AUSTRALIA AND THE COLONIAL QUESTION AT THE UNITED NATIONS

PRECIS:

The purpose of this thesis to examine and seek to explain the response of Australia to anti-colonial activity at the United Nations.

It deals with such activity in three categories: (1) attempts to apply extensive United Nations supervision of non-self-governing territories under the authority of Chapter XI of the charter; (2) attempts to have interpreted very rigorously the supervision rights of the United Nations over trust territories; and (3) attempts to force the pace of decolonisation in some territories by seeking United Nations intervention in situations claimed to comprise threats to peace.

At the writing of the charter in 1945, Australia sought to have it allow the United Nations to be informed about and, to a limited degree, involved in, dependent territories. Essentially Australia was seeking an extension of the mandates system to ensure the humane and progressive administration of dependencies. However, anti-colonial feeling led to activity in the United Nations designed to maximise international supervision of dependent territories and, more to the point, to accelerate political development in them so

as speedily to accomplish their self-government or independence.

Throughout the late 1940s and the 1950s, Australia, herself an administrator of trust and non-self-governing territories, consistently opposed attempts in the United Nations to interfere with administering Powers' exclusive control of their territories. On only one issue, that of Indonesian independence, did any Australian government of the period support forceful anti-colonialism.

She took up this position partly in sympathy with western allies under Cold War attack and partly because of inherited constitutional attitudes, but mainly because experience had led her to see control of the non-self-governing territory of Papua and the trust territory of New Guinea as vital to her own security. Only in the case of Indonesian independence did other considerations outweigh the New Guinea interest and take Australia into the company of her mainly anti-colonial Asian neighbours.

In the 1960s, it is seen, she dropped her former intransigence because of resignation to the success of the anti-colonial cause in respect of Papua-New Guinea and because of the diplomatic price of isolation.

A U S T R A L I A

A N D T H E

C O L O N I A L Q U E S T I O N

A T T H E

U N I T E D N A T I O N S

by

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STATEMENT

Except for reference to other scholars' writings as indicated in footnotes, this thesis represents original work.

W.J. HUDSON

P R E F A C E

This work is based largely on official documents, most of them United Nations and Australian parliamentary records. However, it is also built in part on the earlier work of other scholars, my debt to whom may be seen in footnotes, and in part on the recollections of men who have generously made time available for conversations with me. These latter include: Dr Ralph Bunche, of the United Nations Secretariat, New York; Dr J.W. Burton, of University College, London; The Hon. A.A. Calwell, M.P., Leader of the Opposition, Parliament House, Canberra; The Hon. J.J. Dedman, of Canberra; Mr W.D. Forsyth, Secretary-General of the South Pacific Commission, Noumea; The Rt. Hon. Paul Hasluck, P.C., M.P., Minister for External Affairs, Canberra; Mr Dudley McCarthy, of the Australian Mission to the United Nations, New York; Mr John Miles, of the United Nations Secretariat, New York; Sir James Plimsoll, Secretary, Department of External Affairs, Canberra; Mr Harold Stassen, of Philadelphia.

Here, too, I must acknowledge a debt to the Australian National University which, in 1964-65, made finance available to allow me to pursue field work in New York and London. In New York, I was assisted particularly by members of the staff of the Australian Mission to the United Nations and by members of the United Nations library and archives staff; in London, Mr Andrew Shonfield,

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ABBREVIATIONS

CPD	(Australian) Commonwealth Parliamentary Debates.
CPP	(Australian) Commonwealth Parliamentary Papers.
Current Notes	Current Notes on International Affairs.
ECAFE	Economic Commission for Asia and the Far East.
GAOR	General Assembly Official Records.
ICJ	International Court of Justice.
PMC	Permanent Mandates Commission.
TCOR	Trusteeship Council Official Records.
SCOR	Security Council Official Records.
UNCIO	United Nations Conference on International Organization.

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I N T R O D U C T I O N

I.

