

**REPORT
OF THE
TRUSTEESHIP COUNCIL**

23 June 1973-23 October 1974

GENERAL ASSEMBLY

OFFICIAL RECORDS: TWENTY-NINTH SESSION

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NOTE

Symbols of United Nations documents are composed of capital letters combined with figures. Mention of such a symbol indicates a reference to a United Nations document.

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Part One

ORGANIZATION AND ACTIVITIES OF THE TRUSTEESHIP COUNCIL

Chapter I

ORGANIZATION OF THE COUNCIL

A. Membership

1. The composition of the Trusteeship Council on 1 January 1974 was as follows:

Members administering Trust Territories

Australia
United States of America

Members mentioned by name in Article 23 of the Charter of the United Nations and not administering Trust Territories

China
France
Union of Soviet Socialist Republics
United Kingdom of Great Britain and Northern Ireland

B. Officers

2. Sir Laurence McIntyre (Australia) and Mr. James Murray (United Kingdom) were elected President and Vice-President, respectively, at the beginning of the forty-first session on 3 June 1974.

C. Sessions and meetings

3. The Council held the following meetings during the period covered by this report: forty-first session (1421st to 1429th meetings, from 3 to 14 June 1974, and 1430th to 1434th meetings, from 15 to 23 October 1974).

4. All meetings took place at United Nations Headquarters.

D. Procedure

5. No change affecting procedure was made by the Council in the period under review.

E. Relations with the Security Council

6. In accordance with Article 83 of the Charter of the United Nations, with resolution 70 (1949) adopted by the Security Council at its 415th meeting on 7 March 1949, and with its own resolution 46 (IV) of 24 March 1949, the Trusteeship Council continued to perform those functions of the United Nations under the International Trusteeship System relating to political, economic, social and educational matters in the Trust Territory of the Pacific Islands and submitted a report thereon to the Security Council.¹

F. Relations with the specialized agencies

7. Representatives of the International Labour Organisation (ILO), the Food and Agriculture Organization of the United Nations (FAO), the United Nations Educational, Scientific and Cultural Organization (UNESCO) and the World Health Organization (WHO) participated in the work of the Council.

8. The World Health Organization submitted written observations concerning conditions in the Trust Territory of the Pacific Islands (T/1753). The representative of WHO made a statement in regard to conditions in that Territory at the 1426th meeting of the Council, on 7 June 1974.

¹ Official Records of the Security Council, Twenty-ninth Year, Special Supplement No. 1 (S/11415).

Chapter II

EXAMINATION OF ANNUAL REPORTS

9. The Trusteeship Council had before it the annual reports of the Administering Authorities on Papua New Guinea (T/1751 and Add.1 and 2) and the Trust Territory of the Pacific Islands (T/1752).

10. The annual report on the administration of Papua New Guinea, covering the year ending 30 June 1973, was received by the Secretary-General on 1 May 1974. Details of the Trusteeship Council's examination of the annual report of the United States on the Trust Territory of the Pacific Islands are contained in the report of the Trusteeship Council to the Security Council.²

11. The Special Representative of the Administering Authority during the examination of the annual report on Papua New Guinea was Mr. Albert Maori Kiki, Minister for Defence, Foreign Relations and Trade of Papua New Guinea. He was assisted by five advisers: Mr. McKenzie Dangi, Regional Member in the House of Assembly for the Northern District; Mr. Paulias Matane, Secretary of the Department of Business Development; Mr. Thomas Tobunbun, Assistant Secretary, International Organizations Division in the Department of Foreign Relations and Trade; Mr. Ralph Karepa, First Secretary, Permanent Mission of Australia to the United Nations; and Mr. Peter Paypool, Third Secretary, Embassy of Australia, Washington, D.C. The report was examined by the Trusteeship Council at its 1430th to 1433rd meetings.

12. At its 1433rd meeting, on 18 October, the Council appointed a drafting committee composed of the United Kingdom and the United States to propose, on the basis of discussions which had taken place in the Council, conclusions and recommendations on conditions in Papua New Guinea and to make recom-

mendations concerning the chapter on conditions in that Territory for inclusion in the Council's report to the General Assembly.

13. At its 1434th meeting, on 23 October, the Trusteeship Council considered the report of the Drafting Committee (T/L.1190 as revised) and adopted the conclusions and recommendations contained therein. The Council, on the recommendation of the Drafting Committee, also adopted the revised working paper on conditions in Papua New Guinea (T/L.1186 and Add.1 and 2) as the basic text for the relevant sections to be included in its report to the General Assembly and decided to include the conclusions and recommendations at the end of each appropriate section. The Council adopted the report of the Drafting Committee by 3 votes to none, with 2 abstentions.

14. In explanation of his vote, the representative of Australia stated that, following its traditional position, his delegation had abstained in the voting on the report. While representing the Administering Authority in the Council and participating fully in its deliberations in accordance with its obligations, his delegation could not formally make recommendations to the Administering Authority which it represented. The representative of Australia assured the Council, however, that the Administering Authority and the Government of Papua New Guinea would carefully study the Council's report and would give sympathetic consideration to its recommendations.

15. The Trusteeship Council considered its draft report to the General Assembly (T/L.1189) at its 1434th meeting, in the course of which it agreed to include in the appropriate sections of the report the observations of members of the Council reflecting their individual opinions. At the same meeting, the Council adopted the draft report by 4 votes to none, with 1 abstention.

² *Ibid.*

Chapter III

EXAMINATION OF PETITIONS

16. The consideration and examination of communications and petitions relating to the Trust Territory of the Pacific Islands are dealt with in the Trusteeship Council's report to the Security Council.³ Concerning Papua New Guinea, the Council examined three communications which had been circulated in documents T/COM.8/L.8 to T/COM.8/L.10 under rule of 24 of its rules of procedure. The details of these communications are given below.

17. In a letter dated 10 April 1974, addressed to the Trusteeship Council (T/COM.8/L.8), Messrs. J. Kulabob and R. G. Sibauk, President and Secretary, respectively, of the United Party, Karkar Branch, enclosed a copy of their letter to the Chief Minister of Papua New Guinea. The letter to the Chief Minister referred to a general meeting of the Karkar Branch of the party, held on 24 March 1974, to discuss the proposed date of 1 December 1974 for the independence of Papua New Guinea. According to the letter, a motion had been adopted at the meeting, supporting a later date for independence and calling for a referendum before a date for independence was set.

18. In a letter dated 8 June 1974 from the Madang Association of Local Businessmen addressed to the Secretary-General of the United Nations (T/COM.8/L.9), the signatories protested against what they considered to be an attempt, at the annual convention of the People's Progress Party, on 7 June 1974, to influence

the people towards voting against independence. They stated that the move was against the independence of Papua New Guinea and that it was also intended to help support the demand by expatriates for automatic citizenship. The signatories pointed out that the native people had witnessed at the convention a violation of the United Nations Declaration on the Granting of Independence to Colonial Countries and Peoples. Finally, they requested the Secretary-General to present their communication to the General Assembly.

19. In a letter dated 10 June 1974 addressed to the Secretary-General of the United Nations, the Southern Highlands District Area Authority (T/COM.8/L.10), informed him of the adoption at its ninth general meeting of resolution No. 102 of 1973/74, by which it decided to communicate its attitude towards early independence to as many interested people and parties as necessary, thus leaving no one in any doubt as to the total opposition of the Southern Highlands District to the early independence of Papua New Guinea. The Authority further stated that the Southern Highlands Area Authority, which spoke for well over 200,000 people, was opposed to any change in the status of the country without first seeking the approval of the people by means of a referendum.

20. The Council considered communications T/COM.8/L.8 to T/COM.8/L.10 at its 1431st meeting, on 16 October 1974, and decided, without objection, to take note of them.

³ *Ibid.*

Chapter IV

VISITS TO TRUST TERRITORIES

United Nations Visiting Mission to Papua New Guinea

21. On 6 June 1973, during its fortieth session, the Trusteeship Council decided to postpone consideration of the dispatch of a visiting mission to Papua New Guinea to its forty-first session.

22. The Council accordingly considered the question at its forty-first session. At the 1433rd meeting, on 18 October, the representative of Australia stated that the Administering Authority of Papua New Guinea was prepared to receive a visiting mission to be composed in accordance with General Assembly resolution 2590 (XXIV) of 16 December 1969. He pointed out that, as had been recognized when the Council last considered the item, there were special circumstances resulting from the rapid movement of Papua New Guinea to independence which his Government believed should be taken into account in the Council's consideration of the question. In requesting the Council to hear the Special Representative on the matter, the representative of Australia said that the request by the Special Representative to the Council concerning the item had the support of the Administering Authority.

23. Referring to the statements made at the Council's fortieth session by the Minister for Finance of Papua New Guinea and the representative of Australia concerning the dispatch of a visiting mission to Papua New Guinea, the Special Representative stated that his Government proposed to invite to Papua New Guinea at the time of independence a mission of representatives composed in accordance with General Assembly resolu-

tion 2590 (XXIV) and a special representative of the Secretary-General to observe independence and to participate in the celebrations.

24. The Special Representative further stated that the date of independence would be decided upon close to, or soon after, the closing of the twenty-ninth session of the General Assembly, and that independence itself would occur before the opening of the thirtieth session of the Assembly.

25. The Special Representative said that the timing of the visiting mission might also be considered in relation to the forty-second session of the Trusteeship Council to be held in 1975 since the date of independence could possibly fall at almost the same time or shortly thereafter. If those circumstances arose, his Government would expect timely consultations with a view to dispatching a visiting mission to Papua New Guinea which could report back on the plans for the attainment of independence.

26. The Special Representative asked the Council to note the continued willingness of the Administering Authority and of the Government of Papua New Guinea to receive, at an appropriate time, a visiting mission to be composed as recommended in General Assembly resolution 2590 (XXIV), on the understanding that timely consultations would be initiated with all concerned.

27. At its 1433rd meeting, on 18 October, the Trusteeship Council decided to take note of the course proposed by the representative of Australia and the Special Representative.

Chapter V

ATTAINMENT OF SELF-GOVERNMENT OR INDEPENDENCE BY THE TRUST TERRITORIES AND THE SITUATION IN TRUST TERRITORIES WITH REGARD TO THE IMPLEMENTATION OF THE DECLARATION ON THE GRANTING OF INDEPENDENCE TO COLONIAL COUNTRIES AND PEOPLES

A. General

28. At its forty-first session, the Trusteeship Council considered the question of the attainment by the Trust Territories of the objectives of self-government or independence in the course of its examination of conditions in the Trust Territory of the Pacific Islands and in Papua New Guinea.

29. At its 1434th meeting, on 23 October, the Council considered this item and decided to draw attention to the fact that, during their examination of conditions in the Trust Territories, members had paid particular attention to the measures to be taken to transfer all powers to the peoples of those Territories in accordance with their freely expressed wishes, in order to enable them to accede to self-government or complete independence within the shortest time possible.

30. The Council further decided to draw the attention of the members of the General Assembly and the Security Council to the conclusions and recommendations adopted by the Council concerning the attainment of self-government or independence by the two Territories, as well as to the observations made by members of the Council on the question.

B. Co-operation with the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

31. In resolution 1654 (XVI) of 27 November 1961, establishing the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, the General Assembly requested the Trusteeship Council to assist the Special Committee in its work. In accordance with that request and following a decision taken by the Council at its 1434th meeting, on 23 October, the President addressed a letter to the Chairman of the Special Committee (A/AC.109/1468) informing him that the Council, at its forty-first session, had examined conditions in the Trust Territories, and that the Council's conclusions and recommendations, as well as the observations of the Council members representing their individual opinions only, were contained in its report to the Security Council relating to the Trust Territory of the Pacific Islands and in its report to the General Assembly with regard to Papua New Guinea. The President also expressed his willingness to discuss with the Chairman of the Special Committee any further assistance which the Special Committee might require from the Trusteeship Council.

C. General Assembly resolution 3109 (XXVIII) on the question of Papua New Guinea

32. In resolution 3109 (XXVIII) of 12 December 1973, concerning Papua New Guinea, the General Assembly, *inter alia*:

“... ”

“2. *Welcomes* the attainment of self-government as an important step in the progress of Papua New Guinea towards independence;

“3. *Calls upon* the administering Power and the Government of Papua New Guinea to consult on the timing of independence, noting in this regard the views of the administering Power and of the Government of Papua New Guinea that the House of Assembly is regarded as representing the wishes of the people of Papua New Guinea;

“4. *Emphasizes* the imperative need to ensure that the national unity of Papua New Guinea is preserved;

“5. *Strongly endorses* the policies of the administering Power and of the Government of Papua New Guinea aimed at discouraging separatist movements and at promoting national unity;

“6. *Stresses* the right of the people of Papua New Guinea to control and dispose of their natural resources in their national interest;

“7. *Stresses also* the importance of preserving the cultural heritage of the people of Papua New Guinea;

“8. *Welcomes* the growing involvement of the Government of Papua New Guinea in matters of defence and external affairs and calls upon the administering Power to continue to expand its consultations with the Government of Papua New Guinea regarding these matters;

“9. *Calls upon* the organizations of the United Nations system and their members to assist in accelerating progress in all sectors of the national life of Papua New Guinea;

“10. *Notes* the continued willingness of the administering Power and the Government of Papua New Guinea to receive a visiting mission, notes also that the Trusteeship Council is to consider the dispatch of a visiting mission to Papua New Guinea at its forty-first session and reaffirms that such missions are to be composed on the basis recommended in General Assembly resolution 2590 (XXIV) of 16 December 1969;

“11. *Requests* the administering Power to report to the Trusteeship Council and the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples on the implementation of the present resolution;

"12. *Requests* the Trusteeship Council and the Special Committee to continue to examine this question and to report thereon to the General Assembly at its twenty-ninth session."

