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TRUSTEESHIP COUNCIL

Fifth Session

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

Lake Success, New York
Thursday, 7 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.179 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 fifteenth 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 will proceed with the examination of the report on New Guinea. We have finished the examination of the various written questions which have been submitted and yesterday we commenced the general discussion on the report itself.

Mr. LAURENTIE (France) (Interpretation from French): I will only take the minimum time of the Council but there is a question which was raised again yesterday by the representative of China which seems to me to require a certain amount of clarification.

It is possible that conventions of a commercial nature in the organization of international trade might, now or later, render incompatible certain provisions which the Administering Authorities may set forth in respect of the Trust Territories as regards the entry of goods coming from these Territories into the metropolitan territory. Should this prove to be the case -- and I do not think it useful to go into this point here and now -- in any event the question is not within the scope of the discussions of the Trusteeship Council. It can only be of concern to a trade control organization.

/The Trusteeship Council

The Trusteeship Council has to take decisions on the system of administration and to ensure that this system is consistent with the Charter and the Trusteeship agreement. Nothing in the Charter or the Trusteeship agreement deals with the question which was raised.

Therefore, the Trusteeship Council is not, in my opinion, qualified to deal with such matters. I repeat, other international organizations might have to deal with such a question, but the Trusteeship Council would have no decision to make in this respect.

As regards the discussion as a whole on the report submitted by the Australian Government, dealing with New Guinea, I must say that I entirely share the very wise opinion expressed by the representative of Iraq. The examination of the preceding report, during the 1948 session, had enabled the Council to make a certain number of recommendations, to set up a certain number of conclusions, the enforcement of which it is not possible at this time to verify, not only because the period of time was too short, but also because the report we are examining today was drawn up too early for there to be any possibility of comparing the wishes, recommendations and conclusions of the Trusteeship Council with the facts which may have resulted and, in a general way, with the improvements which may have resulted from the implementation by the Australian Government of such recommendations.

Under the circumstances, it would seem to me wise to reiterate the recommendations as a whole which were made last year, to insist that the Australian Government attach all the necessary importance to the implementation of such recommendations, and obtain from the Australian Government that next year's report include the results of the application of such recommendations. Thus we would not waste time which is becoming more and more valuable, and we might obtain greater efficiency than if the recommendations of 1949 were to overlap those of 1948, as this would serve no useful purpose.

/Mr. SOLDATOV

Mr. SOLDATOV (Union of Soviet Socialist Republics) (Interpretation from Russian): Before going into an analysis of the substance of the information submitted by the Government of Australia in its report on the administration of the Trust Territory of New Guinea for the period 1947-48, it should be noted that both in the report itself and in the replies of the special representative to the written and oral questions there is not sufficient factual data regarding a great number of important questions contained in the questionnaire. For instance, neither in the report nor in the replies of the special representative is there information given regarding the conditions of life and the normal requirements for minimum subsistence for the indigenous population. Furthermore, there is insufficient data regarding the conditions of education and health.

It should be particularly noted that the Administering Authority has not furnished any data regarding the participation of the indigenous population in the political life of the Territory. We could also give here a great number of other questions on which the Administering Authority has not supplied the necessary information.

It should be emphasized that this insufficiency of information which has been supplied to us is evidence not only of the lack of a desire on the part of the Administering Authority to provide this information, but also can be seen in the fact that on a number of questions there is absolutely no information given at all because the Administering Authority does not take the necessary measures to carry out and to implement the objectives and principles of the International Trusteeship System, as set forth in the Charter of the United Nations.

Actually, in the report and the replies by the special representative there is no information regarding the participation of the indigenous inhabitants of the Trust Territory in the Government of the Territory. Why is that? It is so for the simple reason that the Administering Authority has not taken any steps to provide for the participation of the indigenous population in the administration of their country. The Administering Authority has not put into effect any legislative or other measures which would provide for the participation of the indigenous population in legislative, executive or judicial organs in the Trust Territory.

There is not a single indigenous inhabitant of New Guinea who has taken even the slightest part in the administration of his country. The Trust Territory is administered by Australian officials, headed by
/an Administrator

an Administrator. All the posts in the Administration,-- the highest posts, the middle and lower positions -- are occupied by Australians. Even the service personnel is made up of Australians. For 1,686 Australians who serve the Administration, there are altogether 112 indigenous inhabitants who are employed, as the report says, in clerical and similar work. All of these 112 persons, as we have been advised by the special representative, have a very rudimentary education and are engaged as chauffeurs, couriers, messengers, and other similar forms of simple work.

Furthermore in the Territory there are no legislative or judicial organs in which the indigenous population could participate. Furthermore, as the special representative advised us, there is not a single indigenous inhabitant in the Trust Territory who has received secondary or higher education.

/The population

The population of the Trust Territory continues to live in savagery and ignorance and the Administering Authority, during all the years of its Administration, has not taken any effective measures directed towards providing political, economic and social progress for the indigenous inhabitants of New Guinea, and ensuring their progressive development towards self-government or independence.

If we compare the report of the Administering Authority for the year 1946-1947 with the report for 1947-1948, it becomes quite clear that during the past year the Administering Authority has not taken any steps directed towards the effective implementation of the requirements of the United Nations Charter with regard to this matter. On the contrary at the beginning of 1949 the Government of Australia adopted a law, in accordance with which the Trust Territory of New Guinea was united with the adjacent Australian colony of Papua in a system of so-called administrative union.

This union deeply concerns all aspects of the life of the Trust Territory and it makes the political and economic development of the Territory dependent upon the development of the colony of Papua. It interferes with, and actually makes impossible, the further development of the Trust Territory along independent lines. The establishment of this union unfailingly leads to the complete administrative and economic engulfment of the Trust Territory: it is a violation of its particular status and leads to the annexation of the Trust Territory.

The creation of this union is incompatible with the basic aims and principles of the International Trusteeship System. In this connexion the delegation of the USSR considers that the Trusteeship Council should recommend to the Administering Authority that it create in the Trust Territory legislative and administrative bodies, which would be independent of any organ which might be created on the basis of a union between the Trust Territory and the colony of Papua, for the purpose of putting into force legislative and other measures which would provide for the participation of the indigenous inhabitants in the legislative, executive and juridical organs of the Trust Territory.

Furthermore, the Trusteeship Council should draw attention to the fact that the Administering Authority is not taking the necessary steps to provide for economic progress on the part of the indigenous inhabitants of the Trust Territory. The greater mass of the population
/of New Guinea

of New Guinea is at an extremely primitive stage of its development -- a stage of which the most significant characteristic is the tribal system and the maintenance of this system.

The population of the Territory carries on a natural economy and is not brought into the active development of the economic resources of the Trust Territory. The plantation economy and the gold mining industry are completely in the hands of Australian companies, which receive enormous profits from the exploitation of the population of the Trust Territory.

On the plantations and in the gold mines of these companies, 17,822 indigenous workers are employed. Of this number, 6,702 persons receive 16/1d. per month as wages, while 9,117 persons receive 15/- per month. This beggarly wage is insufficient, not only for the maintenance of the worker's family, but even for the maintenance of normal human conditions required for the life of the worker himself.

