Special Representative): The court would determine that. The Ordinance says "...and shall be liable upon conviction...". It would go before the court and the court would determine whether he is guilty of the charge and his liability, and impose the fine.

Mr. INGLES (Philippines): Touching upon a reply made by the special representative to a question asked by the representative of China during the earlier portion of this meeting, the special representative said that there is nothing in the text of the immigration law which would permit exclusion on racial grounds. I should like to ask whether exclusion on racial grounds would be possible in the application of the law?

Mr. HALLIGAN (Special Representative): The application of the law could exclude anyone from the Territory who did not comply with those laws.

/Mr. INGLES

Mr. INGLES (Philippines): In other words, it is possible that, in the application of the immigration law, an immigration official might prevent the entry of a particular individual, not because of non-compliance with certain legal provisions, but simply on the grounds of racial extraction?

Mr. HALLIGAN (Special Representative): It would only be on account of non-compliance with the provisions of the law that he would be excluded. It is not within the competence of an immigration official just to exclude a person. The reason for exclusion must be non-compliance with the law.

Mr. INGLES (Philippines): One of the conditions mentioned by the special representative yesterday is that the prospective immigrant must pass a dictation test in certain prescribed languages. Can the special representative tell us what those prescribed languages are?

Mr. HALLIGAN (Special Representative): They are prescribed in the Immigration Ordinance and regulations. I do not have a copy of the Ordinance but in reply to an earlier question, I said that I would obtain a copy and make it available to the Trusteeship Council. At the moment, I cannot tell you what the prescribed languages are.

Mr. INGLES (Philippines): Would English be among the prescribed languages?

Mr. HALLIGAN (Special Representative): By a process of elimination, I could not say this one or that one. Without the law in front of me, I cannot say what languages are prescribed or what languages are not.

Mr. INGLES (Philippines): Is the prospective immigrant allowed to choose the language in which he is to be examined?

Mr. HALLIGAN (Special Representative): No, the language is prescribed and the officer administering the act would be the one to determine the language.

Mr. INGLES (Philippines): Therefore an Oriental, for example, may be asked to take dictation in English?

Mr. HALLIGAN (Special Representative): He may be asked to pass a dictation test in any of the languages which are prescribed.

/Mr. INGLES

Mr. INGLES (Philippines); So that an Oriental who failed to pass a dictation test in English would be barred from entering the Trust Territory?

Mr. HALLIGAN (Special Representative); Anyone who did not pass the test in any of the languages that are prescribed would become a prohibited immigrant, and as such not eligible to enter the Territory.

Mr. INGLES (Philippines): The answer is not specific enough. Will the special representative be more specific?

Mr. HALLIGAN (Special Representative): I am afraid I cannot, in hypothetical cases, say what would happen in any particular circumstance. All I can say is what the law is and how it is administered.

The PRESIDENT (Interpretation from French): Are there any other questions on the economic situation of the Trust Territory?

We will now turn to the last chapter of document T/354, Educational Advancement in the Territory of New Guinea. Have the representatives any questions to ask?

Mr. SOLDATOV (Union of Soviet Socialist Republics) (Interpretation from Russian): I would ask the special representative to reply to the question which I asked earlier. If the special representative does not recall my question I will repeat it. I asked him to supply information regarding the conditions which exist in the Trust Territory with regard to the possibility of representatives of the indigenous population getting a higher or secondary education.

When we were discussing the question of Social Advancement I gave the basic points which interested me. I think I made them quite clear and therefore I will not repeat them.

Mr. HALLIGAN (Special Representative): The main point that the representative of the Soviet Union had in mind in his

/ previous question

previous question related to the amount of wages received. The answer to that is that education in the Territory is provided by the Administration free of charge.

Examination of the information furnished in the report generally relating to education shows that a scheme of education is being devised and that for the present it is in the primary stages only; and secondary education is to be provided in the Territory. A certain amount of technical secondary education is in process now but the plans for education are developing; secondary education is included in those plans and there is some information in that respect on page 46 of the printed report.

Mr. SOLDATOV (Union of Soviet Socialist Republics)
(Interpretation from Russian): I asked a question regarding the circumstances or conditions under which any given child of the indigenous population could travel to, let us say Australia, in order to continue its studies, since it does not have the possibility of getting a higher education in the Trust Territory itself. I would ask the special representative to advise us as to how many such instances there were; that is, how many children were sent to Australia or to some other country for a secondary or higher education.