33. At its 1434th meeting, on 23 October, the Council considered this resolution, along with its examination of the annual report of the Administering Authority covering the year ended 30 June 1973 (T/1751 and

Add.1 and 2), and adopted conclusions and recommendations concerning Papua New Guinea. At the same meeting, the Council decided to draw the attention of the General Assembly to the action taken in this respect and to the observations made during the debate. The conclusions and recommendations adopted by the Trusteeship Council at its forty-first session appear in part two of the present report.

Chapter VI

OTHER QUESTIONS CONSIDERED BY THE TRUSTEESHIP COUNCIL

A. Offers by Member States of study and training facilities for inhabitants of Trust Territories

34. The United Nations programme of scholarships for inhabitants of Trust Territories was initiated by General Assembly resolution 557 (VI) of 18 January 1952. Under the procedure approved by the Trusteeship Council for the administration of this programme, the Secretary-General was invited to submit to the Trusteeship Council at least once a year a report containing all appropriate details of the programme.

35. The report of the Secretary-General submitted to the Council at its forty-first session (T/1754) covered the period from 1 June 1973 to 31 May 1974. It contained information on the use made of the scholarships and training facilities offered by 11 States Members of the United Nations. According to information made available to the Secretary-General, no application for scholarships offered by the Member States had been received from either of the two remaining Trust Territories during the period under review.

36. At its 1428th meeting, on 12 June, the Council considered the Secretary-General's report on the scholarships programme for inhabitants of Trust Territories.

37. During the consideration of the report, the representative of Australia said that his Government would continue to make available study and training facilities for students from Papua New Guinea. He pointed out, however, that inasmuch as matters relating to education were within the competence of the Papua New Guinea Government, the extent to which such offers by Australia and by other Members of the United Nations might be accepted was a matter entirely for decision by that Government.

38. The representative of the United States said that 871 Micronesians had pursued programmes of higher education abroad in 1973. The great majority had studied in Guam and the United States; others had studied in the Philippines, Papua New Guinea, Canada, Fiji and elsewhere.

39. The United States delegation hoped that, in processing applications for overseas studies, full consideration would be given to the importance of helping Micronesians to acquire the skills and training necessary for the economic development of a sparsely populated island complex. It urged that other States Members of the United Nations, particularly those in the Pacific region, consider making available scholarships to Micronesian students who wished to develop skills pertinent to Micronesian development.

40. The representative of France considered that it was for the Administering Authorities to assess the value of the offers of scholarships made to inhabitants of the Trust Territories, because, in his view, they were in a better position to pass judgement on the utilization of such scholarships.

41. At its 1428th meeting, on 12 June, the Trusteeship Council decided to take note of the report of the Secretary-General on the scholarship programme.

B. Dissemination of information on the United Nations and the International Trusteeship System in Trust Territories

42. The annual report of the Secretary-General (T/1755) on the arrangements undertaken in co-operation with the Administering Authorities for distributing official records of the United Nations and disseminating information concerning the aims and activities of the United Nations and the international trusteeship system in the Trust Territories was submitted to the Council at its forty-first session, in accordance with the provisions of Trusteeship Council resolution 36 (III) of 8 July 1948 and General Assembly resolution 754 (VIII) of 9 December 1953.

43. The report, covering the period from 14 April 1973 to 13 April 1974, set out the activities carried out by the Office of Public Information through its information centres in Washington, D.C., and Port Moresby in disseminating information on the United Nations.

44. The report indicated that the services of those centres to the media, including the press and radio, had been expanded to meet the increased interest in the United Nations and the International Trusteeship System within the Territories. Efforts have been made in both Territories to strengthen the relationship between the centres and government authorities, educational institutions and non-governmental organizations. The report further indicates that a greater flow of information material has been established and maintained between the centres and the major information channels.

45. The Trusteeship Council considered the Secretary-General's report at its 1428th and 1429th meetings, on 12 and 14 June 1974.

46. During the consideration of the report, the representative of Australia noted the considerable and diverse nature of the publications being distributed in the Trust Territories, as set out in the report of the Secretary-General. He commended the practice recently adopted by the United States delegation in making arrangements to relay the Council's proceedings to Micronesia by broadcast satellite and had no doubt that the Council would, at its next session, find it of considerable interest to learn how those broadcasts were received in Micronesia and the degree of interest which they aroused.

47. The representative of the United States stated that schools and libraries in the Trust Territory of the Pacific Islands were regularly supplied with the United Nations *Monthly Chronicle* and the UNESCO *Courier*, along with other printed material, photographs, films

and film strips. Tapes about United Nations activities, particularly the weekly round-up, were used regularly by the radio stations of the six districts. United Nations activities constituted an important element in the school curriculum at all educational levels. The Administering Authority continued to execute its responsibilities in that regard and would appreciate any assistance that the United Nations Office of Public Information could provide to assist it with that important task.

48. The representative of the United States said that, in addition to the use of satellites to beam the broadcasts of the Council's proceedings to Micronesia, the Micronesia news services had been providing daily summaries of the Council's meetings for distribution to the islanders.

49. At its 1428th meeting, on 12 June, the Trusteeship Council decided to take note of the report of the Secretary-General. The Council also decided, at the suggestion of France, to invite representatives of the Office of Public Information to provide supplementary information on the dissemination of information on the United Nations in the Trust Territories.

50. At the 1429th meeting, on 14 June, representatives of the Information Centres Service and the Central Services Section of the Office of Public Information appeared before the Council and provided up-to-date information on dissemination of information on the United Nations in the Trust Territories.

C. Co-operation with the Committee on the Elimination of Racial Discrimination

51. The General Assembly, in its resolution 3134 (XXVIII) of 14 December 1973, endorsed the requests of the Committee on the Elimination of Racial Discrimination contained in its report to the General Assembly at its twenty-eighth session.⁴ The Committee, in decision 2 (VIII) of its report, requested the General Assembly to draw the attention of the Trusteeship Council to decisions 2 (III) and 3 (VI) of the Committee on the Elimination of Racial Discrimination requesting it to make every effort to provide that Committee with all the necessary material to enable it to discharge effectively its responsibilities under article 15, paragraph 2, of the International Convention on the Elimination of All Forms of Racial Discrimination, as set out in annex IV of its first annual report to the General Assembly.

52. In subsections D and E, section III, chapter VII of its report, the Committee made a number of comments and suggestions relating to the chapters on human rights contained in the annual reports of the Trusteeship Council on Papua New Guinea and the Trust Territory of the Pacific Islands for the year 1972/73. The Committee also referred to the report of the United Nations Visiting Mission to the Trust Territory of the Pacific Islands in 1973.⁵

53. In regard to the comments and suggestions made by the Committee on the Elimination of Racial Discrimination, referred to above, the Trusteeship Council, at its 1428th meeting, on 12 June, decided to

⁴ *Official Records of the General Assembly, Twenty-eighth Session, Supplement No. 18 (A/9018).*

⁵ *Official Records of the Trusteeship Council, Fortieth Session, Supplement No. 2 (T/1748).*

invite the attention of the Administering Authorities to the requests and observations of that Committee and to take them into account in their forthcoming annual reports to the United Nations.

54. At its 1429th meeting, on 14 June, the Trusteeship Council agreed that none of the petitions before it related to racial discrimination and that there was, therefore, no need for action to be taken on the question this year.

D. Decade for Action to Combat Racism and Racial Discrimination

55. By paragraph 3 of its resolution 3057 (XXVIII) of 2 November 1973, the General Assembly invited United Nations organs to participate in the observance of the Decade for Action to Combat Racism and Racial Discrimination by intensifying and expanding their efforts towards ensuring the rapid eradication of racism and racial discrimination.

56. The Trusteeship Council placed on the agenda of its forty-first session an item entitled "Decade for Action to Combat Racism and Racial Discrimination" which it considered at its 1428th meeting, on 12 June.

57. At that meeting, the representative of Australia stated that his Government, as Administering Authority, had made known its intention to ratify the International Convention on the Elimination of All Forms of Racial Discrimination. It was unlikely, however, that on that occasion Australia would be acting also on behalf of Papua New Guinea. Having regard to prospective constitutional developments in that Territory, Australia had every expectation that Papua New Guinea would wish to act decisively for itself on this matter upon its attainment of independence.

58. The representative of France stated that his Government had ratified the International Convention on the Elimination of All Forms of Racial Discrimination on 19 July 1971, and that it had, therefore, no difficulty in supporting the objectives of the Decade for Action to Combat Racism and Racial Discrimination. Resolution 3057 (XXVIII), which had been adopted unanimously by the General Assembly, provides for the organization of various events in the course of the Decade. The French delegation was not in any way opposed to the organization of those events, and, in fact, intended to take part in them as far as it was able to do so. It would, however, take into consideration the financial implications of such events and the arrangements that might be made, which was in conformity with the concern it had always shown regarding the best utilization of the resources of the United Nations.

59. At its 1428th meeting, on 12 June, the Trusteeship Council decided to authorize its President to issue an appropriate statement on the occasion of Human Rights Day, to be held in December. The Council further decided to draw the attention of the Administering Authorities of the Trust Territories concerned to the provisions of General Assembly resolution 3057 (XXVIII) and the Programme for the Decade for Action to Combat Racism and Racial Discrimination annexed thereto, and to request them to take appropriate steps in that regard and to report to the Trusteeship Council at future sessions.

Part Two

CONDITIONS IN PAPUA NEW GUINEA

Introduction

60. At its fortieth session, the Trusteeship Council, noting that the ministers of Papua New Guinea already had effective control over most aspects of the internal government of the Territory, felt that it would no longer be appropriate for the Council to comment at future sessions on those matters which were under the exclusive jurisdiction of the administration of Papua New Guinea.

61. At its forty-first session, the Trusteeship Council adopted the following conclusions and recommendations:

Since the formal attainment of self-government on 1 December 1973, the Government of Papua New Guinea has full responsibility for all aspects of the internal affairs of the Territory. Consequently, the Trusteeship Council, recalling the observation it made at its fortieth session, feels that it is no longer appropriate for the Council to comment on those matters. The observations which follow are therefore directed, in the main, towards those areas where the Administering Authority still retains formal responsibility, as well as towards the general question of Papua New Guinea's approach to independence.

A. GENERAL

Outline of conditions and recommendations adopted by the Trusteeship Council

LAND AND PEOPLE

62. Papua New Guinea consists of the eastern half of the island of New Guinea; the islands of New Britain, New Ireland and Manus; the two northernmost islands of the Solomon Group, namely Buka and Bougainville; the Trobriand, D'Entrecasteaux and Louisiade Island groups; and a great number of small islands between the Equator and 12 degrees south latitude. The land area of the Territory is 178,260 square miles. At 30 June 1973, its total population was estimated to be 2,592,505, of whom 1,871,134 resided in New Guinea and 721,371 in Papua.

63. For administrative purposes, Papua New Guinea is divided into 18 districts: six districts on the Papua mainland (Western, Gulf, Central, Southern Highlands, Milne Bay and Northern); seven on the New Guinea mainland (Morobe, Eastern Highlands, Chimbu, Western Highlands, Madang, East Sepik and West Sepik); and five island districts (West New Britain, East New Britain, Bougainville, New Ireland and Manus).

64. At its fortieth session, the Trusteeship Council, which had previously expressed the hope that Papua New Guinea would develop a strong sense of nationhood, thereby permitting it to move to self-government and independence as a single country, noted with satisfaction that the Administering Authority had reaffirmed the importance of ensuring that the unity of the Territory be preserved throughout the period leading to independence. It also noted that separatist tendencies seemed to have diminished, particularly on the island of Bougainville.

65. According to the report under review (T/1751), self-awareness amongst people at all levels of society

has grown, notably as a result of the meetings held by the Constitutional Planning Committee in all districts to explain alternatives and obtain the views of the people on questions relating, among other things, to citizenship and the drafting of a constitution for independence.