It is sufficient to compare the wages of a European in New Guinea with this wage, to see more clearly the beggarly nature of the latter. For instance on page x of the Appendices of the report, it is stated that a European chauffeur receives from EA 426 to EA 474 per year. On page xxxi of the Appendices of the report it is stated that an indigenous chauffeur working for private employers receives on an average 39/- a month, that is, about EA 124 per year. In this manner an indigenous chauffeur receives about twenty times less than a European chauffeur.

However, as we see, even this beggarly wage paid to an indigenous chauffeur, is two and a half times more than that paid to an ordinary indigenous labourer. On the basis of this comparison it is easy to see the impossible conditions of work for those indigenous labourers who are employed on the plantations and in the mines.

I could adduce a great number of other facts which would show that the Administering Authority is not taking the necessary steps directed towards the improvement of the economic situation of the indigenous inhabitants of New Guinea. However, even the examples which I have given are sufficient to show that the policy of the Administering Authority in the economic field dooms the greater mass of the population of New

/Guinea to a

Guinea to a beggarly existence under a simple, natural economy in a semi-savage state.

Workers doing heavy labour receive very low wages. It should further be noted that the Administering Authority at the present time carries on and practises the most blatant discrimination in the question of the wages paid to indigenous inhabitants as compared to those paid to European workers.

/The Trusteeship Council should

The Trusteeship Council should recommend to the Administering Authority that it put an end to this discriminatory practice in the field of wages paid to workers. The Administering Authority should revoke all those regulations of a discriminatory nature which are now applied to the indigenous inhabitants. The regulation which prohibits the movement of the indigenous inhabitants from 9:00 p.m. to 6:00 a.m., the regulation which gives the right to arbitrarily arrest indigenous inhabitants, and other discriminatory regulations should be revoked. The existence of these discriminatory regulations are evidence of the violation of the provisions of Article 76 (c) of the Charter of the United Nations, which says that one of the main tasks of the International Trusteeship System is:

"to encourage respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language or religion..."

The Administering Authority does not have the right to violate the provisions of the Charter and it should take the necessary steps for complete compliance with the provisions of the Charter.

It should also be noted that the Administering Authority is not taking the necessary steps which would provide for a transference from the tribal system to a system of self-government based on democratic principles. This question, at one time, was discussed in reference to New Guinea as well as to other Trust Territories, and it was discussed in detail during the third session of the Trusteeship Council when the report on New Guinea was under discussion along with the reports of other Administering Authorities on other Trust Territories. It was also discussed during the work of the fourth session of the Trusteeship Council, and it seems to me that at the present time there is no need to dwell at length on this question nor to again emphasize its significance. It seems to me that it is obvious to all members of the Council.

The delegation of the USSR feels that in view of the fact that the tribal system which is now in existence in the Trust Territory is inconsistent with the progressive political development of the population of the Trust Territory towards self-government and independence, the Trusteeship Council should recommend to the Administering Authority that it undertake steps which would provide for a transference from the tribal system to a system of self-government based on democratic principles.

Both at the third session of the Trusteeship Council and during the present session, it has been noted repeatedly that the Administering Authority should increase its budgetary allocation for health and education,

/and should

and should encourage the general overall improvement of educational facilities and health facilities. The Administering Authority should make education available to the indigenous inhabitants of the Trust Territory, and for this purpose it should organize a network of secondary and higher educational institutions in the Territory. The Trusteeship Council should recommend to the Administering Authority that it increase the budgetary allocation for educational needs, particularly for the development of secondary and higher education as well as for other cultural requirements and for the requirements of health services.

It should further be noted that the Administering Authority has not, as yet, carried out the recommendation of the Trusteeship Council regarding the system of taxation applied to the indigenous inhabitants of the Trust Territory. The Trusteeship Council should recommend to the Administering Authority the introduction of measures which would bring about the substitution of a progressive income tax or a simple income tax which would be based on the property qualifications and the population's ability to pay. This would be a substitution for the existing head, or capitation tax.

These are, briefly, the basic remarks which the delegation of the USSR wishes to make regarding the report of the Australian Government regarding the administration of the Trust Territory of New Guinea for the year 1947-1948. The delegation of the USSR hopes that the recommendations which it has put forward and which have the purpose of bringing about the implementation of the requirements of the Charter by the Administering Authority, will receive complete support from those who approach the question of international Trusteeship, bearing in mind, first of all, the true defense of the interests of the indigenous inhabitants of the Trust Territory, rather than any narrow, selfish considerations such as, perhaps, more favourable conditions for investment of capital.

Mr. INGLES (Philippines): The first reaction of my delegation when it read the copy of the 1948 annual report on the administration of New Guinea, was a sense of the inadequacy of the report.

We were interested in the additional information requested by the Trusteeship Council last year when it examined the 1947 annual report, and which additional information the Council especially requested the Administering Authority to include in the 1948 annual report.

We were naturally disappointed to find that the additional information asked for was not included in the 1948 report. We therefore repeated the

/request

request of the Trusteeship Council in the supplementary written questions which we addressed to the special representative at the beginning of our present session.

It was explained by the special representative that the request of the Council for additional information was not received by the Administering Authority in time for all the required data to be assembled for inclusion in the 1948 report, notwithstanding the fact that this same special representative was present, together with the regular representative, at the third session of the Trusteeship Council when the request was made. The additional information could easily have been appended to the report or submitted in a supplementary report. But this was not done. Even the replies of the special representative to the supplementary written questions did not supply all the details, although the promise was made that they would be discussed in full in the 1949 report, to be submitted to the Council for discussion in 1950.

/The net

The net profits of the gold mining companies requested last year, for example, are not yet available this year and the promise is made that they will be submitted next year.

No reason is given why the information requested could not be furnished; it could not have been the destruction of pre-war records because the information deals with mining operations resumed after the war.

Again, my delegation was interested in finding out what steps had been taken by the Administering Authority to implement the recommendations which the Council made last year. No reference was made to the Council's recommendations in the 1948 report. Even the replies of the special representative to our supplementary written questions regarding this matter are not fully satisfactory. While we note the assurance of the special representative that the views of the Trusteeship Council in regard to the proposed administrative union of Papua and New Guinea were fully considered by the Administering Authority, and that the decisions thereto were reflected in the Papua New Guinea Act of 1949 which was passed by the Australian Parliament in March 1949, there is no similar assurance from the special representative that the views of the Council with respect to the proposed advisory councils and native village councils were also fully considered by the Administering Authority and reflected in the Papua-New Guinea Act of March 1949.

As a matter of fact, in reply to the oral questions, the special representative admitted that there were no changes in the Papua-New Guinea Bill of 1948, a copy of which was furnished to the Trusteeship Council last year, on this subject, and that sections 25 - 29 of the Bill relative to advisory councils and native village councils are an exact replica of the same sections in the Papua-New Guinea Act of 1949. This he admitted notwithstanding the recommendation of the Council last year "that the Administering Authority review the constitutions and powers of the proposed indigenous advisory and village councils with a view to granting them greater initiative in the conduct of their own affairs, and preparing the inhabitants for a progressively increasing part in the legislative and higher administrative organs of the Territory."

With respect to the other recommendations of the Council, particularly "that the Administering Authority formulate a co-ordinated long-range plan for the political, economic, social and educational
/advancement

advancement of the Territory", it is meet that the Administering Authority be given more time to carry out such recommendations, especially considering the assurance of the special representative that such plans are in the process of formulation, though not yet completed.