Secondly, how many of the indigenous population have had a secondary or higher education?

If I remember correctly, the special representative told us before that there were none of the indigenous inhabitants who have had a secondary or higher education. Now that we have come to the question of educational advancement I would ask for a more detailed reply on this question.

Mr. HALLIGAN (Special Representative): In reply to the first part of the question, six natives of the Territory have been sent to the Central Medical School at Suva, Fiji, to undertake the course there of native medical practitioner. They are the only natives who have been sent out of the Territory for higher education than is available in the Territory.

With regard to the second part, I can only confirm the statement which I made previously, that there is no native of the Territory who has reached the standard that we know as secondary education.

/ Mr. SOLDATOV:

Mr. SOLDATOV (Union of Soviet Socialist Republics)
(Interpretation from Russian): With regard to the second part of this question, that is, the measures which the Administering Authority is carrying out to make it possible to send native children for secondary or higher study out of the Territory. In reply, the special representative said that up to the present no children have been sent out of the Territory for secondary or higher education. He only gave an example of six persons who were sent to the Central Medical School to get a secondary medical education.

Does the Administering Authority intend or plan, in the near future, to send a number of young people of the indigenous inhabitants to Australia or to some other country to study in secondary or higher schools? Or is it still not possible for the Administering Authority to institute measures directed towards the education of a certain number of the young people of the indigenous inhabitants either in Australia or in some other country?

Mr. HALLIGAN (Special Representative): Plans for education in ^{the} Territory are now, and have been for the last eighteen months, taking concrete shape. Those plans provide for secondary education in the Territory. If, at a later stage, the standard of education that is able to be provided in the Territory is such that some of the indigenous inhabitants are capable of going further, arrangements will be made to send them to higher schools elsewhere. But for the present the emphasis is on the building up of the primary and secondary education in the Territory rather than in sending people away from the Territory.

/ Mr. SOLDATOV:

Mr. SOLDATOV (Union of Soviet Socialist Republics)
(Interpretation from Russian): For the past eighteen years, however, no concrete measures have been put into effect. This is still in the planning stage, if I understand it correctly?

Mr. HALLIGAN (Special Representative): Prior to the cessation of civil administration in 1942, the education in New Guinea was largely in the hands of the missions. The Administration had a small staff and conducted a few schools.

Since the resumption of civil administration the educational plans of the Administration have been vastly expanded and an Education Department is being built up that will be capable of giving full education to the inhabitants of the Territory. As I mentioned previously, education is regarded by the Administering Authority as one of the major items in its plan for developing the Territory and advancing its inhabitants.

Mr. RYCKMANS (Belgium) (Interpretation from French): I have no questions to ask because the report seems clear to me. I simply have a remark to make to the effect that, while recognizing that a serious effort has been made -- and proof of that fact is the increase from 1946-47 to 1947-48 of the subsidies for education -- education is still insufficient and that, in particular, the training of teachers leaves a lot to be desired. The answer to question 226 states:

"...The Administration has, during the year, opened an Education Centre, fully staffed with specialist European personnel for training of native teachers. Forty-seven natives are at present undergoing intensive training at this centre."

It is certain that for a population of a million inhabitants, the great majority of which is illiterate, the training of forty-seven teachers is certainly far below the needs and, while approving the increase in efforts made by the Administering Authority, it is desirable that the effort in the field of education be intensified in the future.

The PRESIDENT (Interpretation from French): If there are no other questions, we have now finished the report on the Territory of New Guinea. Our agenda for today calls for a discussion of the report of the Government of the United States of America on the Trust Territory of the Pacific Islands.

/Mr. SOLDATOV

Mr. SOLDATOV (Union of Soviet Socialist Republics)
(Interpretation from Russian): I would like to ask the President when we will have the general discussion on the report on New Guinea. As you know, we have adopted the procedure of first asking our questions, of clarifying the responses to these questions and then we go on to the general discussion on the report as a whole. Therefore I would like to ask when are we going to have the general discussion on the report on New Guinea.

The PRESIDENT (Interpretation from French): In fact we shall now have a general discussion on the report concerning New Guinea.