66. On 15 September 1973, Papua New Guinea National Day, the Chief Minister stated in a national broadcast that the aim of his Government was to guide a rapidly developing Papua New Guinea towards self-government and ultimate independence. Unity of the people of Papua New Guinea was the Government's stated policy.

67. The latest supplementary report under review (T/1751/Add.2) states that the House of Assembly voted in favour of Papua New Guinea moving towards independence as a single national entity. It was envisaged that the constitution itself would take account of regional loyalties by providing for decentralization of powers from the central Government to provincial governments.

68. At the forty-first session of the Trusteeship Council, the Special Representative referred to the statement by the Minister for Finance of Papua New Guinea who, at the Council's preceding session, on 30 May 1973, had said that the Papua New Guinea Government was well engaged in the programme of developing national unity to motivate the feeling of national identity throughout the country. The Special Representative assured the Council that that programme was well entrenched and had had a marked impact; the majority of the people in Papua New Guinea saw a meaningful connexion between themselves and their nation.

69. The Special Representative stated that in a number of ways, directly through the use of national

symbols and celebrations and indirectly, but no less effectively, through its policies, the Papua New Guinea Government was encouraging the growth of feeling of national unity and identity. The national flag and crest already decided upon were in constant use throughout the country. The activities of the political leadership of Papua New Guinea, both Government and opposition, were being given considerable prominence by the communications media.

70. On 27 August 1974, the Government of Papua New Guinea announced the establishment of a task force to expedite development of the Papua region. The Chief Minister stated that, following investigation of effective means for achieving economic and social development at the village level in Papua, the work of the task force would be extended to cover other undeveloped areas.

71. According to the annual report, negotiations between the Government of Papua New Guinea and the Government of Australia relating to the question of the frontier between Papua New Guinea and Australia on the Torres Strait are still continuing. The Administering Authority states that it is confident that a solution acceptable to all parties will be found.

72. According to the supplementary report (T/1751/Add.1), the position of the Government of Australia on the question of the frontier between the two countries is that an appropriate division of jurisdiction and an equitable allocation of resources should be embodied in a treaty between the Governments of Papua New Guinea and of Australia. The report further states that any settlement must also involve and take account of the Government of the state of Queensland and must protect the interests of the inhabitants of the islands in the Torres Strait. It is hoped that the concept of an environmentally protected area in the Torres Strait can contribute to a satisfactory settlement.

73. At its forty-first session, the Trusteeship Council adopted the following conclusions and recommendations:

The Trusteeship Council, recalling its constant support of the principle of national unity, welcomes the vote of the Papua New Guinea House of Assembly in favour of the Territory proceeding towards independence as a single national entity.

The Council notes that negotiations are continuing between the Government of Papua New Guinea and the Government of Australia on the question of their common boundary and expresses the hope that these negotiations will lead to an early settlement satisfactory to all parties concerned. It notes the view of the Government of Australia that an appropriate division of jurisdiction and an equitable allocation of resources

should be embodied in a treaty between the two Governments.

Observations of members of the Trusteeship Council representing their individual opinions only

74. The representative of the United Kingdom noted the progress of discussions between the Governments of Australia and Papua New Guinea on the question of their common boundary in the Torres Strait and shared the hope of the Government of Australia that the problem could be settled to everyone's satisfaction before independence. In the same spirit he welcomed the signing of two border agreements between Papua New Guinea and Indonesia.

75. He recalled that the Trusteeship Council had consistently upheld the principle of unity for the Territory of Papua New Guinea, and he was certain that it would and indeed ought to reaffirm it once more.

76. The representative of France welcomed the efforts undertaken on the eve of independence to strengthen the national unity of the Territory. The problem of national unity must be a matter of priority because the tradition of living in separate groups had prevailed for too long. In a country characterized by dispersion, any concerted action towards regrouping and the harmonization of development must be desirable and deserved encouragement.

77. The representative of the Union of Soviet Socialist Republics, while noting the positive aspects of the development of Papua New Guinea on its way towards independence, considered that the serious political, social and economic difficulties being encountered by the Coalition Government of Papua New Guinea could not be ignored. In most cases, they were the result of a long period of colonial rule by the administering Power over that Territory. In order to try to halt the movement of the people towards independence, the enemies of the independent development of Papua New Guinea were taking advantage of those difficulties to satisfy their greedy purposes and were fostering separatist feelings in a number of regions.

78. It was because of the counter-reaction of those sources that the Government of Papua New Guinea had not succeeded until now in adopting a Constitution for an independent Papua New Guinea making it impossible to implement within the agreed period the agreement on the two stages of development of Papua New Guinea towards independence, which had been concluded between Australia and Papua New Guinea. In those circumstances, the Administering Authority must take all necessary measures to put an end to the obstacles which were in the way of independence for Papua New Guinea.

B. CONSTITUTIONAL AND POLITICAL ADVANCEMENT

Outline of conditions and recommendations adopted by the Trusteeship Council

DEVELOPMENT OF REPRESENTATIVE, EXECUTIVE AND LEGISLATIVE ORGANS AND THE EXTENSION OF THEIR POWERS

Foreign affairs and defence

79. The report under review states that the Minister Assisting the Australian Minister for Foreign Affairs in

Papua New Guinea Matters recalled that steps had already been taken before self-government to enable Papua New Guinea to assume an international identity. It had become a member of international conferences and international organizations and had taken part in the negotiation of border agreements with Indonesia. The increasing recognition of Papua New Guinea's international status was indicated by the number of foreign consulates already established in Port Moresby.

Papua New Guinea was increasingly involved in the field of defence and Australia had consulted it fully on all aspects of defence policy. A senior minister in the Papua New Guinea Government was responsible for defence matters as well as for foreign relations.

80. The report further states that responsibility for internal security had been transferred to the Government of Papua New Guinea on 1 December 1973 at the latter's formal request. The transfer of control over internal security was, however, made subject to consultative arrangements, mutually accepted by both Governments in order to safeguard the Administering Authority's responsibility under the Trusteeship Agreement for the maintenance of peace and order.

81. In regard to the question of Australia's defence relationship with Papua New Guinea, the supplementary report (T/1751/Add.1) points out that such a relationship is a matter of continuous consultation and that it is being developed in three phases: the first is concerned with assisting Papua New Guinea to decide the role, size and organization of its defence force; the second deals with action being taken to prepare the defence force to meet its role in an independent Papua New Guinea; and the third is concerned with the development of Australia's long-term defence relationship with Papua New Guinea.

82. According to the supplementary report, initial discussions have been held concerning the defence relationship between the two countries. It has been agreed that Australian servicemen will remain in the force after the attainment of independence by Papua New Guinea, but that their number would be progressively reduced. The post-independence role of Australian servicemen was currently under consideration.

83. At the forty-first session of the Trusteeship Council, the Special Representative stated that the Government of Papua New Guinea had recently established its own Defence Department. The Department comprised 3,500 uniformed men, consisting of two battalions, an engineering company, a patrol-boat squadron and a landing-craft squadron.

84. The Special Representative further stated that the Papua New Guinea police and defence forces would remain separate after independence. The Papua New Guinea Government had determined that one of its policies was to use the defence force resources to further nation-building.

85. The Special Representative also said that the Government had decided to restructure civil and military control over the defence force. New legislation was being proposed to replace the Australian Defence Act in Papua New Guinea with provisions designed to suit and serve the purposes of Papua New Guinea.

86. The Special Representative stated that Papua New Guinea had already joined several regional and international organizations, including the South Pacific Forum, the South Pacific Conference, the World Bank, the International Civil Aviation Organization (ICAO), the International Telecommunications Union (ITU), the World Health Organization (WHO), the Asian Development Bank (ADB) and the Economic and Social Commission for Asia and the Pacific (ESCAP).

87. The Special Representative further stated that Papua New Guinea would apply for membership in the United Nations after independence.

88. The Special Representative pointed out that since the achievement of full self-government on 1 December 1973, the Government of Papua New Guinea had participated fully and directly at international meetings and negotiations, particularly in trade talks with other countries, as well as in the border agreement with Indonesia.

89. The Special Representative said that Papua New Guinea had attended the Third United Nations Conference on the Law of the Sea, held in Caracas from 20 June to 29 August 1974, and that it had negotiated with the World Bank as a distinct, separate nation. Papua New Guinea had also sat in a group arrangement with Japan and Australia.

90. The Special Representative stated that Papua New Guinea had developed its own Department of Foreign Relations and Trade. The Administering Authority had assisted in training senior foreign service personnel from Papua New Guinea. Overseas offices had already been established in Canberra, Sydney, Wellington, Suva and Djakarta. Others would shortly be established in Tokyo, Washington, D.C., and New York. These would comprise Papua New Guinea's initial overseas representation.

91. Although Australia retained formal control over defence and foreign affairs under reserved powers, it was evident that that Government had not overruled the position of the Government of Papua New Guinea on any initiatives it had taken. In fact, in matters of defence and foreign relations, Australia administered those areas only in full collaboration with the Government of Papua New Guinea. On the few occasions when Australia was required to take an initiative, it did so only after consulting the Government of Papua New Guinea. In all other cases, the position was clearly that the Government of Papua New Guinea fully formulated and executed policies and powers in those areas to the best of its ability.

92. At its forty-first session, the Trusteeship Council adopted the following conclusions and recommendations:

The Trusteeship Council notes that although the Administering Authority has ultimate responsibility in the field of foreign affairs and defence until independence, in practice, the Papua New Guinea Government determines its own policies with the full encouragement of the Administering Authority. The Council welcomes the increasing participation of Papua New Guinea in international affairs.

The Trusteeship Council notes the continuing progress in building up a Papua New Guinea defence force and the steps being taken to localize its composition. It welcomes the Special Representative's statement that the defence force would be used, inter alia, to further the task of nation-building and stresses the valuable contribution which the defence force could make in promoting national unity.

Political education

93. In May 1972, the Chief Minister announced his Government's plans to intensify political education programmes throughout Papua New Guinea, in response to widespread and repeated requests for political education by village people, local government councils and members of the House of Assembly.

94. According to the report under review, shortly after this announcement, a Government Liaison Branch

was created within the Office of the Chief Minister to foster political education and promote an understanding of government policies and programmes generally and also to keep the Government informed of the people's attitudes and reactions to the latter. The Branch, which is largely staffed by local officers, utilizes the assistance of other related government departments such as those responsible for information and extension services, education, social development and home affairs, in carrying out a programme which encompasses not only education in political change but also education in the rapidly changing economic and social fields. During 1973, the Branch devoted most of its activity to informing and ascertaining the reaction of the people to the questions put to them by the Constitutional Planning Committee and to explaining what self-government will mean for them and for their country.

95. At the forty-first session of the Trusteeship Council, the Special Representative stated that major misunderstandings arose when dealing with seemingly abstract and remote concepts such as "independence". It was in recognition of those fears and misconceptions that the Government had launched an expanded drive in the political education programme, a programme which had been in effective operation for the past three years. It was, however, the firm belief of the Government of Papua New Guinea that political education should not be a one-way process in which information was disseminated from the centre (Government Liaison Branch) to the more remote areas. One of the aims envisaged was to encourage people to think about, discuss and put forward their own views.

96. At its forty-first session, the Trusteeship Council adopted the following conclusions and recommendations:

The Council welcomes the continuing stress upon programmes of political education and, in this context, welcomes the participation of the citizens of Papua New Guinea in the work of the Constitutional Planning Committee as further evidence of the programme's success.

Political parties

97. During the period under review, several political parties were active in Papua New Guinea: United Party, Pangu Party (Papua New Guinea Union Party), People's Progress Party, Papua New Guinea National Party, Mataungan Association, Underdeveloped Districts Party, New Guinea Labour Party, United Political Society and the Peli Association.

98. The National Coalition Government, which was formed in April 1972 and holds approximately 57 of the 100 seats in the House of Assembly, is composed principally of the Pangu Party (27 seats); the People's Progress Party (12 seats); the Papua New Guinea National Party (15 seats); and the Mataungan Association (3 seats). The Chief Minister is the leader of the Pangu Party.

99. The opposition in the House of Assembly, whose leader is Mr. Tei Abal, consists of approximately 40 members or supporters of the United Party. The greater part of its representation is from the highlands, but it has members in the House of Assembly from almost all districts.

100. The principal differences in policy among these parties concern the pace of constitutional advancement

and the measures to be taken to encourage investment and economic progress. Whereas the coalition parties favour early independence, the United Party emphasizes the need for more political experience and education among the general public.

House of Assembly

101. General elections to the House of Assembly are held in Papua New Guinea at intervals not exceeding four years, on the basis of universal adult suffrage. The last elections were held in February-March 1972.

102. The House of Assembly consists of 104 members: 4 persons, known as official members, appointed by the Governor-General of Australia on the nomination of the Australian High Commissioner; 82 persons elected in open electorates; and 18 persons elected in regional electorates. Provision also exists, under the Papua New Guinea Act, 1949-1973, for the appointment of not more than three persons to be known as nominated members, but no person has been nominated.