There are a number of terms which, especially in the vocabulary of politics, present usage difficulties because of two shared characteristics: they are terms heavily laden with emotional content, much of it hostile; and, neither in public, political dialogue, nor in academic writing is there agreement on their meaning or proper application. One such term is 'imperialism', of which W.K. Hancock has said:

It is a pseudo-concept which sets out to make everything clear and ends by making everything muddled; it is a word for the illiterates of social science, the callow and the shallow who attempt to solve problems without mastering a technique.¹

Another term of this sort is 'colonialism'. Thus, United Kingdom control of, but negligible settlement in, a small island group 12,000 miles away in the Pacific is said to be an example of colonialism. But so, it is held, is the Soviet Union's re-subjection of the contiguous Baltic states to Muscovite hegemony, the 'Russification' of central Asia and China's exercise of effective control over neighbouring Tibet. Some would say that the role of United States

¹ W.K. Hancock, Wealth of Colonies, Cambridge, 1950, p.17. There have been continuing attempts to clarify the concept by historical analysis of its usage (e.g., Richard Koebner and Helmut dan Schmidt, Imperialism, The Story and Significance of a Political Word, 1840-1960, Cambridge, 1964) and by discussion of its contemporary significance (e.g., A.G.L. Shaw, 'A Revision of the Meaning of Imperialism' in Australian Journal of Politics and History, Vol. VII (1961), No. 2 (Nov.), p.198sq.).

investment interests in parts of Latin America has been colonialist.² Some, too, see the continuing exercise of influence by former metropolitan Powers in new states' affairs as a form of colonialism: neocolonialism.³

Political interest has caused some of the confusion: for Stalin, what under the Tsars had been a Russian empire was, under communism, 'that remarkable organization for the collaboration of nations...'.⁴ Again, what a Frenchman might once have seen, and what a Portuguese might still see, as provincial government in a geographically separated state, an Indian would be likely to see as a constitutional fiction inadequately disguising colonialism. Similarly, some students of international politics see colonialism as necessarily involving the government of 'backward' areas,⁵ while others virtually ignore the notion of tutelage; some assume geographical separation between governing and governed,⁶ while others allow for 'contiguous colonial areas',⁷ some stress the settlement factor,⁸ and others

2 The reference here is to the 'budget regimes', as they have been called (W.R. Crocker, Self-Government for the Colonies, London, 1949, p.10).

3 See, e.g., Kwame Nkrumah, Africa Must Unite, London, 1963, p.xvi.

4 J. Stalin, Problems of Leninism, Moscow, 1953, p.78.

5 Quincy Wright, The Study of International Relations, New York, 1955, p.181.

6 Ibid.

7 G. Schwarzenberger, Power Politics, London, 1951, p.69.

8 Rene Maunier, The Sociology of Colonies, Vol. 1, London, 1949, p.19.

emphasise rather the aspect of power domination;⁹ some distinguish between colonialism and imperialism, while others seem to regard the terms as interchangeable.¹⁰

Despite such conflict over definitions, there is, however, one manifestation of colonialism which almost universally is recognised as such: the control by states of western Europe, or states of western European ethnic origin, of areas in Africa, the Middle East, Asia and Oceania. It may not be the only important manifestation, as some defensive western Powers insist when they speak of 'the salt water fallacy', but it is one manifestation. Further, it is, in terms of the numbers of people involved and of the international consequences of its recent and contemporary undoing, perhaps the most important manifestation. Thus, when it is suggested that 'the most pregnant phenomenon of the present time will, in retrospect, appear to have been neither the harnessing of atomic power nor the emergence of Russia to the status of superpower...but the emancipation of subject or

9 Thomas R. Adam, Modern Colonialism: Institutions and Policies, New York, 1955, p.3.

10 For a failure to distinguish, see, e.g., Walter Kolarz, Communism and Colonialism, London, 1964, p.18. For attempts to distinguish, see Hans J. Morgenthau, Politics Among Nations, New York, 1949, p.27; Philip W. Bell, 'Colonialism as a Problem in American Foreign Policy' in World Politics, Vol. V (1952-3), No.1 (Oct., 1952), p.86; and, more particularly, Kenneth J. Twitchett, 'Colonialism: An Attempt at Understanding Imperialism, Colonial and Neo-Colonial Relationships' in Political Studies, Vol. XIII (1965), No. 3 (Oct.), p.300sq.

colonial peoples...'¹¹ or when it is said that 'few political and constitutional processes are at present so greatly affecting human well-being as the transition from political dependency to independence',¹² the emancipation or transition referred to is that of African, Middle Eastern, Asian and Oceanic societies from the authority of western states and their emergence as at least nominally independent actors on the international stage.¹³ The colonial question concept, then, will be used in this work to denote the mass of issues which has arisen in the process of the alienation of Afro-Asian-Oceanic societies from explicit western

11 Rene Albrecht-Carrie, 'Some Reflections on the Rising of Subject Peoples' in Political Science Quarterly, Vol. 65 (1950), No.2 (June), p.193.