Mr. KHALIDY (Iraq): To start the ball rolling I shall volunteer to open fire and I think I can finish my remarks in a few minutes.

As all members of the Council are aware, only a year ago we discussed at length and in great detail the conditions existing in New Guinea, and the Council as a whole was able to make a large number of observations, conclusions and recommendations aimed at implementing to the fullest degree the principles and objectives of the Charter.

It will be recalled that we subjected this Territory to a very close and critical review and we found room for improvement and for constructive proposals in every field.

We recommended the formulation of a long-range plan for the progressive advancement of all the inhabitants in all fields of development.

We considered at length the proposal of the Administering Authority to unite New Guinea and Papua permanently in a very close form of administrative union. Our doubts and anxieties arising from this proposal have since led the General Assembly to ask us to make a special investigation and this is the investigation we are making at the present time.

We noted the political backwardness of the Territory and made several recommendations to improve the situation.

We had recommendations to make on increasing the revenue and expenditure, improving the tax system, and increasing the production of export crops. In the social field we made several proposals for improvements and in the educational field we had a number of recommendations arising from the inadequacy of existing facilities.

/Our examination

Our examination at the present session of a further report on the administration of New Guinea has only served, on the whole, to reinforce the conclusions we drew from our previous examination. Things have not changed much, either for the better or for the worse.

Of course we could not expect too much to happen in a single year and in all fairness to the Administration and to the Administering Authority we must not lose sight of the fact that because the recommendations of this Council were made at the very end of the year covered by the present report, this report could not possibly reflect those recommendations.

I do not think that any good purpose can be served in these circumstances by re-opening all over again those matters on which we formulated recommendations a year ago. To do so would only lead to confusion, and confusion might weaken the prestige of the Council and diminish the importance of the recommendations made last year.

For my part, I consider that the Council may wish to content itself at this stage, and at the same time uphold its recommendations of a year ago, with a general resolution somewhat on the following lines:

The Council should observe that, in its examination of the present annual report on New Guinea, it has taken into account the fact that its recommendations arising from the previous annual report could not be acted upon by the Administering Authority during the year under review, since the recommendations were not made until the end of that year.

The Council should note that conditions in the Territory and the state of advancement of the inhabitants towards the objectives of the Charter remained generally unchanged during the year under review.

The Council should express the hope in these circumstances that the next annual report would indicate fully the progress made by the Administering Authority in implementing the Council's recommendations of 1948 and would reflect a more rapid advancement, in the letter and spirit of those recommendations, towards the goals of the International Trusteeship System as set forth in the Charter.

The PRESIDENT (Interpretation from French): I would like to express my appreciation for the remarks made by our colleague from Iraq. In fact, last year we had already considered very, very thoroughly

/the report

the report on New Guinea and the Council presented to the General Assembly a number of observations/^{conclusions}and recommendations of which the Australian Government has taken note and which are all taken into account.

It is not in the course of a few months that we can witness the results of all these recommendations. They could not be applied usefully by the Australian Government in so short a time.

/On the other hand

On the other hand, I would like to recall that the next Visiting Mission of the Trusteeship Council will bear on the Trust Territories in the Pacific and that Mission -- with which we shall have to deal during this session -- will have to go out in March, that is comparatively soon, and we shall have to discuss the terms of reference of this Mission and its formation in the course of this session, since there are budgetary implications; we shall have to submit the necessary proposal in this session.

Between the recommendations made last year and the visit of the Visiting Mission there is only a short time and it seems to me that the Council could consider the matter in a general way very quickly without repeating all that was said last year when we considered the report on New Guinea.

Mr. GREEN (United States of America): I would like to express at the outset the concern which my delegation feels over the failure of the Australian Government to make available to members of the Council ^a/sufficient number of copies of the report on New Guinea in time to make possible an adequate study of the report.

I do not want to repeat the remarks which Mr. Sayre made last week concerning the same problem we had in connexion with Nauru, but I do wish to state that his remarks are equally applicable to the situation regarding this annual report on New Guinea.

As the representative of Iraq has remarked and the President has repeated, this is the first time the Council has received and studied a report covering a second year of administration under a Trusteeship agreement and I think this is a significant fact. As the Council becomes more and more familiar with the situation in these various Trust Territories, my delegation is confident that a mutual confidence will grow up between the Council on the one hand and the individual Administering Authorities on the other -- a confidence which will make possible a useful interchange with constructive ideas concerning each territory.