The Council is faced in this respect with the alternative of reiterating or reaffirming last year's recommendations which have not yet been complied with by the Administering Authority, or waiting until they are implemented in good time. My delegation would be agreeable to the suggestion of the representative of Iraq that a resolution of the Council calling the attention of the Administering Authority to the previous recommendations of the Council would be in order.

But we should not stop there. The answers elicited from the special representative in the course of his examination have brought out certain facts on which specific action may be taken by the Council, either as new matter or as supplementing and amplifying the previous recommendations of the Council last year.

The observations which my delegation is going to make have been considerably shortened in view of the observations already made by other representatives, permitting me to eliminate points already covered by them, or to deal only in a general way with these points.

On the subject of general advancement we subscribe fully to the principle of peaceful penetration of uncontrolled areas initiated by the Administering Authority, but we have qualms that the practice thereof does not tally with the principle.

In the course of the oral examination of the special representative, my delegation has already alluded to the killing of five natives by a patrol under the leadership of a young and inexperienced Patrol Officer. Even taking into account the theory that the patrol was out to track natives alleged to have committed a crime, the killing of these five tribesmen whose connexion with the crime had not been previously established cannot in any manner be reconciled with the principle of peaceful penetration.

The special representative justified the act by arguing that the native police were expecting an attack or that an attack had actually taken place on the party by local natives, but the narrative in the annual report on pages 11 - 14 refutes the possibility that an attack on the patrol had actually taken place or was contemplated by the victims. What is reported is that the patrol, fearing an attack,

/fired

fired eleven shots at the tribesmen who ran away when they sighted the patrol, and five tribesmen were killed.

My delegation would like to emphasize that even so-called savages have the right to life, the more so as wards of the United Nations. Irrespective of the result of the official investigation which cleared the Patrol Officer and his superior officer, the fact remains that five natives were needlessly killed by police under the command of those exonerated officers, and the matter cannot be dismissed in the official records as just another regrettable incident.

There must be something basically wrong with the practice of a policy which would permit such wanton killing of natives and then justify the killers by means of an official whitewash. The representative of the United Kingdom the other day indicated his disapproval of the practice followed ^{by} the Administering Authority of recruiting 18 - year olds for the highly responsible post of Patrol Officers who may be said to represent the majesty of constituted authority in the uncontrolled areas.

At any rate, the Trusteeship Council should, while approving the principle of peaceful penetration postulated by the Administering Authority, recommend that the Administering Authority review the practice thereof with a view to preventing the recurrence of tragic incidents like the killing of five Dika tribesmen, for example, by recruiting more mature and trained Patrol Officers and indoctrinating the native police on the principle and proper practice of the policy of peaceful penetration.

/On the subject

On the subject of political advancement, my delegation feels that it is not enough to reiterate last year's recommendation that the Administering Authority review the constitution and powers of the proposed indigenous advisory and village councils because the New Guinea-Papua Act as passed in March 1949 has not been changed. With respect to advisory councils we are therefore presented with a fait accompli.

While it may be expected that the Administering Authority was unable to change the powers of the advisory council in the process of legislation and that it would be more difficult for the Administering Authority to amend the enacted statute, still the recommendation of the Council that the Administering Authority review the constitution and powers of the advisory council should hold good and should be made a continuing recommendation.

The same is true of the native village councils although there is still hope that the implementing ordinance to be promulgated soon, defining the powers and functions of such village councils, will take into account the recommendations of the Trusteeship Council.

It is a matter of disappointment to my delegation that the special representative has not been able to enlighten the Council on the ordinance which, he said in ^{his} reply to the supplementary written questions has already been prepared and the contents of which he could not have been ignorant of in his official capacity as Secretary of External Affairs.

As it is, while the special representative is disposed to facilitate copies of the ordinance later, he intimated that it will have to form part not of the next annual report -- that is the report for 1949 -- but of the annual report of 1950 which will be before this Council in 1951.

In the view of my delegation, therefore, apart from reiterating the recommendation of the Trusteeship Council last year on indigenous advisory and village councils, the Trusteeship Council should recommend that the proposed ordinance should specifically take into account such recommendations of the Trusteeship Council and that copies thereof be appended to the next annual report, that is the report for 1949.

My delegation also considers as unsatisfactory the designation of only three unofficial native members in the legislative council which is composed of twenty-nine members, which membership moreover is to be divided among the residents of the colony of Papua on the /one hand, and

one hand, and the Trust Territory of New Guinea on the other. Therefore, we ask the Council to recommend that the Administering Authority review the constitution of the legislative council with a view to providing a separate legislature for the Trust Territory of New Guinea and giving better participation to the indigenous inhabitants until they shall be in the majority in the council as, in fact, they represent the overwhelming majority of the population.

On the subject of economic advancement, my delegation wishes to recommend further, in connexion with last year's recommendation, that the Administering Authority review the fiscal system of the Trust Territory with a view to alleviating the burden of indirect taxation where it presses unduly, the introduction of direct taxation based upon the individual's capacity to pay, and to increasing participation by the indigenous population in the abundant natural resources of the Territory; that the Administering Authority consider the imposition of income and business taxes, the increase of the royalty on gold production and the abolition of the native head tax.

We consider that the native head tax should be abolished, not only because it is a badge of serfdom, but also because it is not based upon the individual's ability to pay and is imposed solely upon the native inhabitants and, moreover, non-payment thereof is subject to imprisonment at hard labour for a period not exceeding six months.

My delegation also recommends that the Trusteeship Council request the Administering Authority, considering the importance of the coconut industry to the economy of the Trust Territory, to give fuller details of the operation of the Australian-New Guinea Production Control Board which purchases and markets all the copra produced in the Territory during the year covered by each annual report, the different purchase prices of copra fixed by the Board, its profits or losses if any, and the disposition of its funds.

We note that practically the whole retail trade is controlled by the non-indigenous inhabitants and we urge the Administering Authority to give further impetus to the organization of native co-operative societies. In this respect, the Administering Authority deserves commendation for its initiative in the enactment and contemplated operation of the Co-operative Societies Ordinance of 1948.

On the subject of social advancement, we appreciate the assurance of the special representative that the question of labour and labour conditions are under review and that certain amendments of the

/ordnance and

ordinance and regulations are in the course of examination and preparation for promulgation. In this connexion, we cannot but express the hope that these amendments will cover an increase in the minimum wage of 15 shillings a month and that the Administering Authority will conduct cost-of-living studies from time to time, and furnish the Council with the results of such studies.

With respect to indentured labour, we consider it desirable that, pending its complete eradication by legislation within the promised minimum period of five years, the Administering Authority should take more decisive intermediate steps.

While we are gratified to note that imprisonment has been abolished as a penalty for breach of labour contracts, we still think it is too severe that an indentured labourer may be fined two months' wages for absence without leave for, say, one day.

It would be bad enough for the Administering Authority to tolerate such a confiscatory measure if it were embodied in the contract, but it is worse for the Administering Authority to add the weight of its authority behind such an unconscionable measure by adding penal sanctions and thus allow itself to be an instrument of oppression.

We do not agree that simple breach of contract should be made a criminal offence, believing as we^{do} that it should give rise only to a civil obligation.

We associate ourselves with the representative of China in recommending the abolition of corporal punishment in the Trust Territory.