12 J.W. Davidson, 'The Transition to Independence: The Example of Western Samoa' in Australian Journal of Politics and History, Vol. VII (1961), No. 1 (May), p.15.

13 Concerning the use of the term western, the essential basis of the dichotomy in what generally are thought of as colonial relationships often enough has been traced to the colour factor (see, e.g., John Gange, 'The Colonial Question in Some British and American Overseas Possessions' in World Politics, Vol. III (1950-1), No.1 (Oct., 1950), pp.132-3). This allows an easy distinction between white western and coloured colonial generally characteristic of at least the questions dealt with in this work. There are what might be called intra-group exceptions (Japan-Pacific Islands, Denmark-Greenland, United Kingdom-Gibraltar), which will be considered only as they have arisen in forms relevant to the major Afro-Asian-Oceanic questions involving western Powers.

authority or, to use the French-derived expression, in the process of decolonisation.¹⁴

The decolonisation process has affected Australia in two principal ways. In the first place, the process has had a marked effect on international politics at large. The number of newly emergent states, their actual or potential power, their vigorous international activity and their often ambivalent position in the general East-West conflict, as well as the problems posed by their own internal difficulties, have complicated immensely the diplomacy of the older states, and not least that of Australia. Australia has faced an additional problem in that her regional company mainly comprises former dependencies, one of the more politically lively of them being her immediate neighbour. This has made difficult for her the implementation of the almost inevitably desirable milieu¹⁵ policy of friendly relations with Asia, of rapport between a white dependency-administering Power and still sensitively nationalistic and at times aggressively anti-colonial Powers. In the second place, the decolonisation process has touched territories which she administers, which are adjacent

¹⁴ For the origin of the term, see C.E. Carrington, 'Decolonization: The Last Stages' in International Affairs, Vol. 38 (1962), No.1 (Jan.), p.29.

¹⁵ The usage is that of Wolfers, who distinguishes between milieu and possession policy goals (Arnold Wolfers, Discord and Collaboration, Baltimore, 1962, pp.73-5).

to (indeed, virtually contiguous with) her metropolitan territory and which have been highly valued by her in security terms. Australia may have been slow to see herself as a colonial Power: there has been for an Australian some unreality about a reference to 'four colonial powers...Britain, France, Australia and Belgium'.¹⁶ But, until very recently, it will be seen, there has been little uncertainty or inconsistency about her view of the importance to her of control of Papua and New Guinea - the former and closer, a colony or, in United Nations charter terms, a non-self-governing territory under Australian sovereignty; the other a mandated and now a trust territory. The decolonisation process has touched both territories as well as Nauru, a small, phosphate-producing island adjacent to New Guinea and administered by Australia under Anglo-Australian-New Zealand trusteeship. It has magnified Australia's local administrative problems and affected Australia's relations with other Powers.

The scope of this work is restricted to colonial questions in the United Nations context. Not all

¹⁶ Christian Science Monitor editorial, Oct. 29, 1946.

colonial questions have engaged the United Nations (Indo-Chinese independence, for example) and not all questions regarded as colonial by the United Nations or substantial sections of its membership are, given the criteria applied above, relevant to this work.¹⁷ And there is some division of opinion on the role that has been played by international organisation in the decolonisation process in areas relevant to this work, on the significance of the League of Nations and the United Nations as emancipating midwives.¹⁸ The view that 'the new nations demand admission to the world of history and gain it, for the first time in orderly fashion, through the United Nations, which has become the gateway to participation in global history'¹⁹ may rhetorically exaggerate the significance of the role of international organisation. But the chapters which follow will show many ways in which the United Nations has been made to play some part in the decolonisation process, in accelerating its accomplishment. In Goodwin's words:

17 More is said of this in the opening section of Chapter 7 below.

18 For a modest view, see Harold Karan Jacobson, 'The United Nations and Colonialism: A Tentative Appraisal' in International Organization, Vol. XVI (1962), p.55; for a somewhat less modest view, see Inis L. Claude, Jr., Swords into Ploughshares, New York, 1963, p.370.