In connexion with the report on New Guinea I think there are several fundamental facts which have to be kept in mind, on the basis of which the Council has to judge what is practicable in making its recommendations and observations. The first of these facts is one which has been stressed a number of times -- the fact that New Guinea is, according to all accounts, an

/extremely

extremely backward and primitive area. The difficulties of extending the influence of the Administration have been made very clear and some objection has been voiced to this policy of peaceful penetration. My delegation considers that it is a realistic approach to the problems of the area. All of us of course regret the incidents of violence which have taken place as the various primitive tribes are brought under the control of the Administering Authority. But considering the magnitude and the difficulties of the task, there hardly seems to be any reason to believe that the policy itself is unsound or that it is not designed and is not operating in the best interests of the peoples of the area.

The second basic fact is the undeveloped nature of the Territory and the difficulties of geography and climate. The vast distances, the terrain and the lack of roads and communications all have hindered the efforts of the Administration to improve the situation in New Guinea. But these difficulties, we are all hopeful, will be overcome as time goes on.

The third fact is that New Guinea was a battle area during the Second World War and that most of the Trust Territory was completely devastated and therefore the Administering Authority has had to start afresh since the war in building up its physical installations. This task of rehabilitation has been a very complicated one and I think the Council should commend the Administering Authority for its aim -- as stated in the report -- of not only rehabilitating the inhabitants of New Guinea but also of effecting as quickly as possible further improvement in their situation.

I think if the Council is to be realistic and therefore helpful in its consideration of New Guinea, these basic facts which I have mentioned must be kept in mind.

My delegation considers that the Administering Authority is making every effort to carry out the obligations it has assumed under the Trusteeship agreement and we believe that the report itself and the answers given by the special representative reveal a situation which in general is worthy of the Council's approbation.

We would like to suggest, however, that the Administering Authority exert every effort in the future to provide full information in the report not only in reply to the questions in the Provisional Questionnaire but also in compliance with requests made during this present session of the Council by the various representatives. We
/are particularly

are particularly interested in receiving as much information as possible concerning broad developments in matters of general interest in the Territory and we believe that the experience gained by the Administering Authority in undertaking surveys, building programs, agricultural experiments and health projects should be described in some detail in the report so that other Administering Authorities may have the information available as possible guides to them concerning improvements which they might undertake in their Trust Territories.

With regard to political developments, the United States delegation has already indicated its interest in the advisory village councils which are being set up and we shall read with great interest the further development of these councils as set forth in future reports.

The Administering Authority has clearly indicated that the peoples in only a few areas have developed far enough to undertake even the simplest form of organization and it would seem to us that the Council would be doing a disservice to the inhabitants if it were to encourage -- as some of the questions would seem to suggest -- too rapid a development and too complicated a system which would not be based on a solid foundation of understanding and education.

The United States delegation is also very much interested in the problem of providing sufficient personnel to fill all of the classified positions which the Administering Authority has indicated it believes essential to carry out its duties in the Territory. We believe that the Council should note with appreciation the great increase in the number of positions which Australia has set up; the special representative has explained to us that until 1942 the Administration considered about 600 positions to be adequate for both the Trust Territory and Papua, but that now the goal has been set of over 1600. We hope that as a result of putting the public service in the Territory on a permanent basis the Administration will achieve marked success in filling more of these positions, and we have also noted the assurance of the special representative that future reports will indicate the classified positions which pertain to only the Trust Territory.

We are as anxious as anyone at this table, including the representatives of the Administering Authorities, that the peoples of the Territory be advanced as rapidly as possible, but we would

/urge the Council

urge the Council in formulating its recommendations to be realistic in its approach to this fundamental problem and not to make recommendations which would be impracticable at this time.

So far as economic development is concerned, my delegation wishes to thank Mr. Halligan for his clear statement that all members of the United Nations receive equal treatment in economic matters and that the provisions of Article 76(d) of the Charter are fully adhered to in the Trust Territory. We consider this a matter of some importance as indicated in the questions which we have asked previously and we are very glad to have received the answer which Mr. Halligan gave us.