103. According to the current report, the repeal of section 36 (1) (a) of the Papua New Guinea Act, assented to on 30 October 1973, abolished the four seats in the House of Assembly held by official members.

104. According to the current report, the Government has agreed that the electoral system of Papua New Guinea must be simplified to meet the needs of the country and steps are being taken to this end. Some of these matters have been referred to the Constitutional Planning Committee.

Judiciary

105. The Supreme Court, established under the Papua New Guinea Act, 1949-1973, is the highest judicial authority in the Territory. Subject to prescribed conditions, the High Court of Australia has jurisdiction to hear and determine appeals from judgements, decrees, orders and sentences of the Supreme Court. Each administrative district has a district court and, in addition, there are local courts, children's courts and wardens' courts.

106. At its fortieth session, the Trusteeship Council, in the interests of rapid localization, expressed the hope that the qualifications prescribed for judges in the Papua New Guinea Act would be extended so that persons other than barristers and solicitors of certain Australian courts could be appointed to the bench.

107. According to the report under review, the Papua New Guinea Act has been amended to this effect. Legislation to establish a career magistracy staffed by Papua New Guineans was to have been introduced in the House of Assembly in November 1973 but its introduction was postponed at the request of the Constitutional Planning Committee which wished to consider the matter.

108. At the request of the Papua New Guinea Government, which endorsed the wishes of the Constitutional Planning Committee that no changes be made in the area of administration of justice until proposals for the Papua New Guinea constitution had been debated and enacted, the Supreme Court, administration of the courts, prosecutions and legal aid were designated on 1 December 1973 under the Papua New Guinea Act as reserved matters, to remain within the responsibility of the Administering Authority.

Local government

109. Under the Local Government Ordinance, 1963-1973, the Administrator-in-Council may establish by proclamation local government councils with authority in defined areas, subject to the laws of Papua New Guinea, to do the following: (a) control, manage and administer the council area, and ensure the welfare of the council area and the persons therein; (b) organize, finance, or engage in any business or enterprise; (c) carry out any works for the benefit of the community; and (d) provide, or co-operate in providing, any public or social service.

110. Five new councils were established during 1972/73, bringing the total number to 163 local government councils, covering a population of 2,370,000 and representing 92 per cent of the population of Papua New Guinea.

111. Urban councils are now established in the cities of Port Moresby and Lae and the townships of Madang and Rabaul. In addition, the towns of Goroka, Mount Hagen, Kundiawa and Kagamuga have been proclaimed urban areas for the purposes of the Local Government Ordinance, although the Goroka, Mount Hagen and Kundiawa councils do not operate as separate urban councils but are rural councils with responsibility for urban services.

112. According to the annual report under review, the district advisory councils, which are non-statutory bodies created to advise the district commissioner, have been replaced in 13 of the 18 districts by area authorities with members elected from the local councils within the districts. The Administering Authority states that this phasing out of district advisory councils will continue until all have been replaced, either by area authorities or some other form of district government.

113. There is only one town advisory council still in existence, at Wau-Bulolo in Morobe District. All other town advisory councils have been replaced by either urban or rural councils.

Public service: training and appointment of indigenous persons for positions of responsibility in the Administration

114. Responsibility for the public service was transferred to the Government of Papua New Guinea on 14 March 1973.

115. On 26 September 1972, the Chief Minister announced plans to reduce the number of expatriate public servants from 7,500 to 4,000 during the succeeding three and a half years. In order to ensure that this reduction took place in an organized manner a committee on localization of the Executive Council was established and an advisory committee of senior local officers was later set up within the public service to make specific recommendations.

116. At the forty-first session of the Trusteeship Council, the Special Representative said that localization of employment in both the public service and private sectors at all levels was one of the basic commitments of the Government of Papua New Guinea and that it was subject only to the qualification that the interests of the country as a whole were paramount. Implicit in the realization of that goal was a progressive reduction of expatriate components of the public service work force. That plan had already taken effect throughout

the service following its introduction in 1972, when a 15 per cent reduction per annum in the overseas work force was called for by the Government over a three-year period. By 30 June 1974, it was found that the target of 15 per cent set by the Government had been exceeded, and that an average reduction of 37.09 per cent had been achieved.

117. According to the current report, the Australian Staffing Assistance Group Scheme came into effect on 1 December 1973 and Australian officers serving the Government of Papua New Guinea are employed under that scheme. Their salaries and allowances are paid by the Australian Government which has also pledged continued aid in manpower to Papua New Guinea as long as it is required.

118. Considerable effort is being made to accelerate the process of localization. In July 1974, nine more Papua New Guineans were appointed to the position of district commissioner. Fourteen of the 19 district commissioners are now Papua New Guineans.

119. Papua New Guineans now head many departments, including those responsible for education, agriculture, finance, business development, interior, labour, public health and works. Other senior appointments include the Chairman of the Public Service Board, the Chairman of the National Broadcasting Commission, the Commissioner of the Teaching Service Commission and the Director of the Bureau of Industrial Organizations.

120. Up to 30 June 1973, 61 public service officers were enrolled in the Senior Executive Programme, which is aimed at accelerating the advancement of local officers to policy-advising and executive positions, primarily by on-the-job training, but also by providing formal courses and overseas training, where appropriate.

121. At mid-1973, 184 Papua New Guineans were pursuing full-time courses of study at the University of Papua New Guinea or the Institute of Technology under public service cadetships. In addition, 40 serving officers were receiving full-time tertiary education at government expense. A further 249 public service officers were following full-time courses in administration and 724 were attending courses of short duration at the Administrative College of Papua New Guinea. A further 188 serving officers were in Australia attending training courses under the Commonwealth Practical Training scheme.

122. At its forty-first session, the Trusteeship Council adopted the following conclusions and recommendations:

The Trusteeship Council notes with some concern the Special Representative's statement that the loss of expatriates in the public sector has continued at a faster rate than had been anticipated. It further notes his remarks about the need, on the one hand, not to jeopardize essential government activities and, on the other, the overriding necessity to hasten localization, as well as the need not to hold back the advancement of Papua New Guineans in order to maintain levels of efficiency or operations inappropriate to the conditions of the country. It commends the valuable contributions of the Australian Staff Assistance Group and is confident that, should gaps occur in the public service, the Papua New Guinea Public Service Board will be able to recruit the necessary personnel.

Observations of members of the Trusteeship Council representing their individual opinions only

DEVELOPMENT OF REPRESENTATIVE, EXECUTIVE AND LEGISLATIVE ORGANS AND THE EXTENSION OF THEIR POWERS

Foreign affairs and defence

123. The representative of the United States commended Papua New Guinea for having established so rapidly priorities in the international field. Its decision to seek membership in those regional and international organizations from which it could derive direct benefits was a wise one. Her delegation was impressed also by the training which Papua New Guinea had given to its developing foreign service personnel which augured well for the representation of Papua New Guinea in the world community.

124. The representative of the United Kingdom welcomed Papua New Guinea's entry into the international scene. The Territory had already established embryo diplomatic missions. He also welcomed the Territory's growing links both with its fellow Pacific nations and with its Asian neighbours. His Government particularly welcomed Papua New Guinea's admission to full membership of the Colombo Plan which would not only diversify the country's sources of aid, but which also provided another link between Papua New Guinea and the United Kingdom. The Chief Minister had indicated that his country might well apply for membership of the Commonwealth upon independence. The United Kingdom would welcome a Papua New Guinea application.

125. He said that the Solomon Islands remained a British responsibility for the time being and that developments in Papua New Guinea were bound to have a great influence on the Solomons' future. His Government hoped that the two countries would develop still closer ties of friendship.

126. The United Kingdom representative noted the setting up of a Defence Department, the reorganization of control over the defence force and the progress in localizing senior posts in the force. The use of the defence force on nation-building projects would be of great value to the country's economic development and he hoped that it would be a force for unity in the country, in which young people would work together for the national good.

127. The representative of the United Kingdom said that although Australia was still formally the Administering Authority of Papua New Guinea that was true only in a limited sense, as the Territory had achieved full internal self-government on 1 December 1973. Although amendments to the Papua New Guinea Act had reserved to the Australian Government powers over foreign relations and defence as well as powers relating to certain other judicial and parliamentary matters, nevertheless, the Australian Government had, in a joint communiqué of 18 December 1973, reaffirmed that it would act in the reserved areas only after consulting

with and obtaining the advice of Papua New Guinea. In fact, as the Special Representative had made abundantly clear, Australia had allowed the Government of Papua New Guinea to take its own initiatives in the fields of foreign policy and defence.

128. The representative of France said that the question of defence was all the more serious because to a certain extent it involved the internal security of the country and therefore the maintenance of order in certain very grave situations. On the eve of independence, steps should be taken to ensure the transfer of those responsibilities to the Government of Papua New Guinea. His delegation emphasized the importance of preparing the authorities concerned for future tasks.

129. In referring to the negotiations between the Governments of Australia and Papua New Guinea concerning defence relationship, the French representative expressed the hope that the Trusteeship Council would be kept regularly informed of the progress of those negotiations.

130. The representative of the Union of Soviet Socialist Republics stated that the Government of Papua New Guinea had undertaken a series of measures to reinforce the country's national sovereignty and to develop international relations. Papua New Guinea had become a member or associate member of a number of international organizations of the United Nations family.

Political education

131. The representative of the Union of Soviet Socialist Republics referred to the campaign of political education of the popular masses so that most of the population might be included in the process of the independent development of the country. That process was so important that the entire future of the country would depend on it, and the efforts that had been exerted by the Government of Papua New Guinea in that direction were extremely important.

Public service: training and appointment of indigenous persons for positions of responsibility in the Administration

132. The representative of the United Kingdom referred to the statement made by the Special Representative who, in the course of the forty-first session of the Trusteeship Council, had stated that the employment of expatriates in government had fallen rapidly between 1972 and 1974. A balance had to be struck between the need to maintain essential services and what the Special Representative had termed the need not to maintain levels of efficiency inappropriate to the conditions of Papua New Guinea. It did not seem to his delegation that the dilemma was yet acute. There were still some 4,000 Australians working for Papua New Guinea under an Australian assistance programme. If any important gaps developed before trained Papua New Guineans were ready to take over, the United Kingdom delegation was sure that not only Australia but the world community in general would do what it could to assist.

C. ECONOMIC ADVANCEMENT

Outline of conditions and recommendations adopted by the Trusteeship Council

GENERAL

133. The monetary economy of Papua New Guinea is based mainly on the production of primary com-

modities for export. These include cash crops (such as coffee, cocoa, copra, rubber and tea), minerals (copper, gold and silver), forestry and marine products. Since the opening in April 1972 of the Panguna mine owned by Bougainville Copper (Pty.), Ltd., minerals have by far outstripped agricultural products in market value.

In 1972/73, the value of copper and precious metals produced amounted to an estimated \$A 177 million,⁶ whereas export receipts from agricultural products amounted to \$A 96.4 million, and from forestry and marine products to \$A 19.4 million and \$A 6.3 million respectively.

134. According to the report under review (T/1751), the value of exports increased from \$A 93.4 million in 1971/72 to \$A 229.1 million in 1972/73, producing for the first time a surplus in the balance of trade, amounting to \$A 19.3 million, and reducing the deficit in the balance of payments on current account to \$A 165.5 million. Preliminary information indicates that the trade surplus will be greater in 1973/74 owing to substantially increased receipts from exports of minerals, cocoa and copra; during the first six months, proceeds from exports were more than twice those for the corresponding period of 1972/73.

135. Following the completion in 1973 of the first five-year development programme, an improvement plan, covering the year 1973/74, was tabled in the House of Assembly on 28 September 1973. The plan, which is a forerunner of the next longer term programme, is based on an eight-point statement of basic aims approved by the House of Assembly in 1972. Among other things, the plan seeks to achieve the following: (a) greater Papua New Guinean control of the economy; (b) more equitable distribution of economic benefits; (c) decentralization of economic activity, planning and government spending with particular emphasis on building up rural industries; (d) encouragement of businesses owned by Papua New Guineans; (e) development of locally produced substitutes for imports in order to make the economy more self-reliant; and (f) development of a tax system capable, in the long run, of providing local revenue sufficient for the Government's needs.

136. The period under review also witnessed the establishment of a central bank and a government-owned commercial bank. The former, the Bank of Papua New Guinea, which began operations in November 1973, was established by a grant from the Australian Government. A Papua New Guinea currency is to be introduced in 1975. The commercial bank, the Papua New Guinea Corporation, began operations in April 1974 when it took over the network of banks in Papua New Guinea previously owned by the Commonwealth Bank of Australia, together with the latter's assets in the Territory, amounting to approximately \$A 65 million. The Australian Government has agreed to make a special grant to the Papua New Guinea Government of \$A 10 million to be applied as the initial capital of the bank.