19 Hans Kohn, The Age of Nationalism: The First Era of Global History, New York, 1962, p.150, quoted by Robert Strausz-Hupe in Orbis, Vol. VI (1962), No.3 (Oct.), p.474.

The growth of extra-European nationalism and the contraction of Western Europe are, of course, long-term phenomena which preceded the creation of the United Nations...But...the United Nations, at least in its early days, has functioned as a powerful instrument in speeding up the process by which the destinies of non-European peoples have passed from European hands. It has served as a focus of discontents, a standard by which to measure the shortcomings, real or imaginary, of the colonial Powers.²⁰

Australia, it will be seen, has been deeply involved in the working out of colonial questions at the United Nations, of which she is a foundation member, by arrangement with which she administers New Guinea and to which increasingly she has had to refer in her administration of Papua.²¹ The nature of colonial questions, moreover, has been such that they have brought into focus conflict always likely to appear between an extra-national body and its component states, conflict involving jurisdiction, accountability and security. An examination of the Australian record on colonial questions at the United Nations is likely to contribute to discussion of Australia's experience of international organisation.

20 Geoffrey Goodwin, Britain and the United Nations, New York, 1957, pp.257-8.

21 Australia's effecting of an administrative union between Papua and New Guinea, as well as other Powers' success in effecting developments in the application of Chapter XI of the United Nations charter leading finally to the 1960 Declaration on Colonialism, have tended to make a continuing distinction between the territories somewhat unreal.

II.

It will be seen in chapters which follow that the Australian position on colonial questions at the United Nations has not been static but has varied according to changed external circumstances. When the United Nations charter was negotiated at San Francisco in 1945, Australia took up an independent position in some respects more radical than that of her administering allies. She was in a vanguard in seeking to lower traditionally cherished domestic jurisdiction barriers and, despite motives to the contrary, to create conditions under which decolonisation was likely to progress much more rapidly than formerly. It will be suggested, however, that her policy in 1945 should not be read in post-1945 terms.²² Her policy essentially was humane and gradualist: backward peoples should receive a fair deal and this was to be guaranteed by international

22 It will be suggested that praise for Australian policy in 1945 bestowed subsequently by anti-colonialists like Frazao (Sergio Armando Frazao, 'International Responsibility for Non-Self-Governing Peoples' in Annals of the American Academy of Political and Social Science, Vol. 296 (1954), Nov., p.56) and Benson (Wilfrid Benson, 'The International Machinery for Colonial Liberation' in Arthur Creech Jones, ed., New Fabian Colonial Essays, London, 1959, p.229) probably was inappropriate in that, had the Australian delegation foreseen the attainments of the anti-colonial movement, it would almost certainly have been a good deal less adventurous.

accountability, but tutelage was a continuing need and the sovereignty of administering Powers was inviolate.

It will be seen that, almost immediately after 1945, the tide of anti-colonial events in the United Nations went in directions and forms inimical, in the judgement of successive Australian governments, to Australian interests. Faced with the unexpected and often associated phenomena of the Cold War and militant anti-colonialism, Australia ceased taking initiatives and adopted a generally conservative posture in defence of her own rights as an administering Power and in defence of allies' rights. With the sole significant exception of the Indonesian independence issue, Australia in the late 1940s and throughout the 1950s resisted the anti-colonial process in almost all its courses in the United Nations.²³ Irrespective of the complexion of

23 This is not necessarily to gainsay the statement by the then Australian Minister for External Affairs, R.G. (now Lord) Casey, in 1957 that 'it is a satisfaction to see a colony turned into a nation...' (GAOR, 12th S., 687th Pl.Mtg., Sept.25, 1957, p.135). Whatever the various Australian attitudes to the attainment of independence by various states, it will be argued here only that the particular courses taken by supporters of decolonisation in the United Nations roused, for one reason or another, Australian opposition. It is relevant to the man and his times that Casey went on to cite two Commonwealth examples (Ghana and Malaya) and mourned 'a nation turned into a colony, like Hungary'.

parties in power in Canberra,²⁴ Australian delegations in this period held rigidly to the letter of the charter in opposition to members concerned to spur on the decolonisation process with political or emotional argument. The sort of attitude expressed by U Thant at the height of the West Irian dispute, when he said that 'the political and emotional aspects of the problem were more significant than all the others...',²⁵ in general was anathema to Australian delegations.