My delegation believes that the sections in the annual report concerning agriculture and fisheries and animal husbandry are worthy of favourable attention by the Council. We consider as particularly praiseworthy the experimental work which has been done at the agricultural experimental stations. This work gives great promise, in our opinion, of improving the general agricultural situation in the Territory.

/We also consider

We also consider that the sections in the report on transportation and communications present a most interesting explanation of the difficulties involved in these important matters and the steps which have been taken to overcome them. The section on native training points out the difficulties encountered by the Administration in attempting to prepare the indigenous inhabitants to assume more responsibility themselves for technical services in their own areas, and we realize the weight of these difficulties and we hope for an early solution of them.

In the field of social development, my delegation has read with great interest the section on public health in the report, which includes a frank appraisal of the deficiencies in the present programme. We are confident that this frank and honest approach augurs well for improvement in the situation, and we have noted in the report the statement of the Administering Authority that health facilities will be increased as rapidly as personnel and equipment are available. We also look forward with interest to further information concerning the results of both the nutrition survey and the malaria survey which have been conducted in the Territory.

Then in the field of educational development, the United States delegation wishes to express its special interest in the emphasis given by the Australian spokesman to education and in the building programme for schools which has been drawn up for the next three to five years. We have also noted the statements concerning the relationship between the Administration on the one hand and the missions on the other in the field of education. We feel that the Administering Authority is to be commended for the present arrangements which give to the Administration supervisory control over the whole programme. These arrangements, I should point out, appear to be in complete accord with the recommendations which the Council made last year.

We hope that the Council will continue to be informed concerning the implementation of the programme of adult education, as well as the progress of the Fundamental Education Pilot Project.

The United States delegation in this field also has been gratified to receive the information that the expenditure for education of over EA 52,000 for 1947-48 refers to the Trust Territory alone; this figure represents a considerable increase over the expenditure for 1946-47. We have been informed that the estimated expenditure for next year is EA 70,000 -- another very considerable increase. It is

/to be hoped

to be hoped -- emphasizing the point which the representative of Belgium made about the great needs in the educational field in New Guinea -- that the Administering Authority will be able to provide an increase in this item for many years to come.

In conclusion, I should like to thank Mr. Halligen for the extraordinary patience with which he has received the questions of the Council and his efforts to provide the information which we have requested. I feel quite sure that as the Council becomes more familiar with the situation in New Guinea and as the future reports of the Administering Authority reflect in more detail and with greater thoroughness the situation in the Territory, it will perhaps not be necessary for us to present quite as many requests to Mr. Halligen for supplementary information.

Mr. LIU (China): As my remarks are a little "longish," does the President want me to speak now or tomorrow afternoon?

The PRESIDENT (Interpretation from French): You may speak now

Mr. LIU (China): The Chinese delegation has noted with gratification the measure of progress achieved by the Administering Authority in the administration of the Trust Territory of New Guinea during the year covered by the report which has been under examination, particularly in the medical, agricultural and educational fields.

Nevertheless, we are fully in agreement with the statement made by the Administering Authority in the report that "a great deal remains to be done," this being a sentence I am quoting from the concluding chapter of the report, having been made by the Administering Authority in connexion with medical work. It is regretted that thus far no trade unions have been established in the Territory for indigenous workers and that no industry has yet established machinery for collective bargaining. Owing to the paramount importance of trade unions for the protection of labour -- which is no doubt evident to all of us -- it is imperative that the Administering Authority should encourage their establishment as soon as possible.

It is noted also that corporal punishment is still in existence in the Territory, although it is stated in the report that "no sentences of whipping have been imposed since the resumption of civil administration. Needless to say, the imposition of corporal punishment is at variance
/with the provisions

with the provisions of the Chapter of the Charter on human rights and the Universal Declaration of Human Rights. Therefore, it is incumbent on the Administering Authority to abolish corporal punishment formally.

A point on which increasing stress should be laid by this Council is of course the existence of racial discrimination in the various branches of the legislation and Administration of New Guinea. One of these instances of discrimination is found in the law relating to the 9 p.m. curfew. Another is noted in the restrictions on immigration. Various examples have been given to show that the discriminatory provisions in such laws as are cited above are designed for the protection of local inhabitants. While none of the examples given have been found to be applicable in the particular instance which was under discussion, this argument -- that is, the argument based on the plea for the protection of local inhabitants -- if carried to its logical conclusion, would nullify all the provisions in the Charter and in the Trusteeship agreements in relation to the respect for and observance of human rights and fundamental freedoms for all, without distinction as to race, sex, language and religion.