In connexion with the unlimited power vested in the Administrator to prolong indefinitely the incarceration of a convicted person declared a habitual criminal after the expiration of the period of his definite sentence, it is our view that there must first be a judicial declaration that a convicted person is a habitual criminal in accordance with the law and, second, the period of further incarceration, that is, the minimum and maximum range of further imprisonment, should also be laid down by law.

/As the law now

As the law now stands a person may rot in gaol for the rest of his natural life not in virtue of a judicial sentence but simply at the whim or caprice of the Administrator.

We urge the Trusteeship Council therefore to recommend that the Administering Authority review the legislation in this respect.

With respect to discriminatory laws and practices in the Territory the information before this Council demonstrates beyond doubt, for example, that the 9 p.m. curfew and subjection to arrest and search, applicable only to indigenous inhabitants and not to non-indigenous inhabitants, cannot be justified on the alleged grounds that they are in the interests of the indigenous inhabitants themselves. We may also add racial segregation in prisons and special privileges accorded to European prisoners and not granted to indigenous prisoners.

So much for discrimination against the indigenous population.

The representative of China has already alluded to the so-called "White Australia" policy. The special representative is the authority for the statement that the immigration policy of the Trust Territory follows that of the metropolitan country. Together with the representative of China, my delegation holds the view that whatever the reasons for its application in the metropolitan territory, its application to the Trust Territory cannot and should not be justified.

The special representative pointed with some pride to the fact that no racial discrimination could be inferred from the text of the immigration laws, but he was on less firm ground when he asserted that there was no discrimination in the application of the law. It is noted in passing that a law although fair and just on its face, may be administered with an unequal hand and an evil eye.

We might ask too what justification there is for a prospective immigrant to have to pass a dictation test in certain prescribed languages which may not be spoken at all by the overwhelming majority of the population of the Trust Territory. From the report we gather that the nearest thing to a lingua franca in the Trust Territory is Pidgin English. It would be interesting to find out whether Pidgin English is one of the prescribed languages or whether the requirement of knowledge of any specific language should be made a condition for the admission of a national of any Member of the United Nations into a Trust Territory under the supervision of the United Nations.

/ For the foregoing

For the foregoing reasons my delegation urges the Trusteeship Council to recommend to the Administering Authority a review of all discriminatory laws and practices in the Territory with a view to the abolition of racial discrimination in line with the provisions of the Charter of the United Nations and the Universal Declaration of Human Rights.

On educational advancement we share the views already expressed by other delegations that although there has been an increase in the percentage of the budget devoted to education, from 1.59% in 1947 to 3.2% in 1948, and while the Administering Authority should be commended for that, there is still room for a further increase in order to cope with the wide-spread illiteracy in the Trust Territory and to provide for secondary and higher education which is sadly deficient.

The over-all picture we get from the contents of the report and the questions^{put to} and^{the} answers of the special representative is, as aptly observed by the representative of China, that much remains still to be done. We take note of the intentions of the Administering Authority to raise the educational, social, economic and political standards of the Trust Territory, but as the saying goes, good intentions are not enough. While the Administering Authority should be commended for what it has already achieved, especially in the field of rehabilitation, it is apparent that it must exert more vigorous efforts if the goal which it has set for itself as Trustee for the peoples of New Guinea is to be achieved within the near future.

In conclusion my delegation wishes to thank both the representative of Australia and the special representative for their enlightening answers to most of the questions propounded by it, although at times the special representative has been evasive in his answers with respect to ~~some~~ of which he could not have been ignorant not only because of his official position but also because of his long experience in the service of the Australian Government.

Sir ALAN BURNS (United Kingdom): It is obvious that much remains yet to be done in New Guinea. This is a fact which is admitted by the Administering Authority itself and which indeed is the case in many countries which are not Trust Territories.

But I cannot agree with the sweeping criticisms made by some of my colleagues, or indeed, with the criticisms implicit in some of / the questions

the questions that have been asked.

New Guinea is still a very backward territory and that is the reason why it is a Trust Territory, and I suggest that this fact has sometimes been overlooked. But in my view the Administering Authority has, on the whole, done good work on behalf of the inhabitants and should be commended for what it has done.

There are two points that I wish to refer to briefly. One relates to the staff of the Territory, and the other to the village councils.

While I realize the difficulties of the Administering Authority I consider that the shortage of staff in the Trust Territory is very serious and is a handicap to the development of New Guinea. I suggest that the Administering Authority should consider seriously whether the conditions of service in New Guinea are sufficiently good to attract to the service the right type of men in adequate numbers.

I feel also that the employment of men of eighteen years of age is unwise. Although it is intended that these men should be trained for the first few years of their service I fear that it will be impossible, in view of the shortage of staff, to avoid placing these young men, from time to time, in positions of responsibility, and in dealing with such backward people as the inhabitants of New Guinea I think it essential that men of mature age and of ripe experience should be available.

/ I suggest that

I suggest that the Administering Authority should consider the advisability of employing a number of older men on five- or ten-year contracts to carry on until such time as a new generation of officials can be trained.

On the second point, I should like to suggest to the Administering Authority that the village councils should be entrusted with a certain amount of financial responsibility, however limited it may be, in order that the members of these councils may receive preliminary training in the handling of public finances, which is essential if they are ever to stand on their own feet as an independent people.

I should like to conclude by thanking the special representative for the patience and courtesy with which he has answered the questions that have been put to him.

Mr. CRAW (New Zealand): Before making a very few specific comments in this discussion, I should like to say that I agree entirely with the general line of approach which has been suggested by the representative of Iraq in handling this report this year. The Council, having not yet had an opportunity of examining the observations of the Administering Authority on the recommendations made at the third session, should certainly await these observations before making any new recommendations. Indeed -- and I think this is a most important point -- even if this were not the case, I think that it would be unwise for the Council to go on year after year making recommendations because many of these recommendations, and eventually all of them, would repeat those of previous years and the Council would in this case debase its currency completely and the Administering Authority would be in a very peculiar position.

I would also like to draw the attention of the Council to a point which I think was mentioned by the President yesterday and that is that next year there will be a visiting mission going to the Territory and it would therefore be unwise for us to branch out with any new and far-reaching recommendations at the present time.

May I say that I have listened with interest to some of the representatives who have made suggestions and recommendations, for instance, the representatives of China, the Soviet Union and the Philippines. But it seems to me that most of those recommendations are already covered by our last year's report and I can see no point at all in repeating them now. For example, the representative of China

/mentioned the

mentioned the desirability of establishing trade unions in the Territory. I note from its report of the third session in Part III, section 5, sub-section (a) that the Council has already recommended that:

"...every encouragement and training be given to the indigenous workers which would lead to the establishment of some form of collective bargaining."

Therefore the Administering Authority is at the moment, in writing its report for the year just ended, doubtless taking all these recommendations into account and there does not seem much point in our repeating it.

Mention has also been made of alleged racial discrimination in the Territory --this is always a very delicate matter, of course -- especially in the law relating to immigration. The special representative has stated quite clearly that there is no racial discrimination in this particular law. The Council, however, has not yet seen copies of the immigration ordinance although they have been promised us by the special representative, and it does not seem to me that the Council has as yet really examined thoroughly the question of alleged racial discrimination in the immigration ordinance and, indeed, in other ordinances and that we might do well to leave to the visiting mission which will be going to the Territory next year the task of examining this question in the normal course of its work. I think that would be the best solution of that particular problem.