The degree and diplomatic price of Australian intransigence is well illustrated by an event occurring at the end of the period and just before a marked switch in Australian policy. This was the adoption by the United Nations General Assembly on December 14, 1960, of a resolution entitled 'Declaration on the Granting of Independence to Colonial Countries and Peoples'.

24 Some observers have sought to distinguish between Australian policy under the Labor Government and policy under its post-1949, non-Labor successors: for example, Jacobson (op.cit., p.43) and Sady (Emil J. Sady, The United Nations and Dependent Peoples, Washington, 1957, p.66). It will be seen in later chapters of this work that such a distinction is scarcely valid.

25 GAOR, 12th S., 1st Ctee., 909th Mtg., Nov. 25, 1957, p.226.

Mooted originally during that Assembly session by the Soviet Union but adopted in the form of a resolution sponsored by forty-three Afro-Asian members, the declaration proclaimed 'the necessity of bringing to a speedy and unconditional end colonialism in all its forms and manifestations'. Its operative paragraphs included the provision that 'immediate steps shall be taken, in Trust and Non-Self-Governing territories or all other territories which have not yet attained independence, to transfer all powers to the peoples of these territories, without any conditions or reservations...'.²⁶ This resolution, which placed a seal on a number of processes at work in the United Nations over the previous fifteen years and marked a final effort to hasten the disappearance of western colonialism, was adopted with the affirmative votes of eighty-nine members.²⁷ They included formerly or currently dependency-administering Powers (Denmark, Italy, the Netherlands, New Zealand); other western states (Sweden, Canada, Ireland, Norway, Austria); Commonwealth states (Ceylon, Malaya, Ghana, India, Pakistan); all the Asian

²⁶ GAOR, 15th S., Annexes, Vol.2, Ag.It.87, p.8.

²⁷ GAOR, 15th S., 947th Pl.Mtg., Dec.14, 1960, pp.1273-4.

and all the non-western African members; all the communist members; and, with one exception, the Latin American members.²⁸ No member voted against the draft, but nine states abstained from voting - a response which, in the Assembly at least, usually may be taken as a 'diminutive negative'.²⁹ These abstaining states comprised: the Dominican Republic, a small Caribbean state of negligible stature;³⁰ Portugal, perhaps the most obtuse of the colonial Powers; Spain, the nature of whose government had in former years been described as a potential menace to international peace by Australia, which had played a leading part in effecting its censure by the United Nations;³¹ South Africa, the only member fully to support Portugal in the United Nations and a state whose internal racial policies and some external policies had for some time appalled most members;

28 Undeniably western in many senses, Latin America in this work will be allowed a separate, non-western identity.

29 Thomas B. Millar, 'The Commonwealth and the United Nations' in International Organization, Vol. 16 (1962), p.745.

30 This was a year before the assassination of its president, Generalissimo Rafael Trujillo.

31 For a speech by the then Australian Minister for External Affairs, Dr H.V. Evatt, see SCOR, 1st Yr., 1st Ser., No. 2, 44th Mtg., June 6, 1946, pp.312-21.

France, which recently had lost a constitution because of her inability for a time to find an answer to her Algerian colonial question; Belgium, a state whose reputation had been jeopardised by her answer to her Congo colonial question; a probably reluctant United States;³² and Britain and Australia.

Australia took up a position hostile to that of many United Nations members in the 1940s and 1950s because this seemed best designed to serve her interests, or at least some of them. She was apparently prepared to risk alienating Afro-Asian opinion in the causes of retention of control of Papua and New Guinea and, to a less extent, western solidarity.³³ Her role tended to be that of a strong defender of national interest boundaries against international encroachments.³⁴

32 For the view that the United States abstained in response to British pressure, see New York Times, Dec.15, 1960, Manchester Guardian, Dec.23, 1960, and the testimony of Senator Wayne Morse, a member of the United States delegation, cited in David W. Wainhouse, Remnants of Empire: The United Nations and the End of Colonialism, New York, 1964, p.11.