What Administering Authority cannot think of something to say in justification of an act of discrimination? If this Council should accept as valid the sweeping plea for the protection of local inhabitants, even making the most liberal allowance for the specious arguments that have thus been advanced, I find it difficult to see what bearing it has on the immigration restrictions referred to above. It having been admitted by the special representative that these restrictions are based mainly on those applicable in the metropolitan country, which bases its immigration legislation on a so-called "White Australia" policy, we can see that the restrictions in question give evidence of racial discrimination in that they make distinctions as to race and language.

What does the plea for the protection of local inhabitants have to do with immigration restrictions? One of the races against which these restrictions discriminate is the Chinese. In what way are the Chinese dangerous to the local population? If they were, why is it that the Administering Authority has procured as many as roughly 2,000 of them as employees in the Territory? Is it only those who are needed for the development of the Territory that are ^{not} dangerous and permitted to enter? Is it in recognition of the service rendered by these Chinese that their other compatriots cannot enter into New Guinea as immigrants? I just

/do not see why

do not see why, for the protection of the local inhabitants, one section of a race is admissible, while another section of the self-same race is not admissible.

I believe there is a great deal in what the representative of the Philippines stated yesterday: there should be a distinction between the immigration laws of New Guinea and those of the metropolitan country because Article 76 (d) of the Charter imposes on the Administering Authorities of Trust Territories the specific obligation of ensuring "equal treatment in social, economic, and commercial matters for all Members of the United Nations and their nationals."

/The reference

The reference to Article 76 (d) of the Charter brings me to another point which I raised the other day, and to which exception was taken by three delegations. That is the point in relation to the preferential treatment accorded by the metropolitan country to certain articles imported from New Guinea.

Thanks to the very positive statements made by the representatives of Australia, Belgium and France, which were readily endorsed by the President, and in which they, to say the least, took a great deal for granted, I have done a bit of research work which has revealed to me that the views expressed by these delegations are subject to re-examination and that at any rate the doubt expressed by me on behalf of my delegation is fully justified. Not only is the doubt justified, but it is open to serious question whether the preferential treatment given to the products of New Guinea on their importation into Australia is compatible with Article 76 (d) of the Charter and the Havana Charter for the International Trade Organization, which forms the basis of the general agreement on tariffs and trade.

Article 16 (1) of the Havana Charter for an International Trade Organization, which formed the annex to the Final Act of the United Nations Conference on Trade and Employment, signed on 24 March 1948, to which Australia, Belgium, France and, I believe, with few exceptions, all of our countries represented here, are signatories, provides:

"With respect to customs duties and charges of any kind imposed on or in connexion with importation or exportation any advantage, favour, privilege or immunity granted by any Member to any product originating in or destined for any other country shall be accorded immediately and unconditionally to the like product originating in or destined for all other Member countries."

It is true that in paragraph 2 of the same article it is provided:

"The provisions of paragraph 1 shall not require the elimination, except as provided in Article 17, of any preferences in respect of import duties or charges which do not exceed the margins provided for in paragraph 4 and which fall within the following description

"(a) preferences in force exclusively between two or more of the territories listed in Annex A, subject to the conditions set forth therein."

/Paragraph 2 (a)

Paragraph 2 (a) seems to apply to New Guinea, since Annex A mentions the Commonwealth of Australia and the dependent territories of the Commonwealth of Australia. The expression "dependent territories," I take it, would possibly cover a Trust Territory.

While under paragraph 2 (a) of Article 16 of the Havana Charter, the preferences in force between Australia and New Guinea may not be eliminated, yet there are two provisions which qualify the right of Australia to grant the preferences in question: first, the provision for the margin of preference mentioned in paragraph 2 (a), which I have just read, should be observed; secondly, Article 17, which is also mentioned in paragraph 2 (a) of Article 16, provides:

"Each Member shall, upon the request of any other member or Members, and subject to procedural arrangements established by the Organization, enter into and carry out with such other Member or Members negotiations directed to the... elimination of the preferences referred to in paragraph 2 of Article 16, on a reciprocal and mutually advantageous basis."