The representative of China yesterday turned the spotlight on the question of preferential treatment for certain products of New Guinea and while there has been certain discussions between him and the representatives of France and Belgium, I must say that I am rather glad that he did turn the spotlight on that particular question although I think that in many respects the importance of the matter has been rather exaggerated. I am glad that we have looked into this question because it seems to me that here is a case where all of us could agree -- and that would really be something -- that the system involved is clearly in the interests of the Territory and its inhabitants. I, for one, can see nothing at all in the Charter or in the Trusteeship agreement which would forbid such preferences. On the contrary, they seem to me to be thoroughly in conformity with both the letter and spirit of Article 76 of the Charter and with the provisions of the Trusteeship agreement.

/I must confess

I must confess to some surprise that so much time has been taken up in the Council by a discussion of the rights of third parties in this particular case. My delegation has always been, and is, primarily concerned with the rights of the first parties -- the inhabitants of the Territory. We are concerned with their welfare and in our view anything which is designed to promote their welfare manifestly does not and cannot contravene the provisions of the Charter.

Some mention was also made of the ITO charter although I must confess that I am very ignorant of the trade arrangements and this peculiar thing called G.A.T.T. I have no idea of what it is all about; I am no expert on that. But it does not seem to me -- and here I agree with the representative of France -- that this Council should concern itself with the interpretation or the implementation of the ITO charter or the General Agreement on Trade and Tariff. Doubtless, of course, the representative of Australia will be able to give some explanation on these very technical points. However, I must emphasize that in the view of my delegation anything which is clearly in the interest of the inhabitants cannot possibly contravene the provisions of the Charter. Here we have the Australian Government giving preference to certain products, not very important perhaps, in order that the inhabitants of the Territory may be encouraged to grow them. They are very struggling industries. A very small amount of ginger, for instance, is grown and the Australian Government is giving preference to the ginger and other products in order that the people struggling to produce them under adversity may get some preference on the Australian market. I really think that the Administering Authority should be commended on that particular step.

With regard to one point made by the representative of the United Kingdom, I thoroughly agree with him that the Administering Authority might do well to look into the question of giving some financial responsibility to the Advisory Councils. I think the question which raised this matter was asked by my delegation. We were particularly interested to know whether the Advisory Councils would possess treasuries because it is only when these people can get some control of the purse strings -- some idea of how to handle money, some idea of the responsibility which the handling of money entails -- that they can take over fuller responsibilities.

/Finally, I wish

Finally, I wish to thank the special representative for his very clear replies at any rate to the questions asked by the New Zealand delegation and I may say that it is because those replies were so clear and forthright that my delegation did not find it necessary to ask any supplementary oral questions.

Mr. RYCKMANS (Belgium)(Interpretation from French):

As representative of an Administering Power I wish to state first of all that the Belgian delegation realizes perfectly well that among all the Trust Territories, it is probably New Guinea which gives rise to the most difficult administrative problems.

It is a Territory which, at the time Australia took it under its charge, was almost entirely unexplored. The populations were extremely backward and have always been considered as among the most backward of the world, and I hope that the Council, when it is called upon to make recommendations, will take into account this situation and these realities and that it will abstain from following some of our colleagues in criticisms which lack any kind of realism.

For instance, when complaints are made today to the effect that the indigenous population does not play a sufficient part in the administration of the Territory, it seems to me that before that problem arises -- and one day that problem will arise -- the great problem today for New Guinea is that of ensuring the ability of the Administering Power itself to achieve greater participation in the administration of the Territory. We must realize that in New Guinea a large part of the population is still outside any action on the part of the Administering Authority and the Trusteeship System is not really being exercised and that that is the first problem which the Administering Authority has to face. A later more extensive participation of the indigenous population in the administration of its territory is a problem which will be raised later on. I am surprised that today we can hear reproaches on the Australian Administration in that it has not destroyed the tribal administration, but can one imagine how the Australian Administration could have destroyed such an organization? Even if it is presumed that it might be an ideal to attain in the future, the problem today is to attain real contact with the tribal organization by peaceful means, and

/bit by bit

bit by bit to correct abuses in this field.

How can one hope/^{that} the Australian Administration -- even if it thinks it appropriate to destroy such tribal administration -- can do so, when it is not even in a position to enter into communication with certain indigenous inhabitants because they do not wish any contact with the Administering Authority or with western civilization? Such realities must be taken into account when criticisms are levelled and programmes are expounded.

With regard to positive suggestions, there are two which I should like to make. The first is that -- as the representative of the United Kingdom said in respect of financial responsibilities to be given to village organizations -- I think it is important also for the Administration/^{to} recognize, control and organize indigenous justice -- that is, the customary law courts. The indigenous inhabitants, of course, in their customary life, have a certain kind of judicial organization. This organization functions whether the Administration likes it or not and this organization in itself is not bad. It is good -- insofar as these customs are respectable -- that they be sanctioned by the public Administration and by the tribal organizations and the regularly organized law. Since these courts function, it is of course better that they should function under real control on the part of the Administration.

Another point to which I would like to draw the attention of the Council is the question of discrimination. We are entirely agreed on the principle ^{of} the Charter/^{that} prohibits in the Trust Territories discrimination based on race, religion, sex and so forth; but we should take care, under the excuse of ^{condemning} discriminatory practices, not to put an end to certain special protection to which the population is entitled.

I would recall to the members of the Council that at the present time when a sub-committee of the Economic and Social Council composed of experts has just finished its work -- the Sub-Committee on Discrimination and Protection of Minorities -- this committee has not reached agreement on the definition which should be given to a discriminatory law. But everyone is agreed on the fact that a law intended for the protection of certain categories of population is not a discriminatory law in the sense in which the Charter condemns it.

/To conclude,

To conclude, I would like to agree with the various tributes which have been paid by members of the Council to the special representative who has so kindly replied to all the questions we have put to him.

Mr. SOLDATOV (Union of Soviet Socialist Republics) (Interpretation from Russian): Perhaps the President would give me the floor for two or three minutes in order that the representative of Australia may then reply to the last remarks which I wish to make.

My comments will be extremely brief. In the light of the statements which have been made during our discussion today I would like to make a few comments.

There was a proposal made to the effect that the Trusteeship Council should not repeat recommendations which had been made during the third session of the Council. Of course it would be pointless each year to repeat and re-write identical recommendations. On the other hand, if the situation exists whereby the Administering Authority does not carry out the recommendations of the Trusteeship Council, then it seems to me that the Trusteeship Council should underline and re-emphasize these recommendations. It should be noted in such case, when we come to particular recommendations, that since a certain recommendation ^{of the Trusteeship Council} has not been carried out by the Administering Authority the Trusteeship Council wishes to draw the particular attention of the Administering Authority to the necessity of complying with this recommendation.

In other words, I cannot agree with the situation which has been suggested that, since a particular recommendation of the Council has not been carried out, the Council itself should not take any further steps in connexion with that recommendation. It seems to me that would be taking the path of least resistance which the Council could not very well follow since it is the Council's task to defend and protect the interests of the population of the Trust Territory.

Further, I cannot agree with that point of view which has been advanced that in view of the fact that the Trusteeship Council last year or at its previous session had a report of the Administering Authority -- in this particular case reference was made to the previous report on New Guinea -- there is no reason this year to have a thorough discussion of the report and to make the necessary recommendations on it. I cannot agree with this view.