137. Australian aid to Papua New Guinea in 1973/74 amounted to \$A 190.3 million, of which \$A 77.1 million was in the form of a grant-in-aid and a development grant; \$A 63.1 million was a special grant associated with the transfer of functions and the establishment of government institutions; and \$A 49.9 million was provided to pay the salaries and allowances of expatriate officers.

138. At its fortieth session, the Trusteeship Council noted with satisfaction the position of the Administering Authority that, after independence, Papua New Guinea would have first call on a substantially increased Australian foreign aid programme. After discussions in early 1974, the Prime Minister of Australia informed the

Chief Minister in a letter that "on the basis of present indications, a united Papua New Guinea can proceed on the assumption that Australia will provide a total of at least \$A 500 million for expenditure on economic and social aid in one form or another over the three-year period commencing 1974/75".

139. At its forty-first session, the Trusteeship Council adopted the following conclusions and recommendations:

The Trusteeship Council welcomes the generous pledge of assistance by the Australian Government to a united Papua New Guinea over a three-year period commencing in the fiscal year 1974/75. It expresses the hope that an independent Papua New Guinea will have prompt access to sources of multilateral and bilateral assistance other than those already available. At the same time, the Council welcomes recent indications that Papua New Guinea's internal sources of revenue are making a growing contribution to the Territory's economic self-sufficiency.

FOREIGN INVESTMENT

140. The improvement plan for 1973/74 provides for the establishment of a national investment and development authority which will have as one of its principal functions to ensure that foreign investment is channelled for the greatest benefit of the people of Papua New Guinea. According to guidelines announced by the Chief Minister, in a statement to the House of Assembly on 23 November 1973, the Authority will seek to promote foreign investments which, *inter alia*, will create business opportunities or skilled employment for Papua New Guineans, especially in less-developed areas, and encourage manufacturing based on local raw materials which will reduce reliance on imports. The Government will reserve the right to acquire equity in any new venture and, in the case of essential industries such as airlines and banking, aims to acquire a controlling interest.

141. On 30 May 1974, the Chief Minister announced cabinet approval of draft legislation for the establishment of the National Investment and Development Authority. At the forty-first session of the Trusteeship Council, the Special Representative informed the Council that the legislation had already been approved by the Cabinet and would soon be submitted to the House of Assembly.

142. The Special Representative also stated that the principal aim in Papua New Guinea was to bring social as well as economic development through public investment, and to achieve benefits from government expenditure and activity in all areas, regardless of their potential in purely economic returns. The Government was extremely interested to note that international lending agencies were now examining the types of projects that would achieve greater social benefits for the people and that their programmes were so designed as to assist public investment in less-developed areas. It had every intention of conducting Papua New Guinea's future planning with full consideration of such factors to take advantage of the new climate of understanding concerning the social implications of foreign assistance. At the same time, the Government appreciated that if the whole development process was not to be frustrated, there should be certain concentrations of public investment in major infrastructures and projects which would engender export earnings. The Government's attitude

⁶ The local currency is the Australian dollar (\$A); \$A 1.00 equals approximately \$U.S. 1.33.

towards foreign investment had been defined. It welcomed foreign investment and would encourage it under conditions which would result in the distribution of an appropriate share of profits and other benefits between the people of Papua New Guinea and the investor. Those conditions should be adhered to.

143. The Special Representative said that the policy of the Government of Papua New Guinea on foreign investment had been spelled out clearly. Papua New Guinea appreciated the need to encourage foreign investment which was no doubt a stimulus to economic development and also through which the Papua New Guineans could accrue social benefits.

144. It might be true that Papua New Guinea had experienced deficiencies in the past in the field of foreign investment, but the situation now was such that it appreciated that those difficulties posed problems and it was now doing everything possible to correct the situation.

145. The Special Representative quoted from a statement by the Chief Minister who, on 14 October 1974, after the successful renegotiation of the copper agreement with Bougainville Copper (Pty.), Ltd., had stated that when his Government first announced its intention to renegotiate the 1967 agreement, it had two basic principles: first, the mineral resources belonged to the people of Papua New Guinea and they should receive a fair price for them; and second, the foreign companies that invested in mining and undertook the work on extracting the minerals from the ground and sold them were entitled to a fair return on their investment.

146. The Special Representative added that the new arrangements just negotiated were completely consistent with these two basic principles. Papua New Guinea had established a tax system which gave the company a fair return but also ensured that Papua New Guinea would receive a fair price for its minerals. The new agreement would end the treatment of Bougainville Copper as a privileged corporation not subject to Papua New Guinea laws.

147. It will be recalled that the Development Bank, established in 1967, and the Investment Corporation, which began operations in 1972, both seek to foster increased participation by Papua New Guineans in economic ventures, the first by making loans and the second by acquiring equity in existing enterprises. At 31 March 1974, the corporation had assets of \$A 12 million and investments in 16 companies. Loans and investments by the Development Bank totalled \$A 5.8 million in 1972/73; loans to Papua New Guineans amounted to \$A 2.9 million.

148. At its forty-first session, the Trusteeship Council adopted the following conclusions and recommendations:

The Trusteeship Council notes with appreciation the valuable indications furnished by the Special Representative in his statement of 18 October 1974 concerning his Government's attitude towards foreign investment. It endorses the Special Representative's view that, while such investment is welcomed and encouraged for the stimulus which it can give to economic and social development, it must also benefit the people of the Territory as a whole and must therefore be properly controlled by the authorities. In this connexion, the Council notes with approval the expanding activities of the National Investment Development Authority and the Investment Corporation.

149. As noted above, the revenues of Papua New Guinea are supplemented by a direct, interest free, non-repayable grant from the Administering Authority which, in addition, pays the salaries and related costs of expatriate officers. In his preliminary budget estimates for 1973/74, presented to the House of Assembly in August 1973, the Minister of Finance provided for an estimated expenditure of \$A 261 million, an increase of approximately \$A 45 million over the preceding year, owing to costs in connexion with the transfer of powers and the setting up of new institutions. Australian aid accounted for just over half the Territory's estimated receipts and the remainder was derived from the following sources: internal revenue, \$A 109.5 million; loans, \$A 33.3 million; and expected international agency loan drawings, \$A 21.3 million. At mid-year, a supplementary appropriation of \$A 16.6 million was presented to the House of Assembly for approval in anticipation of increased revenue, mainly from copper exports. In addition, the Australian Government provided a further special grant of approximately \$A 981,000 to help cover the cost of transferred functions. As a result, the Government was enabled to establish a reserve fund of \$A 3 million and to increase the appropriation for rural development.

150. With a view to reducing its reliance on external aid, the Government in 1973 proposed increases in taxation and announced its intention of renegotiating the agreement with Bougainville Copper (Pty.), Ltd. According to the current report, it is the policy of the Government that future agreements concerning large mining operations, such as one currently being negotiated with the Kennecott Copper Company should enable the Government to receive approximately 50 per cent of the profits in the form of taxes.

151. During 1973, Papua New Guinea negotiated three loans on the international market, totalling approximately \$A 36.7 million.

152. At its forty-first session, the Trusteeship Council adopted the following conclusions and recommendations:

The Trusteeship Council welcomes the creation of the Bank of Papua New Guinea, the three international loans successfully concluded abroad and other indications of Papua New Guinea's increasing autonomy in the international financial field.

LAND AND AGRICULTURE

153. At its fortieth session, the Trusteeship Council looked forward to the rapid transfer of control over all aspects of land tenure to the Papua Guinea Government. It also expressed the hope that the Administering Authority, in extending development grants to Papua New Guinea, would give increased attention to aid leading to the greater development of agriculture.

154. Responsibility for matters relating to land and agriculture has been transferred to the Government of Papua New Guinea. Pending confirmation by the House of Assembly of the recommendations of the Commission on Land Tenure and Control, the Government has placed its emphasis on land transfers unless they make provision for participation by Papua New Guineans. The current development plan places emphasis on rural development including the development of agriculture. According to the report under

review, progress has been made in the promotion of the oil palm and tea industries and efforts are continuing to promote further diversification.

Observations of members of the Trusteeship Council representing their individual opinions only

GENERAL

155. The representative of the United Kingdom stated that the creation of a National Investment and Development Authority and of a Ministry of National Development, together with the reorganization of the planning machinery, showed how much importance the Government attached to that vital sector. He also welcomed Papua New Guinea's successful negotiation of three overseas loans. Papua New Guinea was fast taking on the attributes of independence, and was acquiring the necessary experience and self-confidence to operate alone, both internally and internationally.

156. The United Kingdom had noted with appreciation the generous pledge of financial assistance by the Government of Australia for the next three-year period. It has also noted the increased domestic revenues accruing to Papua New Guinea and the achievement for the first time ever of a balance-of-trade surplus. Those were clear signs that the Territory was making progress towards economic self-sufficiency.

157. The United Kingdom representative stated that 100 British volunteers served in Papua New Guinea and that his country had begun a programme of technical assistance in 1974. It would be directed where Papua New Guinea needed it most. At the moment the United Kingdom was trying to help to meet manpower gaps.

158. The representative of France welcomed the assurance given by the Special Representative that public investment would not be directed towards the regions on a strictly economic basis, but that other factors would be taken into account.

159. The representative of the Union of Soviet Socialist Republics stated that the National Coalition Government had developed a broad programme aimed at overcoming the consequences of the colonial past in order to create a single democratic independent State.

160. He further stated that the measures taken by that Government to develop its control over its economy and to reinforce the territorial unity of Papua New Guinea were extremely important. Among them, his delegation noted in particular the implementation of a plan for economic development of the country, development of a five-year plan for education, localization of administrative services and the employment of women. That was extremely important for the future of the country and the Soviet Union welcomed it.

161. As regards the future of the country, the representative of the Soviet Union said that the steps which were taken by the Government in order to reinforce the inalienable right of Papua New Guineans to dispose freely of their natural wealth and resources and obtain all possible advantages out of its exploitation were

extremely important. It was necessary to underline that fact, since, as was known, the interest of foreign monopolies in the exploitation of the natural resources of that Territory had notably increased recently. The representatives of Papua New Guinea knew very well what the situation in the world was in that field, the decisions taken by the General Assembly, and the resolutions that had been adopted, particularly at the sixth special session of the General Assembly, when many countries had brought up broadly and energetically the question of who had the right to exploit natural resources, especially mineral resources, and how they were to be exploited.

162. He further said that although detailed information regarding the activities of foreign monopolies in Papua New Guinea were not available, the data which his delegation could find in the report proved that a large part of the profits of foreign companies was being transferred abroad against the interests of the people of Papua New Guinea. The requirements put forward by the Government of Papua New Guinea to the copper extracting companies as regards an increase of its proper share by 50 per cent were entirely justified, reasonable and legal. In particular, they were in keeping with the decisions of the sixth special session of the General Assembly on the question of raw materials and development and they were not contrary to the development of mutually advantageous international co-operation.

163. In the view of the Soviet delegation, the Administering Authority, which continued to have a certain responsibility for the destiny of the Territory, had to support the Government of Papua New Guinea in the implementation of those entirely justified purposes. The decision taken by the Government of Australia to grant to Papua New Guinea assistance of \$A 500 million over a three-year period was a positive step.

FOREIGN INVESTMENT

164. The representative of the United States welcomed the news that the Government of Papua New Guinea was determined to foster economic development and to reap the benefits of domestic and foreign investment. The Government had made considerable headway in that field. It was not only dealing with existing investment relationships, but it was also anticipating future challenges. The United States delegation had followed with interest the discussions of guidelines for foreign investment which aimed at benefiting both the people of Papua New Guinea and the investor. As the Administering Authority of the Trust Territory of the Pacific Islands, the United States was particularly interested in studying those economic programmes which might have relevance for Micronesia.

165. In regard to foreign investment, the representative of the United Kingdom said that it often had a useful part to play. But just as his own Government sought to channel new investment into particular regions or manufacturing sectors where the investment could be of national benefit, so his delegation fully understood and sympathized with the determination of the Government of Papua New Guinea to harness foreign investment to the wider needs of the nation.

D. SOCIAL ADVANCEMENT

Outline of conditions and recommendations adopted by the Trusteeship Council

CULTURAL DEVELOPMENT

166. At its fortieth session, the Trusteeship Council welcomed the grant by the Administering Authority of \$A 5 million, to be made over a five-year period, for the Papua New Guinea cultural development programme and the supplementary grant of \$A 25,000 for a cultural exchange programme. The cultural development programme, to be administered by a National Cultural Council, is to be based on three institutions: a museum, a centre for creative arts and a national institute of Papua New Guinea culture, with regional and local centres.

LABOUR

167. At 30 June 1971, there were 124,143 indigenous persons in paid employment in Papua New Guinea. According to the current report, in June 1973 there were 41 workers' associations or trade unions, with a total membership of 35,075. Twelve of the associations are members of the Federation of Workers' Associations and five unions are grouped in a Trade Union Council.