Therefore each and every member of the ITO has a right to request the Administering Authority to enter into negotiations looking towards the elimination of the preferences in question.

In his observations on the question raised by me, the representative of Belgium compared New Guinea under Australian Trusteeship to Ruanda-Urundi under Belgian Trusteeship, and I believe the President also compared a Trust Territory under French Trusteeship with New Guinea under Australian Trusteeship. While we are grateful to the representative of Belgium and the President for this unsolicited and spontaneous information, I wish to call their attention, as well as the attention of the Council, to the fact that the right which both of them claim for Belgium and France vis-a-vis Ruanda-Urundi and the French Cameroons, if I remember, is, equally, not as unqualified as was imagined.

In this connexion I take the liberty to refer to the steps taken by the United States in relation to the Pacific Islands Territory, in a situation exactly analagous to the one I am discussing now. After the Pacific Islands, formerly under Japanese mandate, were placed under United States Trusteeship, the United States Government requested, at one of the Geneva conferences in 1948, a waiver in respect of preferential treatment of a Trust Territory. As a result of a lengthy debate the report of a Working Party, which recommended the approval of the waiver, was adopted by a two-thirds majority of the conference. As a result of the adoption of the report, the United States was absolved from the

/obligation of

Obligation of eliminating the preferential treatment accorded to all the products of the Trust Territory of the Pacific Islands imported into the customs territory of the United States.

In other words, it was only after the report of the Working Party was adopted by the conference that the United States was permitted to retain the preferential treatment which had been given by the Japanese Government to products of the Pacific Islands imported into Japan -- to retain that same arrangement for the same products imported into the customs territory of the United States.

In the course of the debate, many delegations expressed opposition in principle to preferential treatment, and agreed to the adoption of the report only on the grounds of the exceptional circumstances involved in the particular case under discussion. Among the representatives who belonged to this group and who abstained from voting was the representative of Belgium, who stated that:

"he would have decided to vote against the United States request because of the dangerous precedent that would be created,..... had it not been for the respect that his Government had for the motive that lay behind the United States request."

/The representative of the Netherlands

The representative of the Netherlands stated, I quote: "that he felt it regrettable that the United States Government should be unable to find other means than the institution of a new general preferential treatment. The Working Party had been aware of the serious matters of principle that were involved. He hoped, therefore, that the United States Government, even after such a waiver had been granted, would not make an unwise use of this privilege and would decide to surrender the privilege at the first opportunity."

To quote another representative, the representative of Cuba said: "that he disagreed entirely with the report of the Working Party. In his opinion, matters of principle and doctrine should not be taken so lightly, and the principles and doctrines embodied in the Charter and the General Agreement should not be violated simply because the majority of the Contracting Parties had given their consent. When the question of new preferences for purposes of economic development and reconstruction was discussed at Havana, it was emphatically stated that the principle of eliminating preferences was not impaired and Article 15 was so drafted that it could only be invoked in very exceptional specific cases."

If the United States had to go through all this procedure in order to retain the duty-free treatment accorded to the products of the Pacific Islands imported into the United States, I wonder why it is not necessary for Australia to do so in regard to New Guinea, and why, incidentally, France and Belgium do not have to do this, and claim their right in regard to the Cameroons and Ruanda-Urundi without challenge.

In conclusion, the Chinese delegation requests the Council to recommend to the Administering Authority:

1. The early establishment of trade unionism and the adoption of the necessary legislation on the subject;
2. The elimination of racial discrimination in all laws of the Territory, especially the laws on immigration;
3. The formal abolition of corporal punishment;
4. The review of the preferential treatment granted by the Administering Authority to certain goods imported from the Territory, and the taking of the necessary steps to bring the arrangement now in force between Australia and New Guinea into strict accordance with Article 76 (d) of the Charter of the United Nations and the Havana Charter for an International Trade Organization.

/The President

The PRESIDENT (Interpretation from French): Are there any other members of the Council who wish to speak at this moment? France, the USSR, the Philippines, the United Kingdom.

In these circumstances we shall adjourn tonight and resume our discussion tomorrow at 2.15 p.m.

The sub-committee will meet at 10.30 a.m. tomorrow in Conference Room 5.

The meeting is adjourned.

The meeting rose at 6.05 p.m.