/My delegation feels

My delegation feels that each year the Trusteeship Council would be in a better position to discuss the reports of the Administering Authorities on their Trust Territories. The members of the Trusteeship Council would better understand the specific conditions of the Trust Territory, and in this light and for this reason the recommendations of the Trusteeship Council would be more specific and more concrete.

Further and finally, the last statement made by the representative of Belgium was very general and not specific. The conclusion which I gathered from the statement made by the representative of Belgium was that he proposes that nothing in essence be done regarding bringing the indigenous population into participation in the administration of their country until such time as the remaining 300,000 inhabitants of the island are brought under the administration of the Administering Authority.

We do not agree with that; we feel rather that the faster and the more speedily the Administering Authority would develop organs of self-government in that part of the Territory which is now under its control, the sooner it establishes good conditions of health and a good educational system, the sooner it carries out measures to implement the requirements of the Charter -- the easier it would be for the Administering Authority to extend these measures and steps to the remainder of the territory. If the Administering Authority more effectively carries out the provisions of the Charter, then, believe me, the remainder of population in New Guinea -- that is, the 300,000 inhabitants who live adjacent to the Territory now under the control of the Administering Authority -- would more willingly give in to this policy of so-called "peaceful penetration." It will welcome the Australian Administration if it has seen in the controlled area that the situation and the circumstances of life are good. It would not resist this penetration as it does now -- in other words, the population of the uncontrolled areas in New Guinea in effect is still resisting the establishment of authority over them by the Administering Power.

My delegation cannot agree with the views expressed by the representative of Belgium; it seems to me that we should take exactly the opposite approach -- that is, the better the Administering Authority does its job in carrying out the provisions of the Charter in the Territory which is now controlled, the sooner will it be able to extend these measures and apply them to the remainder of the territory which is now not controlled.

/ I do not think

I do not think that we can approach the question from ~~the~~ point of view of first bringing the 300,000 who are not under control under administrative control of the Administering Power now and then to carry out the measures of the Charter. It seems to me that that approach cannot be justified. If that is what the representative of Belgium had in mind, I cannot agree with him at all. If he had something else in mind, and not that which I have stated, I would ask him to clarify it.

The PRESIDENT (Interpretation from French): Before calling on the representative of Australia, who, I hope, will speak last, I would like to ask if anybody else wishes to speak.

Mr. LIU (China): Before the representative of Australia replies I would like to say a few words in answer to the remarks made by the representatives of France and New Zealand.

I regret that because of the question raised by me so much time has been taken on this question. The representative of France remarked that those matters which fall under trade agreements are not within the competence of the Council and cannot be discussed here. I regret to say that I cannot share this view because the Council has not imposed upon itself such a limitation on its competence, and it is not right, in my opinion, for it to accept such a limitation. After all, the organs of the United Nations are not water-tight compartments. In discussing matters falling under the Charter and the Trusteeship agreements with regard to Trust Territories, the Trusteeship Council cannot ignore decisions reached elsewhere or provisions of agreements arrived at under the auspices of the United Nations. The G.A.T.T. and the Havana Charter are instruments which were entered into under the auspices of the United Nations when they discussed a matter which has to do with international trade. We cannot ignore the provisions of agreements already concluded on that subject.

Leaving this present question aside, I can give another example: Suppose, in discussing the question of labour in regard to a certain Trust Territory, a member cited a provision in one of the international labour conventions -- would another member say that the Trusteeship Council is not competent to discuss the provision of the International Labour Convention which is applicable to the Trust Territory? I do not think so.

Then the representative of New Zealand said that the arrangements
/for preferential

for preferential treatment are for the benefit of the inhabitants. I am fully aware of that and I agree with that point of view. But there are other matters which have to be attended to. We complained of the importance attached to the interests of third parties, but unfortunately that is the very matter which is covered by Article 76 (d) of the Charter, which provides for equal treatment to the interests of third parties who are Members of the United Nations.

Therefore, I do not think the doubt that I raised was irrelevant and not within the competence of the Trusteeship Council.

The PRESIDENT (Interpretation from French): I believe that the question which was raised by the representative of China is based, actually, on a misunderstanding. I would like to specify, as President, that it is a question of the competence of the Trusteeship Council.

What is the question before us? It is a question of an Australian metropolitan law which is not applied on the Trust Territory, and if I understand correctly, it is applied to imports to Australia -- that is, at Australian ports. A metropolitan Australian law cannot concern or be of the competence of the Trusteeship Council. If it were a question of a regulation applied locally in the Territory of New Guinea, of course the Trusteeship Council would be competent. The representative of China, I believe, is quite right when he says that even if it were a question of the application of commercial agreements, as a result, for instance, of the Havana Conference, perhaps if there were an internal implementation in the Trust Territory, the Trusteeship Council might be competent to discuss it.

/But in this case

But in this case we are faced with a law which has nothing whatever to do with the Territory with which the Trusteeship Council is now dealing, since it is an Australian national and internal law. I wish to draw the attention of members of the Council to this juridical point, in order that they may take it into account in case this question is again discussed in the Drafting Committee. It is simply a question of the competence of the Council.

I would now ask whether any other member of the Council wishes to add any remarks before the representative of Australia, as the last speaker, replies.

Mr. HOGD (Australia): I had not asked to speak in order to reply in the sense of making any controversial replies or rebuttals of the observations and comments which other members of the Council have made on this report. I do not regard this as basically a matter for polemics in any way. It is rather a matter for exchange of opinions and ideas, comments and discussion, with a view to putting before the Administering Authority ultimately, with the authority of the General Assembly, the concerted and general views of the Council regarding the year reported on in this document before the Council.

Nonetheless, some points have been raised in this last stage of the discussion^{upon} which I think it would be useful for the Administering Authority to be in a position to make some comment, in order to put them in their right perspective and in some cases to clarify their exact significance.

My Government will much appreciate the very thorough examination which the Council has given to this report. I think that no complaint can be made that it was in any way a perfunctory examination, and I think that the result will be found to be both to the credit of the Council and to the assistance of the Administering Authority. In that process the special representative has been happy to assist the Council to the best and the maximum of his ability.

That leads me to make one remark, which I would rather not have made, applying to the description, just now used by one member, of some of the replies given by the special representative. The word "evasive" was used. In my opinion that is not a fair term, or one that should be used in this Council, in respect of a special representative of any Administering Power. If I may repeat a little of what I had to say on this point last week, the special representative is not here as a person under cross-examination,

/He is here to

He is here to assist the Administering Authority and the Council in the way in which he thinks they can best be assisted, and if, in the opinion of individual members of the Council, some of his replies are not exactly phrased or as fully set out as might have been desired or expected, that is, after all, a matter for the special representative. It is not a proper term to apply in a case where the representative uses his discretion in the way in which he phrases his answer.

A great number of suggestions and observations have been put forward, either formally or informally, in this discussion. Some of them, I imagine, will in due course receive the status of recommendations of the General Assembly, although I would agree with what the representative of New Zealand had to say on that point: that, from the point of view of the Council and the Council's procedure, care should be taken in the future not to give undue repetition from year to year to recommendations, many of which have a bearing over a long period of years.

Other observations which have been made will, of course, appear in the report, with the authority deriving from individual members of the Council. Others again will merely remain in the form of remarks, suggestions or opinions expressed in the course of the questioning and the general discussion. But I should like to say in respect of all of them that my Government will take careful note, and will most attentively study all the opinions which have been expressed in this discussion.