168. In accordance with the Government's policy of increasing localization of the labour force, particularly in skilled employment, legislation was enacted in 1971 enabling the Government to prohibit or restrict the employment of non-indigenous persons in certain categories of employment. In August 1973, 28 occupations were prohibited to non-Papua New Guineans and over 50 occupations were listed as restricted, the employment of a non-indigenous person being permit-

ted only for a limited period and on condition that the employer train a Papua New Guinean to replace him.

PUBLIC HEALTH

169. At 30 September 1973, there were 18 administration hospitals (including maternity wards) in Papua New Guinea, 99 health centres, 78 maternal and child health centres and 1,380 aid posts. Church missions maintained 16 hospitals, 147 health centres of various kinds and 164 aid posts.

170. At 30 June 1973, the staff of the Department of Public Health numbered 5,934, of whom 5,184 were Papua New Guineans and 750 were expatriate staff. Of 160 medical officers and 979 nurses, there were respectively 47 and 750 Papua New Guineans. In accordance with the programme of accelerated localization, the occupations of medical and dental assistants were declared prohibited employment for expatriates from August 1973.

171. A national health plan for Papua New Guinea is currently in preparation. It will have as one of its objectives to preserve and utilize the cultural and traditional values of Papua New Guinea within a nationwide system of health care.

172. According to the supplementary report under review, on 24 June 1974, a comprehensive national health plan for the period 1974-1978 was tabled in the House of Assembly by the Minister for Health. The plan has two main features: equalization of expenditure throughout the country in order to give improved services to less developed districts, and expansion of malaria control services throughout the country by 1978.

E. EDUCATIONAL ADVANCEMENT

Outline of conditions and recommendations adopted by the Trusteeship Council

173. At 30 June 1973, there were 1,722 government and non-government primary schools in Papua New Guinea, with a total enrolment of 233,186 pupils. There were 39 government secondary schools (15,449 pupils) and 30 non-governmental secondary schools (9,920 pupils). Three new government high schools were opened in 1973 and six more will open in 1974.

174. According to the current report, about 55 per cent of Papua New Guinean children aged 7 to 12 years now attend primary school, and places are available for about 11 per cent of children of secondary school age. For those who are unable to find places in secondary or vocational schools, the Government in 1973 introduced schools known as *Skulankas*, which will provide two-year courses at the secondary level, with emphasis on practical training.

175. Technical and vocational training is provided at 9 technical schools (2,811 students) and 82 vocational centres (5,042 students). There are 10 teachers' colleges, with an enrolment in 1974 of about 2,000. Owing to a shortage of teachers, about 70 have been recruited mainly as senior secondary school teach-

ers from the United Kingdom through the Commonwealth Secretariat and will take up their duties in 1974. A recruiting campaign is also being conducted in the Philippines.

176. The University of Papua New Guinea continued to expand at a significant rate, the number of enrolments in 1973 amounting to 1,647, an increase of 24 per cent over the previous year. In August 1973, the Papua New Guinea Institute of Technology was formally upgraded to the level of a university. Student enrolment in the university totalled 545, an increase of 37 per cent over the preceding year.

177. In March 1974, the Minister for Education announced the appointment of a committee to formulate a five-year plan for the development of education. The committee will, among other things, examine the feasibility of introducing universal primary education at an early date.

178. At its fortieth session, the Trusteeship Council welcomed an assurance from the Special Representative of the Administering Authority of the Australian Government's continuing readiness to assist in the field of education.

F. CONSTITUTIONAL DEVELOPMENTS AND PROGRESS TOWARDS INDEPENDENCE

Outline of conditions and recommendations adopted by the Trusteeship Council

CONSTITUTIONAL DEVELOPMENTS

179. The Papua and New Guinea Act, 1949-1973, provides for the administration of the Trust Territory of New Guinea in an administrative union with the Territory of Papua, in accordance with article 5 of the Trusteeship Agreement for New Guinea. The Act was formerly administered by the Minister of State for External Territories of Australia. Following the achievement of formal self-government by Papua New Guinea on 1 December 1973, the Ministry of External Territories within the Australian Government was abolished and the then Minister for External Territories became Minister Assisting the Australian Minister for Foreign Affairs in Papua New Guinea Matters.

180. The Papua New Guinea Act provides for an Executive Council which consists of the High Commissioner, the Chief Minister and other ministers whose number is not to exceed 12 or to be fewer than 9. At present, in addition to the Chief Minister, there are 11 ministers of the Executive Council.

181. Formal approval by the Executive Council is required for a large range of matters under Papua New Guinea legislation. According to the current report, the Chief Minister has, however, made public statements to the effect that, although the Executive Council is constituted for formal executive acts, the full ministry takes part in joint policy making and review and constitutes a cabinet.

182. The current report states that during the latter part of 1973 the two Governments continued to make legislative and administrative arrangements with a view to transferring all internal powers to Papua New Guinea by 1 December 1973. In a joint communiqué, issued on 18 November 1973, the Chief Minister of Papua New Guinea and the Minister for External Territories of Australia outlined the arrangements which would apply from 1 December 1973. The Papua New Guinea Act, 1949-1973, would reserve to the Australian Government powers over defence and foreign relations. At the request of the Constitutional Planning Committee and the Government of Papua New Guinea, matters dealing with the Papua New Guinea Supreme Court, the administration of the courts, the public solicitor, prosecutions, electoral policy and House of Assembly matters were to be designated as reserved. The transfer of powers in relation to those matters was to take place when Papua New Guinea's own constitution became operative and in accordance with arrangements set out for their exercise in that constitution. The communiqué reaffirmed that it was the policy of Australia to act in the reserved areas only after consulting with, and obtaining the advice of, the Government of Papua New Guinea.

183. Recalling that, in the view of the Visiting Mission which observed the elections to the Papua New Guinea House of Assembly in 1972,⁷ the conduct of those elections had been comprehensive, thorough and

fair, the Council endorsed the views of the Papua New Guinea Government, and the Administering Authority on the role of the House of Assembly in important constitutional decisions and noted in this respect the agreement between the Governments of Australia and Papua New Guinea that resolutions in the House of Assembly on important constitutional issues would be approved by a recorded vote and by a substantial majority representative of the nation as a whole.

184. According to the report under review (T/1751), the Governments of Australia and Papua New Guinea had agreed in May 1973 that self-government would be achieved in two stages: the first would be the achievement of formal self-government on 1 December 1973, and the second would be the date on which Papua New Guinea's own constitution was brought into effect.

185. In regard to the time-table agreed upon by the two Governments for the implementation of self-government, the Special Representative of the Administering Authority informed the Trusteeship Council at its fortieth session that the final report and draft constitution recommended by the Constitutional Planning Committee would be tabled in the Papua New Guinea House of Assembly in February 1974; that the constitution would provide for all major aspects of the system of Government and would include provisions for the transition to independence; and that in April 1974 the House of Assembly would meet in special session to consider and adopt the constitution. Following its adoption by the House of Assembly, the constitution would be reserved for the assent of the Governor-General of Australia.

186. In late February 1974, the Deputy Chairman of the Constitutional Planning Committee announced that its report would not be finished in time for the drafting and enactment of the constitution by May 1974, that is, the proposed second stage of self-government (see paragraph 184 above). In regard to the implications of the delay in the presentation of the Committee's report, the Chief Minister, in a statement in the House of Assembly on 1 March 1974, said that the original agreement with the Australian Government on the two-stage self-government proposal could not be implemented; the agreement had therefore lapsed.

187. The latest supplementary report, covering the period 1 May to 30 August 1974 (T/L.1751/Add.2), states that on 27 June the Chief Minister tabled in the House of Assembly the majority of the recommendations contained in the report of the Constitutional Planning Committee. The major recommendations of the Committee's report covered citizenship, the role and form of the executive, the legislature, judiciary, public service, defence forces and provincial government.

188. The Chief Minister and the Deputy Chief Minister, as members of the Constitutional Planning Committee, tabled a minority report in which they expressed the belief that the report as finally approved should be taken as a guide only for the drafting of the constitution and associated legislation. In their view, the report was too detailed and the constitution should

⁷ *Official Records of the Trusteeship Council, Thirty-ninth Session, Supplement No. 2 (T/1739), para. 155.*

be a relatively brief document composed mainly of statements of essential principles derived from the report. Less important principles and the more detailed proposals should be left for inclusion in routine legislation.

189. The Chief Minister stated that the constitution should be automatically reviewed after five years to ensure that it was still applicable to Papua New Guinea after the considerable change which would take place in the first few years after independence. The Chief Minister and his deputy suggested that at least seven committees should be formed to discuss and report on proposed government legislation and policy.

190. During the presentation of the Committee's report, the Deputy Chairman of the Constitutional Planning Committee said that Papua New Guinea had reached the crossroads in its search for national identity and self-respect. The real significance of self-government and independence was the opportunity and the freedom which independence offered its people to define their own national goals and values. The Deputy Chairman pointed out that the Committee's recommendations were geared towards establishing a system of government and a basic law which would give *bona fide* participation to its people in the great task of building a nation. The recommendations were therefore geared towards building a society which would bring genuine human development to Papua New Guineans.

191. The final report of the Constitutional Planning Committee and a Government White Paper proposing amendments to the report were tabled in the House of Assembly on 16 August. At the same time, the Chief Minister moved that the legislative draftsman be instructed to prepare a constitution and related legislation on the basis of the recommendations contained in the report of the Constitutional Planning Committee, subject to amendments by the House of Assembly on a chapter by chapter basis.

192. At the forty-first session of the Trusteeship Council, the Special Representative stated that the House of Assembly had so far successfully completed the first 5 of the 15 chapters of the reports under which the constitution was being considered. The rate of progress could not, however, be judged fully on that basis because the early chapters, dealing with the form of the constitution, national goals and principles, the leadership code and citizenship had included matters of more pronounced interest and political complexity than many which were encompassed in the remaining chapters.

193. At its forty-first session, the Trusteeship Council adopted the following conclusions and recommendations:

The Trusteeship Council notes that, following extensive discussions, the Constitutional Planning Committee tabled its final report in the House of Assembly on 16 August 1974. It further notes that the first 5 of the 15 chapters of the reports under which the constitution is being considered have already been debated and adopted by the House of Assembly and that it is anticipated that the remaining 10 chapters might be adopted by the end of the year.

The Council welcomes the decision of the Papua New Guinea Government to draw up an independence constitution which reflects Papua New Guinea's own needs and aspirations. The Council considers that the

extensive consultations which have characterized the House of Assembly's constitutional debate so far have made an important contribution to the preparation of an acceptable constitution.

The Trusteeship Council notes that arrangements for the revision of the constitution after independence are currently under consideration and considers that such arrangements may well be desirable in the light of the considerable changes in Papua New Guinea which might be expected in the first few years after independence.

The Trusteeship Council recalls the statement of the Special Representative that regional loyalties are a fact of life in Papua New Guinea and, in this connexion, notes the recent establishment of three interim district provincial governments in the Territory. It further notes that the House of Assembly has not yet decided upon the extent of the responsibilities of the regional governments in relation to the central Government. The Council recalls its earlier endorsement of the principle of national unity and expresses the hope that a settlement of the regional question can be reached which is both consistent with this principle and satisfactory to all concerned.

PROGRESS TOWARDS INDEPENDENCE

194. At its fortieth session, the Trusteeship Council noted that the House of Assembly had affirmed its right as the duly elected parliament of the people to decide when independence was to come, and noted also the view of the Administering Authority that, on the question of independence, as hitherto on the question of self-government, the House of Assembly was regarded as representing the wishes of the people.

195. On the timing of independence, the Trusteeship Council noted that, in the view of the Administering Authority, independence should be achieved in the closest consultation with the Government and the House of Assembly of Papua New Guinea. The Council further noted that the Administering Authority did not disagree with the view of the House of Assembly that Papua New Guinea should experience a period of self-government before a date for independence was set.

196. On 1 December 1973, Papua New Guinea achieved formal self-government. Mr. L. W. Johnson, the former Administrator of the Territory, was sworn in by the Chief Justice as the High Commissioner of Papua New Guinea.

197. On 12 December, the General Assembly adopted resolution 3109 (XXVIII) on the question of Papua New Guinea. The Assembly took into account the conclusions and recommendations of the Trusteeship Council regarding developments in Papua New Guinea; noted that the House of Assembly had affirmed its right as the duly elected parliament of the people of Papua New Guinea to decide when independence was to come and that the administering Power had accepted that the House of Assembly represented the wishes of the people on the question of independence; and noted further, with respect to the timing of independence, the view of the administering Power that there were two elements involved in determining the question of independence: the view of the administering Power and the views of the people of Papua New Guinea as expressed through their elected representatives in the House of Assembly. In that regard, the administering Power expected that indepen-

dence would come by 1975 and that it should be achieved in the closest consultation with the Government and the House of Assembly of Papua New Guinea. The Assembly welcomed the attainment of self-government as an important step in the progress of Papua New Guinea towards independence; and called upon the administering Power and the Government of Papua New Guinea to consult on the timing of independence, noting in that regard the views of the administering Power and of the Government of Papua New Guinea that the House of Assembly was considered as representing the wishes of the people of Papua New Guinea.