33 Only in the case of Indonesian independence did an Australian government in this period see support for an anti-colonial cause as being in the best national interest, outweighing Papua-New Guinea considerations and the benefits of solidarity with her western friends.

34 Australia was not utterly consistent in this. Thus, Evatt took a permissive view of domestic jurisdiction in relation to Spain, but not in relation to South Africa. His non-Labor successors took a permissive view in relation to communist countries (Hungary, for example) but not in relation to others (France, for example).

It is not seen as a purpose of this work to draw ethical conclusions about the rightness or wrongness of Australia's activities or those of anti-colonial Powers, any more than about colonialism as such. It is taken for granted that for the most part in the United Nations 'all Members follow faithfully...the code of power politics...';³⁵ it is assumed that states formulate and seek to further what they regard as their interests.³⁶ Whatever one's views of the adequacy of their reasoning, Australian governments for many years, it will be shown, equated control of Papua and New Guinea with the preservation of Australia's metropolitan territorial security. This, and other considerations (an inherited tendency to see constitutional issues in static terms, identity of interest with friendly states facing similar difficulties, individual personalities), led Australia to take up a conservative position; given the New Guinea premise it was scarcely possible for Australia to feel a 'sense of disinterested detachment which makes it possible for Canada to follow a policy of judging individual cases on their merits'.³⁷

35 Bin Cheng, 'International Law in the United Nations' in Year Book of World Affairs, Vol.8 (1954), p.195.

36 The particular Australian interest here, that of territorial defence and security, was rather a special interest: what Pitt called the first law of nature for any sovereign state (Schwarzenberger, op.cit., p.149).

37 F.H. Soward and Edgar McInnis, Canada and the United Nations, New York, 1956, p.207.

If, during the late 1940s and throughout the 1950s, Australia generally opposed the increasingly successful efforts of anti-colonial Powers to effect United Nations attempts at interference in the affairs of members' dependencies, she changed her policy quite dramatically from 1960-61. At times explicitly rejecting legal argument, Australia not only tended now to accept extensive United Nations interference, but actually supported by word and vote the anti-colonial majority. There had developed what has been seen as an 'anti-colonial consensus' in the General Assembly, and continuing intransigence would have taken Australia into the diplomatically hazardous company of South Africa and Portugal.³⁸ The conservative cause of the surviving administering Powers by then was manifestly lost and with it, apparently, Australian hopes for indefinite authority in Papua-New Guinea.

The chapters which follow examine the Australian record chronologically but under subject headings. There is first a chapter on the development of Australian policy on the colonial question during World War II

³⁸ See Edward T. Rowe, 'The Emerging Anti-Colonial Consensus in the United Nations' in Journal of Conflict Resolution, Vol. VIII (1964), No. 3 (Sept.), p.209sq.

and the policy of the Australian delegation at the San Francisco conference in 1945. This is followed by a brief indication of the three main avenues taken in the United Nations by promoters of decolonisation. Two of them - extension of the scope of Chapter XI of the charter (non-self-governing territories) and contentious application of Chapters XII and XIII (trusteeship) - are then dealt with in pre- and post-1949 periods. This serves to break up otherwise excessively long sections and to allow comparison between the record of the Australian Labor Government, which was defeated in late 1949, and that of its Liberal-Country Party coalition successors. The third avenue - the raising of colonial questions as political questions involving alleged threats to peace - is broken up into appropriate geographical divisions. Concluding chapters examine some pertinent aspects of the Australian record; dependence on legal considerations; diplomatic consequences of her position; the Papua-New Guinea orientation of her policies.

The source material available for almost contemporary diplomatic history is restricted to a limited range of public documents. However, it is hoped that sufficient has been gathered from these

sources to allow not only an adequate description of the Australian record but also reasonably convincing explanations of its principal features.

NOTE ON REFERENCES

The records of various United Nations bodies' deliberations often comprise condensed versions of delegates' speeches re-phrased to appear in the third person. For this reason, many quotations in the body of this work include verbs and participles in the past tense. A statement by a delegate that 'my government cannot accept this draft because it goes beyond the provisions of the charter' appears in the record and must be quoted as 'his government could not accept this draft because it went beyond the provisions of the charter'. In some instances, of course, the record comprises a verbatim account of what was said and quotations from it consequently read in the present tense and first person.