The representative of Iraq, as has been pointed out, yesterday very logically indicated to the Council that the recommendations which were contained in last year's report are still the substantive recommendations of the Council as regards New Guinea; that is to say, action which may follow from them has yet to be reported to the Council. The Council has yet to learn the reactions of the Administering Authority, where they exist, to those recommendations.

As I understand what happened last year, an even more thorough scrutiny was given by the Council to the Trust Territory of New Guinea than has been the case this year. I take it that those recommendations which were ultimately passed by the General Assembly represent, by and large, what would still be the wide opinion of the Council in respect of that Territory. Therefore, as the representative of Iraq said, it is perfectly proper, before the Council takes it upon itself to embark on

/a whole new

a whole new series of recommendations, to await the action which will follow from these recommendations made last year.

I would add that that is not to say that the Administering Authority had not, before those recommendations were adopted, already set in train certain of the measures which are contemplated in those recommendations themselves. In other words, the Administering Authority has not necessarily, in every case, waited for a recommendation from the Council before it sought undertaking^{action} of the kind which the Council regards necessary and desirable. Naturally, that applies not only to last year but to this year as well. In other words the whole process is a continuing one: it does not go forward by jerks, or by leaps and bounds, but it is a continuing, a gradual, and, we hope, a smooth evolution^{of the} policy of administration.

At this point I was going to preface the remaining short remarks which I have to make with a general reminder to the Council of just what the basic conditions governing the question of the administration of New Guinea are. They have been indicated to the Council more than once already, especially during the last session by my predecessor: the Council ought to realize -- and I do not doubt that, essentially, it does -- that this Territory is the most primitive in its stage of development of all the Trust Territories: I say that without hesitati

/I was about to enlarge

I was about to enlarge a little upon that theme before the representative of Belgium, who preceded me, gave a very clear explanation of just what that involves from the point of view of the Council. Therefore I do not think it is necessary for me to expand. It should convince the Council that no startling or dramatic changes can be introduced suddenly. It is necessary to think not only in terms of years, but in terms of tens of years and of generations in some aspects of the developing processes in New Guinea. That applies particularly to political advancement. It applies/ ^{less} to social advancement, medicine, general welfare and, as we hope to prove shortly, education also.

I was very pleased to note that yesterday the representative of China did express gratification for the progress which has already been made in the cultural and medical fields. But frankly, it must be stated that that limitation applies particularly in the case of political development. It is no use saying that the inhabitants of New Guinea should be given a greater share in the administration of their own country. The very concepts which are implied in that phrase are utterly unknown to the vast majority of those same inhabitants.

Before they can begin to exercise their eventual rights as regards their own government, they must learn, first of all, what the abstractions mean. Then they must be taught how the abstractions are applied in actual administration. In other words, the basis is education, which first of all begins on the primary level and which will gradually lead to a wider degree of literacy among the whole population. Upon that is built secondary education and then higher education, until, in turn, from the higher level of the inhabitants themselves, these conceptions and ideas which we take for granted but which are totally novel and unfamiliar to the great majority of these people -- and will be for many years -- begins to work down again to the great masses of the people.

In that connexion, the representative of the USSR did, I think, say that no steps had been taken towards the participation of the native inhabitants in the administration of their own affairs. I think it proper to point out, at the risk of repetition, that the present Act regarding the Territories of Papua and New Guinea does indeed specify a concise and specific measure -- in reality, two or three measures, but one in particular which prescribes exactly that; namely, the intended institution of a Legislative Council which will comprise three native members. That is an entirely new development in the Territory.

The representative of the Philippines did not think that three was a sufficient number. While that is a matter of opinion, all that can be said is that it is the intention to begin with three, and naturally the results will be carefully watched with a view to further development at the earliest possible time.

The same remark would apply to the contemplated establishment of advisory councils on native affairs and the native village council which was discussed at some length a little earlier. Admittedly, these are not new proposals from the point of view of the Council. I think they were brought to the attention of the Council last year. But it happens that now they are included in an Act of the Australian Parliament, which has received final assent and is now law. These things are now established matters and action will be taken in their pursuance at an early date. I trust that it will be possible -- I say this without consultation with the special representative -- to meet the request of the representative of the Philippines and make available, before the report of 1950, the terms of the proposed ordinance for the establishment of the native village councils. It was not possible for the special representative to give to the Council, at this stage, all the details which the Council would normally expect to have and which it will have in due course. Many of these details remain to be settled.

One other point which is connected with the question of political life and political development in the Territory. Again it was, I think, the representative of the USSR who said that nothing was being done to transform the ancient and well-established tribal system into democratic ways of life and government. But one would have thought that a perusal of the report -- and certainly a study of the replies which were given by the special representative -- would have indicated that precisely that was happening. That is the specific object of the gradual acquirement of control over previously uncontrolled areas. That is exactly what each initial unit of the Administration which penetrates further and further into the uncontrolled areas sets out to achieve; the transformation, in a harmonious way, of what is called the tribal system--but which is, in many cases, a system based on the family -- into a public order which is consistent with the administration of the Territory as a whole. All that is done without unnecessary destruction of native beliefs and usages which are not, in themselves, repugnant.

I had thought that the representative of the USSR had admitted that point when it came up on one of the earlier days of the discussion of this report. In looking at the record, I find that he did say, after the conclusion of the questioning of that point, that:

"The following conclusion can be clearly drawn: All the forms of government which existed among the natives before the area was taken under control by the Australian authorities are not being taken into consideration and are not being kept. New forms of government are being introduced by the Administering Authority."

That is exactly what is happening.

/I had intended

I had intended also to make another special reference to questions raised yesterday by the representative of China, and I went to some pains to refer particularly to the considerations he raised regarding the preferences given by the metropolitan country to certain products of New Guinea. But after what has been said this afternoon by the representative of France and later on by the representative of Belgium and by the President, I feel that this may not be necessary.

It is, I think, entirely clear that the granting of these preferences is a matter solely for the metropolitan country; they are intended to produce material advantages to the Trust Territory, or at least to certain elements of the economy of the Trust Territory. That is admitted, but in their international significance they have nothing to do with Trusteeship. They may have something to do with the Charter of the ITO but that is an argument which, though it could be carried on with some interest, should not, I think, be undertaken here because the obligations assumed by the signatories of the Charter of the ITO are obligations inter se; they are not obligations which bear upon the responsibilities of any one of those signatories in respect of a dependent territory of that signatory. If any question is to be raised as to the validity of these special tariff measures on the part of the metropolitan territory, it should be raised under and in connexion with the Charter of the ITO only.

I appreciated the point made by the representative of China as to the analogy of an ILO Convention, but I think if that were carried further, he would recognize that any ILO Convention which deals with a Trust Territory, while it can of course be brought into the discussion in the Council, can only be discussed in relation to what it specifies for the Trust Territory.

The representative of China also referred -- and he was followed by the representative of the Philippines -- to alleged discriminatory measures and policies in the Territory of New Guinea. I would be inclined to think that . . . the point of view of the Administering Authority had^{been} made clear enough in the course of the exchange of questions and replies in the last day or two. As the special representative in particular pointed out, there is no provision in the immigration regulations which apply in New Guinea which has any shade of discrimination of any kind. The Immigration Ordinance and regulations and administrative Acts made under it are without any implication whatsoever of discrimination.