198. In a statement in the House of Assembly on 12 March 1974 on the timing of independence, the Chief Minister referred to the affirmation by the House of Assembly that it represented the wishes of the people in regard to the date of the country's independence. He also referred in this connexion to the provisions of resolution 3109 (XXVIII) and announced that at the next sitting of the Assembly he would move that the date of independence be set at 1 December 1974. The Chief Minister stressed in his statement that the decision was one for the House of Assembly and that the Government would accept whatever date was chosen by that body.

199. The report under review further states that, in response to the aforementioned announcement by the Chief Minister, the Minister Assisting the Australian Minister for Foreign Affairs in Papua New Guinea Matters stated in the Australian House of Representatives on 14 March that the Australian Government welcomed the initiative of the Papua New Guinean Government in seeking the Assembly's endorsement of the proposed date and fully supported the Papua New Guinean Government in this move. The Australian Minister confirmed the statement of the Chief Minister that the earlier agreement could not be implemented, and therefore no longer applied.

200. On 25 June 1974, the Chief Minister announced in the House of Assembly that the National Coalition Government had agreed that a constitution should be enacted before Papua New Guinea became independent. He moved in the House of Assembly that Papua New Guinea should become independent on 1 December 1974 but that he would be prepared to accept any amendment making the date subject to the enactment of a constitution. The Chief Minister said that Papua New Guinea was effectively operating independently of Australia and that formal and legal independent status should therefore be achieved as soon as possible.

201. The opposition United Party in the House of Assembly opposed independence without a constitution and maintained that the people should express their views on the question of independence at the 1976 elections. Some members in the coalition parties had also been reluctant to support a date for independence before a constitution had been enacted. The People's Progress Party, a partner in the coalition, also considered that a constitution should be enacted before independence. Some Papuan politicians sought constitutional guarantee for Papua before they would agree to Papua New Guinea moving towards independence as a united country.

202. A motion calling for a national referendum on the timing of independence was defeated in the House of Assembly on 27 June 1974.

203. On 9 July, the House of Assembly resolved that Papua New Guinea should move to the status of an independent nation as soon as practicable after a constitution had been enacted and that any proposed date for independence should be endorsed by the House of Assembly.

204. In opening the Australian Parliament, on 9 July, the Governor-General of Australia stated that, pending the final decision of the House of Assembly to declare independence for Papua New Guinea, his Government would conduct its relations with the Government of Papua New Guinea as a Government of an independent nation to which Australia had certain special and inescapable obligations.

205. In response to the resolution passed by the House of Assembly, the Minister Assisting the Australian Minister for Foreign Affairs in Papua New Guinea Matters said, on 10 July, that what existed today in Papua New Guinea was a state of *de facto* independence. Even in the areas where Australia reserved ultimate responsibility until independence, mainly defence and foreign relations, Papua New Guinea was already exercising day-to-day control and determining its own policies. With Australian encouragement, Papua New Guinea had taken its place in the international community and had established contacts as if it were an independent entity. This was consistent with the policy of the Australian Government that transition from self-government to independence be smooth in the same way as the granting of self-government on 1 December 1973 had largely been a formalization of an existing condition.

206. On 11 July, the Chief Minister stated that Papua New Guinea would become independent within three months of the enactment of the constitution and that he would have to propose a date to the House of Assembly. He hoped that this would take place in November 1974. The Chief Minister expressed the hope that the House of Assembly would commence the debate on the constitution bill at its budget meeting in September 1974, and that he wanted the independence date as soon as practicable after the constitution had been enacted. The Chief Minister said that the Trusteeship Council would be informed of the exact text of the House of Assembly resolution on the independence date.

207. At the forty-first session of the Trusteeship Council, the Special Representative stated that Papua New Guinea now had a National Coalition Government which had assumed responsibility for shaping the country's policies according to the wishes and aspirations of the people it represented. The process of shaping the future destiny of the country was indeed an arduous task. In meeting those challenges, the Papua New Guinea Government had pursued a basic aim of evolving policies and institutions which the people themselves judged, by their own criteria, most suited to the basic character of their society. The National Coalition Government, as well as many of the people in Papua New Guinea, had been and were still, at that point in history, engaged in the process of fundamental reappraisal of many of the ideas and institutions which have influenced developments in the past.

208. The Special Representative further stated that that reappraisal was based on the premise that Papua New Guineans had their own distinctive cultures and traditions and that they would determine their own

future. Their strong desire was to create forms of organization, economic co-operation and systems of education in harmony with the basic thinking, aspirations and pride of the people and that Papua New Guinea would emerge as a nation endowed with its own philosophy and ideology.

209. In referring to the setting of the actual date for independence in Papua New Guinea and the termination at that point of the Trusteeship Agreement, the Special Representative stated that it was his firm view and personal experience that Papua New Guinea was already 99 per cent independent. This had been increasingly so since self-government had been formalized on 1 December 1973.

210. At the same session, the Special Representative quoted the Chief Minister who, in proposing the independence day motion in the House of Assembly early in 1974, had stated that his Government favoured early independence because he believed that Papua New Guinea was ready now and that there were substantial benefits to be had from independence. According to the Chief Minister, they were ready now because, in practice, they had been independent since at least 1973.

211. The Special Representative expressed the firm view that the ultimate date of independence could only be set by a decision of the elected members of Papua New Guinea's own Parliament. His Government took the view that that step should not be hastened to a point where it might jeopardize the achievement of an independence which would be both stable and satisfactory. The Special Representative assured the Council that there was no question of Papua New Guinea applying delaying tactics to prolong that last interval before independence a moment longer than was really necessary. The Government of Papua New Guinea had no desire to escape from its paramount responsibilities. Papua New Guineans were more than prepared to meet the exciting challenges ahead of them and the consequences of their decisions.

212. The Special Representative stated that they could not accept any delay that was not of their own choosing but that they were concerned that, unless they received the co-operation of the United Nations, such a delay could be imposed upon them. They needed some flexibility. The Special Representative pointed out that the House of Assembly was proceeding on the basis of the resolution which it had adopted on 9 July.

213. The Special Representative further pointed out that he could not at present inform the Council of the proposed date for independence. Further important work was to be completed by the House of Assembly before the House would be satisfied with Papua New Guinea's new constitutional provisions and before the final date of independence was endorsed. Whether the House of Assembly would have come to a conclusion on those matters at the end of 1974 or, alternatively, at the beginning of 1975 remained to be seen.

214. He stated that the date of independence would be decided upon close to or soon after the closure of the twenty-ninth session of the United Nations General Assembly and that the date of independence would occur before the opening of the thirtieth session of the General Assembly.

215. At its forty-first session, the Trusteeship Council adopted the following conclusions and recommendations:

The Trusteeship Council welcomes the attainment by Papua New Guinea of full internal self-government on 1 December 1973, and further welcomes the increasing assumption by the Papua New Guinea Government of responsibilities which formally remain with the Administering Authority.

The Council takes note of the statement of the Governor-General of Australia on 9 July 1974 that, pending the final decision of the House of Assembly to declare independence for Papua New Guinea, his Government would conduct its relations with the Government of Papua New Guinea as a Government of an independent nation to which Australia had certain special and inescapable obligations. The Council notes that the Administering Authority has reaffirmed its adherence to its obligations in the period preceding independence.

The Council recalls that the General Assembly, in resolution 3109 (XXVIII) of 12 December 1973, noted with respect to the timing of independence the view of the Administering Authority that there were two elements involved in the determination of the question of independence: the view of the Administering Authority and the views of the people of Papua New Guinea as expressed through their elected representatives in the House of Assembly.

The Council notes that the Papua New Guinea House of Assembly has reiterated that it represents the views of the people of the Territory. It also notes that, on 9 July 1974, the House of Assembly resolved that the Territory should move to independence as soon as practicable after a constitution had been enacted, and that any proposed date for independence should be endorsed by it.

The Council further notes that the Administering Authority has indicated on a number of occasions that it is ready to grant formal independence as soon as the Papua New Guinea House of Assembly requests it.

With regard to the timing of independence, the Council notes the view of the Special Representative, speaking on behalf of his Government, that the date is expected to occur in advance of the thirtieth regular session of the General Assembly, beginning in September 1975.

Mindful of its mandate under the Charter of the United Nations and of the provisions of the Trusteeship Agreement and bearing in mind the provisions of relevant General Assembly resolutions, including the Declaration on the Granting of Independence to Colonial Countries and Peoples, contained in resolution 1514 (XV) of 14 December 1960, and resolution 1541 (XV) of 15 December 1960, the Council seeks to ensure that the people of the Territory achieve self-determination as swiftly as feasible.

TERMINATION OF THE TRUSTEESHIP AGREEMENT

216. At the forty-first session of the Trusteeship Council, the Special Representative stated that a resolution of the General Assembly was required for the termination of the Trusteeship Agreement on New Guinea. If Papua New Guinea was required to wait until the last quarter of 1975 for that resolution there would indeed be an unfortunate and unacceptable delay beyond their control in attaining full and formal independence. They would not wish to begin their independent life in circumstances in which their relationship with the United Nations itself, which had watched over them as their trustee, would be ambiguous and perhaps

difficult. They neither wished to see the existence of any obstacle to general international recognition of their independence or any possible ground for confusion over the validity of their constitutional position. For those reasons, they appealed to the Trusteeship Council to exercise its last act as a trustee on their behalf by making proper provision for the termination of the Trusteeship Agreement in relation to their independence date.

217. The Special Representative pointed out that that could be achieved if the Council would agree to recommend to the General Assembly that action be taken in anticipation of Papua New Guinea's independence. Such an action would require the Council's recommendation and the Assembly's agreement that, on the date on which Papua New Guinea became independent, the Trusteeship Agreement for the Territory of New Guinea, approved by the General Assembly on 13 December 1946, would cease to be in force. Under that arrangement, the General Assembly would request the Government of Australia to notify the Secretary-General of the United Nations of the date on which Papua New Guinea would accede to independence and on which the Trusteeship Agreement would cease to be in force. The Agreement would then automatically be terminated with effect from the date of independence.

218. The Special Representative expressed his confidence that the Trusteeship Council would recognize that Papua New Guinea's independence was now imminent. He hoped that the Council would share the concern of the Papua New Guineans that there should be no barrier to their reaching independence or receiving general international recognition from the date of its formal achievement. He asked the Council to consider with all sympathy their request that it recommend, in the manner he had suggested, the termination of the Trusteeship Agreement.

219. At its forty-first session, the Trusteeship Council decided to request an official and formal opinion from the Legal Counsel of the United Nations in regard to the question of the termination of the Trusteeship Agreement for the Territory of New Guinea. The reply of the Legal Counsel, which was submitted on 18 October 1974 (T/1757), is reproduced below:

"1. The Charter of the United Nations does not contain a specific provision on the termination of Trusteeship Agreements.

"2. In the absence of such provision, the United Nations has developed a practice in conformity with the principles of the Trusteeship System as set out in the Charter, and with the general principles of international law governing the termination of international agreements. Some basic guiding principles in this respect have been the provision of Article 76 b of the Charter and the principle that for the termination of an agreement the consent of all the contracting parties must be obtained, unless some other method is specified in the agreement itself.

"3. The procedure which has thus been established since the first termination of a Trusteeship Agreement, in 1956-1957, is characterized by due consideration for the respective roles and responsibilities of all parties concerned.

"4. According to this procedure, a Trusteeship Agreement for a non-strategic area is terminated pursuant to a resolution of the General Assembly.

"5. It has been a consistent practice of the General Assembly to adopt such a resolution in anticipa-

tion of the actual accession to independence of the Territory to which it refers.

"6. In the resolution, the General Assembly, with the agreement of the Administering Authority, resolves to terminate the Trusteeship Agreement, but suspends the effect of this provision until the date on which the Territory will accede to independence. The formula used to this effect either refers to a specific date, if this is already determined at the time the General Assembly adopts the resolution, or merely states that the Trusteeship Agreement shall cease to be in force on the date on which the Territory shall become independent, without any more specific reference. In the latter case, the Administering Authority is requested to notify the Secretary-General of the United Nations as soon as the date of independence has been determined, and the Secretary-General is requested to communicate this notification to all Member States and to the Trusteeship Council.

"7. When authorizing the termination of the Trusteeship Agreement, the General Assembly, in the same resolution, notes the full attainment of the objectives of the trusteeship which justifies the termination, by taking note and expressing its approval of the work done by all parties concerned and by determining the actions still to be taken, in particular by the Administering Authority.

"8. In the light of what has been set out above, it should be concluded that the procedure which has been proposed by the representative of Papua New Guinea and by the representative of Australia in the Trusteeship Council with regard to the termination of the trusteeship of the Territory of New Guinea is in conformity with the practice of the United Nations, the principles of the Charter and international law in general."

220. At the same session, the representative of Australia expressed the hope that the General Assembly would, at its twenty-ninth session, terminate the Trusteeship Agreement as from the date on which Papua New Guinea would attain its independence and that it would request the Administering Authority to notify the Secretary-General of the date on which it was to be achieved and on which the Trusteeship Agreement consequently was to be terminated.

221. He envisaged that as soon as the date of independence had been set by the two Governments the Administering Authority would convey that information formally to the Secretary-General. As a final step, the Secretary-General could, on the date of independence, notify all Member States that independence had been attained and that the Trusteeship Agreement had been terminated. It was possible that, on the date of independence, the Administering Authority might agree to the signature of a procès-verbal between the representative of the Secretary-General and of the Administering Authority marking the termination of the Trusteeship Agreement for the Territory of New Guinea.

222. At its forty-first session, the Trusteeship Council adopted the following conclusions and recommendations:

The Trusteeship Council, having considered carefully the Special Representative's request in his statement of 15 October 1974 that the Council should recommend to the General Assembly that action to terminate the Trusteeship Agreement should be taken in anticipation of Papua New Guinea's independence, notes that, in response to its request for an official and formal opinion

from the Legal Counsel, the latter stated that the procedure proposed by the Special Representative was in conformity with the practice of the United Nations, the principles of the Charter and international law in general.

Accordingly, the Council recommends that the General Assembly at its twenty-ninth session agree that on the date on which Papua New Guinea shall become independent the Trusteeship Agreement for the Territory of New Guinea, approved by the General Assembly on 13 December 1946, shall cease to be in force. The Council also recommends that the General Assembly should request the Government of Australia to notify the Secretary-General of the date on which Papua New Guinea accedes to independence and on which the Trusteeship Agreement ceases to be in force.

Observations of members of the Trusteeship Council representing their individual opinions only

CONSTITUTIONAL DEVELOPMENTS

223. The representative of the United States considered that, although the prolonged debate on the constitution might have seemed frustrating to those involved, it nevertheless demonstrated the vigour of the democratic process in Papua New Guinea. As the Papua New Guinea House of Assembly wrestled with problems of citizenship, foreign investment and the proper balance between powers of the central Government and those of the districts, it was engaging in the essential work of nation-building. She was encouraged to learn that, despite the healthy political differences between the Government and the Opposition, there was significant co-operation between the two groups in preparing the constitution which would be the foundation of an independent Papua New Guinea.

224. The representative of the United Kingdom noted that the House of Assembly had been considering the report of the Constitutional Planning Committee and the Chief Minister's minority report since 27 June. On 9 July, the House had resolved that the Territory should move to independence as soon as practicable after members of the House had enacted a constitution and endorsed a date for independence. It was his understanding that the Papua New Guinea Government hoped that the whole constitutional debate would be completed by mid-November. The matters decided so far included the important questions of citizenship and the supremacy of the central Government. But much still remained to be done. The chapters on the legislature, the executive and the responsibilities of provincial governments had to be approved and the Papuans' desire for a regional government covering all Papua's territory had to be resolved before agreement could be reached on the question of provincial responsibilities. He was confident, however, that the spirit of compromise that had prevailed so far would continue, and that a constitution upon which all could agree would be enacted. The House of Assembly's ambitious task deserved the Council's full support.

225. The representative of France observed that, although the final text of the constitution had not yet been approved by the House of Assembly and the date of independence had not yet been established, a great advance had been made because all the authorities had agreed on the procedure to be followed which would culminate in independence. That was a considerable advance on the situation in 1973 when the practical

arrangements for the Territory's accession to independence had given rise to certain differences. The solution of those difficulties which had been arrived at by Papua New Guinea seemed to the French delegation to be the best possible. The procedure which had been followed was in fact the most democratic available, because it left it to the elected representatives of the whole population to decide freely on both the constitutional rules for their country and the date of independence. By deciding that Papua New Guinea should become independent as soon as possible after the promulgation of the constitution, and that the date of the proclamation of independence must be formally agreed on by the House of Assembly itself, the Assembly, without prejudging in any way the decisions of the elected representatives of the people, and without imposing on them a definite deadline, had defined the procedure leading to independence unequivocally and without restrictions. Since it had long been agreed that all decisions of this type should be made in the House of Assembly by a substantial or an appreciable majority, this procedure, in the view of the French delegation, corresponded closely with the aims and objectives of the Trusteeship Council.

226. The French representative expressed satisfaction at the renewed assurance that the political future of that Territory would be in accordance with the wishes of the elected representatives of all the elements of the population and at the fact that the Administering Authority had taken into consideration the wishes of the House of Assembly of Papua New Guinea.

PROGRESS TOWARDS INDEPENDENCE

227. The representative of the United States said that what was happening in Papua New Guinea was further evidence of the important role which the trusteeship system had played in facilitating the smooth transition of the Territories placed under international trusteeship from dependence to self-determination. The close and co-operative relationship among the Trusteeship Council, the Administering Authority and the people of the Trust Territory had made the process of decolonization in Papua New Guinea as smooth and rapid as circumstances permitted. This co-operation had been strengthened by the practice of sending visiting missions to the Trust Territory, which had enabled her Government to gain first-hand knowledge of the accomplishments as well as the growing pains of Papua New Guinea.

228. The representative of the United States said that the statements by the Special Representative had made it clear that Papua New Guinea had virtually attained independence. She applauded the significant contribution of Australia as an Administering Authority which had worked consistently to prepare the Territory to exercise its right to self-determination.

229. The representative of the United States commended the representative of the Administering Authority and the representative of Papua New Guinea on their statements. Her Government had been among the first to establish a diplomatic post in Port Moresby, and it looked forward to a long and warm relationship with the new nation, not only on a bilateral basis but also within the international community.

230. Recalling his earlier statement that self-government acquired in December 1973 was merely a formality, the representative of France said that independence on the contrary was never a formality: it was often a

test, and it was always a serious event. The Council knew that the country and the people had reached the eve of independence in the best possible conditions. For his part he was aware also that the present session of the Trusteeship Council was a conclusive one as concerned Papua New Guinea.

231. The representative of the Union of Soviet Socialist Republics said that the transition to independence was complicated, important and difficult. He understood the concerns of the members of the Trusteeship Council, as well as the feelings of the population of Papua New Guinea. Nevertheless, this was an historic stage in the development of Papua New Guinea and he wanted to express his delegation's best wishes to the people of Papua New Guinea for success on the path of the development of national independence and reinforcement of the sovereignty of the new State which would soon be welcomed to membership in the United Nations.

232. He noted with satisfaction that in Papua New Guinea there had been important political changes which proved that the people of that Territory were moving steadily towards independence. That was the most important question. The fact could not be ignored that those events had taken place within the framework of the global development of a system of international relations in the modern world and the international détente and the elevation and reinforcement in international life of the principles of peaceful coexistence between countries with different systems had exercised a favourable influence.

233. He noted with satisfaction that the ministers of the Government of Papua New Guinea controlled almost all aspects of the internal life of the country and as the Special Representative had declared, Papua New Guinea was already 99 per cent independent.

234. In implementing its fundamental policy, consisting in supporting the peoples struggling for their national and social liberation, the Union of Soviet Socialist Republics had been and still was in favour of a rapid achievement by the population of Papua New Guinea of its inalienable right to self-government and political and economic independence. He wished to stress the need to ensure that that independence should be both political and economic and fully implemented in all fields.

235. He assured the people of Papua New Guinea that they could rely on the support of the Soviet Union, in accordance with its unswerving policy of supporting all countries and peoples on their way to achieving their legal rights.

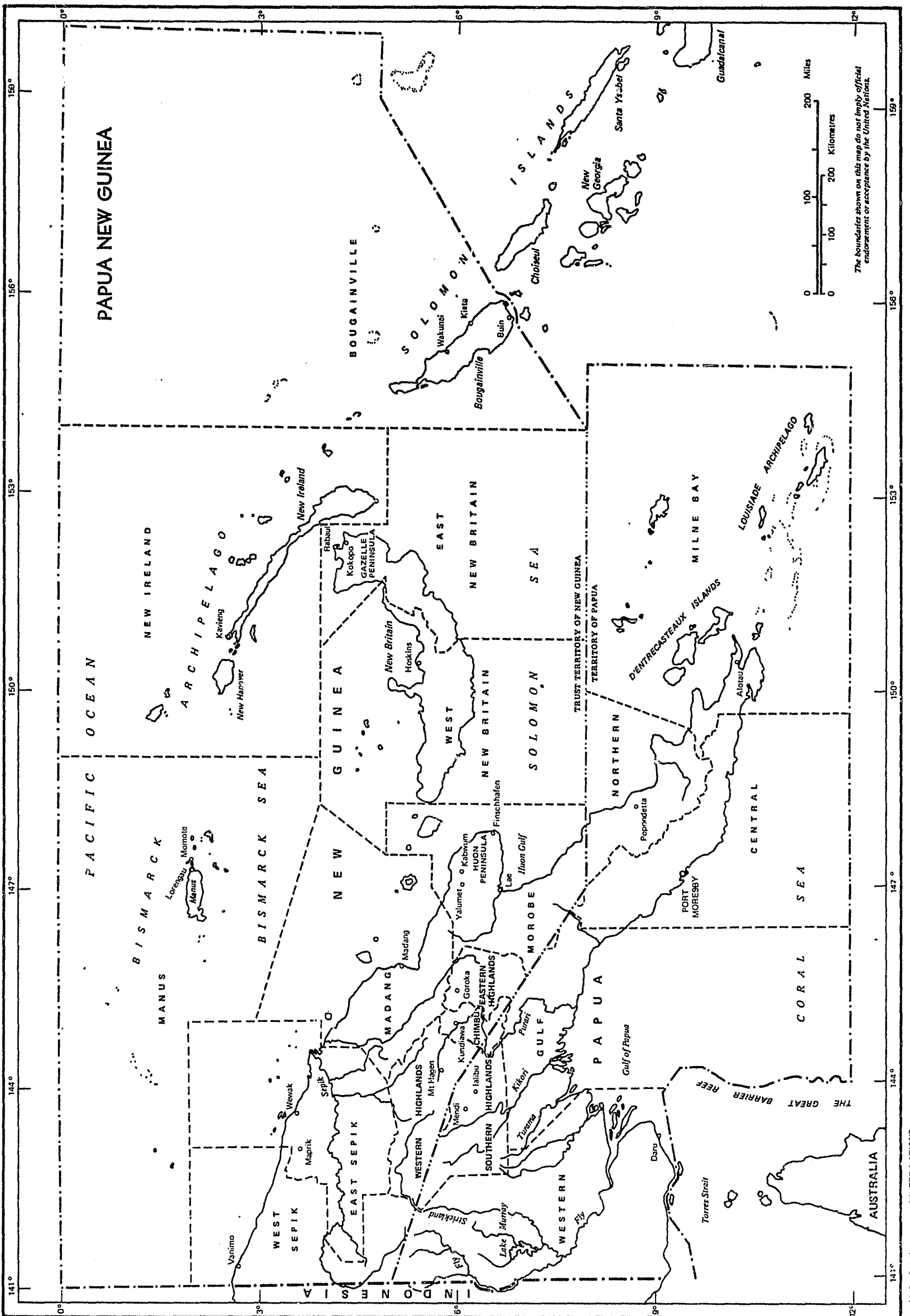
236. The representative of the Soviet Union expressed the belief that everything possible should be done to ensure that Papua New Guinea became a member of the community of nations and occupied its rightful place among the Members of the United Nations. The Soviet Union was prepared to support by all means at its disposal any efforts that might be undertaken to improve that co-operation in the interests of reinforcing peace and security in the world, and the well-being of all peoples, including particularly the people of Papua New Guinea. He paid tribute to the administering Power which had exerted efforts in order to contribute to the achievement of that purpose.

TERMINATION OF THE TRUSTEESHIP AGREEMENT

237. The representative of the United States considered that the request of the Special Representative for flexibility in the time-table for independence was reasonable in view of the circumstances. The Trusteeship Council should accede to that request because it was the role of the Council to facilitate the transition to full self-government of Territories placed under the International Trusteeship System.

238. The representative of the United Kingdom said that his delegation sympathized with the natural desire of the Government of Papua New Guinea not to delay independence any longer than necessary, and had taken note of the Special Representative's view that it should be possible to move to independence at some time between January and September 1975. In the meantime, he noted that the Australian Government acknowledged that it retained the ultimate responsibility for the peace and security of Papua New Guinea and for the Territory's smooth progress towards independence.

239. In regard to the procedure for the termination of the Trusteeship Agreement for the Territory of New Guinea suggested by the Special Representative, the representative of France said that his delegation had no objection to such procedure, as it would permit Papua New Guinea to achieve a full and complete international personality more rapidly.



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