/As regards

As regards the remarks which have been made about other measures of differential treatment which apply in the Territory -- particularly certain Ordinances governing the conduct of the native inhabitants in some respects -- once again, although this reply did not satisfy the representative of China yesterday, it is the reply of the Administering Authority -- and quite honestly it is, broadly speaking, the only reply that can be given -- these measures are either directly or indirectly in the interests of the inhabitants themselves and therefore form part of the responsibility of the Administering Authority towards them under the terms of the Trusteeship agreement.

I have only one other point to add, and that is by way of a correction to what I think may have been a false impression given ^{the} by/remarks of the representative of the Philippines on the policy of peaceful penetration. He referred especially to the incident of July 1947 in which five natives were killed. If no other construction were put upon the incident, the record might show that it was indeed -- as the representative of the Philippines suggested -- a more or less willful act resulting from a deliberate application of the policy of peaceful penetration. But in fact, as the report very clearly shows, this was primarily a fortuitous expedition into an uncontrolled area. It was not undertaken in pursuance of the general policy of peaceful penetration as such, and strictly it should never have taken place at all if the orders given by the superior officer had been followed.

What did happen as a result is, of course, deplorable, but it should not be represented -- and this is the point I wish to make -- nor should the consequences of the incident be represented as necessarily a result of the policy itself. The policy itself is intended precisely toward the avoidance of incidents of that kind, and has, in the main, had complete success in that respect.

That brings me to one other point: the suggestions which have been made at various stages of the discussion for the improvement of methods of recruitment and terms of service for the New Guinea Service, and especially the District Officer Service, will be very carefully taken note of by my Government which is very conscious of the real difficulties in which the Administration of the Territory is placed through the lack of a sufficient number of trained people of the right age group. In that connexion note will be taken also of the observation of the United Kingdom representative regarding the desirable age of Patrol Officers. However, it is not correct

/to describe

to describe these young men as Patrol Officers; they are only cadets and are subject to a period of training before they are called upon to go into the field.

/Finally,

Finally, I would recall again that next year the Council will dispatch a visiting mission which will include New Guinea in its itinerary. Many of the observations or implied criticisms which have been apparent in the present discussion might well be found to be subject to, if not complete reversal, at least considerable modification as a result of an inquiry and a visit by members of the Council to the Territory itself.

I would suggest, in particular, to the representative of the USSR that a good deal of what he had to say about the living standards of the indigenous inhabitants, which he described in highly extreme and unwarranted terms, would be subject to revision in the mind of any honest observer who saw on the spot the conditions in which these people live. That is not to attempt to justify their continued maintenance at a very primitive level of living -- that is admitted -- but the level is rising and it will continue to rise. At the present stage, I venture to say to the representative of the USSR, it would be hard to find any echo in the minds of the people themselves of the kind of dissatisfaction which he implies must be felt by those of the indigenous inhabitants who are employed.

In the same way, the impressions and conclusions of the visiting mission will assist the Council to continue to form its conclusions and opinions about other aspects of the administration of the Territory in general.

I again thank the Council for the consideration which it has given to the special representative and for its careful attention to this report by the Administering Authority on the Trust Territory of New Guinea.

The PRESIDENT (Interpretation from French): Before calling upon the representative of the USSR, I should like to point out that I had expected the representative of Australia to be the last speaker.

Mr. SOLDATOV (Union of Soviet Socialist Republics) (Interpretation from Russian): I simply want to explain one misunderstanding and correct it if I may.

The PRESIDENT (Interpretation from French): I hope the representative of the USSR will be brief.

Mr. SOLDATOV (Union of Soviet Socialist Republics) (Interpretation from Russian): Certainly, sir, as usual.

It seems to me that the representative of Australia, at one point
/in his statement,

in his statement, was combatting windmills with less success than the hero of the novel of Cervantes. Some reference was made to the proposal made by the USSR delegation to the effect that the Administering Authority should take the necessary steps to provide for a transference from the tribal system to a system based on democratic principles.

The representative of Australia even quoted a statement which I made at an earlier meeting of this Council during this session. I should like to explain this misunderstanding. A system of administration which has been introduced by the Australian authorities at this time is one thing. We know that this system has nothing in common with the system of self-government which the USSR delegation proposed should be introduced.

A system of administration through Australian officials appointed by the Administering Authority who are not chosen by the indigenous inhabitants and who are not responsible to the indigenous population is one system of administration. That is the system which is now being carried on and put into effect by the Administering Authority.

We are not speaking of village councils which were referred to because, in effect, they as yet have no real significance in the administration of the Territory. In fact, the special representative could not explain to the Trusteeship Council what these village councils really represent. Perhaps the Australian representative can find that statement in the verbatim record of an earlier meeting of the Council also.

Therefore, the system of administration through appointed Australian officials is one thing, but what the USSR delegation is proposing is a transfer from the tribal system, not to that form of administrative system, but to a system of self-government based on democratic principles. That is quite a different system.

We do not deny that New Guinea is being administered by Australian officials; that is an established fact. Reference was made to that in my statement which the representative of Australia quoted earlier. I shall take the liberty to repeat what I said earlier today. I said that the fact that the Administering Authority is not taking the necessary steps for a transference from the tribal system to a system of self-government built on a democratic basis deserves attention.

The PRESIDENT (Interpretation from Russian): It is useless to repeat what was said a short while ago. It is all in the record and all the members of the Council have heard it and the representative of Australia has taken note of it.

/Mr. SOLDATOV

Mr. SOLDATOV (Union of Soviet Socialist Republics)(Interpretation from Russian): A point of order. I feel that even the President, although we all respect him as the President, does not have the right to interrupt without reason any speaker in the Council. I would ask that no one interrupt me when I am speaking.

The PRESIDENT (Interpretation from French): It was understood a short while ago that everybody would speak in order to make all the remarks they wished to and that the representative of Australia would speak last. The representative of the USSR heard this the same as everyone else. I have given the floor to the representative of the USSR once again and then the representative of Australia will have the right to ask to speak again. In this way we will dwell eternally on a discussion which has already taken four full meetings. The remarks which I make are in the interests of the Council's work. The representative of the USSR may proceed.

Mr. SOLDATOV (Union of Soviet Socialist Republics)(Interpretation from Russian): "The delegation of the USSR feels" -- and I am quoting my original words simply for purposes of information -- "that, in view of the fact that the tribal system/^{which is} now in existence in the Trust Territory is inconsistent with the progressive political development of the population of the Trust Territory towards self-government and independence, the Trusteeship Council should recommend to the Administering Authority that it undertake steps which would provide for a transference from the tribal system to a system of self-government based on democratic principles."

The PRESIDENT (Interpretation from French): The Council has thus concluded the examination of the report on New Guinea. It has devoted four meetings to it. The examination was a very serious and lengthy one and the drafting committee will not be in a position to formulate its observations and recommendations in the draft which will be submitted to the Trusteeship Council.

I should like to thank the special representative, Mr. Halligan, for the great courtesy, conscientiousness and clarity with which he has replied to all the questions which were put to him.

The Council will now take a short recess and the remainder of this meeting will be devoted to three films concerning the Trust Territory of the Pacific Islands which have been very kindly given to the Council by the United States delegation.

The meeting rose at 4.51 p.m.