C H A P T E R 1

A U S T R A L I A

A N D T H E

C H A R T E R

I.

International organisation on a large scale, and the emergence of colonial questions from an utterly domestic to, at least in some cases, an international context, largely were products of World War I. The desire for an organisational and peaceful resolution of international conflict, rather than haphazard military resolution, took concrete form in the League of Nations. The desire in some quarters to avoid the stigma associated with territorial plunder and to reduce the area of potential conflict over colonial possessions had effect in the submission of territories detached from the vanquished Powers to the League's mandates system. This involved only sixteen territories, a small proportion of the world's dependencies, and, of the sixteen, only five (the 'A' mandates) were seen explicitly as proceeding towards independence when, as Article 22 of the Covenant put it, 'they are able to stand alone'; for the other eleven territories under 'B' and 'C' mandates, the League Covenant at best only implied ultimate self-determination.¹

¹ Of the five 'A' mandates, only Iraq achieved independence in time to enjoy League membership. Syria and Lebanon achieved full national status in 1944 and Jordan in 1946. Palestine's problems took longer to solve. For a view of the self-determination goal, see H. Duncan Hall, Mandates, Dependencies and Trusteeship, London, 1948, p.94.

Outside the mandates system, a number of dependent territories moved slowly towards independence in variously antagonistic relationships with their metropolitan Powers; others seemed indefinitely becalmed in subject status.

Prior to World War II, Australia was an apparently secure colonial Power in Papua, which she inherited from Britain in 1906, and which she administered in a relatively humane but financially modest way. She was a mandatory Power in contiguous New Guinea² and adjacent Nauru³ as a result of her participation in

2 Terms are easily confused here. The island of New Guinea has since the late 19th century comprised three territories: a western half formerly administered by the Netherlands and, since 1963, by Indonesia (and known variously as Dutch New Guinea, West New Guinea and now West Irian or Irian Barat); a south-eastern quarter annexed by Britain in 1884 and known as British New Guinea until it passed to Australia in 1906 and became Papua; and a north-eastern quarter annexed by Germany in 1884 and, with hundreds of off-shore islands, awarded to Australia as a mandate in 1920 (and known first as German New Guinea, then as the Mandated Territory of New Guinea or, colloquially, as Australian New Guinea, and now as the Trust Territory of New Guinea). In this work, the term New Guinea will refer to the whole island or, if the context allows adequate clarity, the Territory of New Guinea, that is, the north-eastern quarter.

3 Australia administered Nauru under a mandate awarded jointly to Australia, Britain and New Zealand.

World War I. Initially as Britain's agent, she took over these territories by force of arms from Germany in 1914. Subsequently, she was a foundation member of the League and, unable at the Paris Peace Conference of 1919 to negotiate the right to annex the territories, she obtained the right to administer them under the very permissive terms of 'C' mandates supervised by the League. During the inter-war years, Australia was a conscientious, if reserved, member of the League and a conscientious, if conservative, interpreter of her mandates.⁴ Her motives for seeking control of Papua and New Guinea had been based on territorial security postulates;⁵ the comforting fact of possession, the

4 The Australian Labor Party, the Opposition party in Australia's federal parliament for most of the inter-war period, tended to isolationism and an early disenchantment with the League (see H. Wolfsohn, 'Foreign Policy' in Alan Davies and Geoffrey Serle, eds., Policies for Progress, Melbourne, 1954, pp.163-4). The parties which formed most of the governments of the time paid lip service to the League ideal but were sceptical of its value as a security instrument and, anyway, preferred to see Australia's external relations principally in terms of political and emotional links with Britain. On Australia's interpretation of her mandates, see W.J. Hudson, 'Australia's Experience as a Mandatory Power' in Australian Outlook, Vol. 19 (1965), No. 1 (April), pp.35-46.

5 The security aspect of Australia's interest in her dependencies is discussed in detail in Chapter 10 below.

distraction of domestic economic problems and a widely-held belief in the extreme backwardness of the territories' indigenous inhabitants meant that Australia paid them little attention. Public, or at least parliamentary, interest was roused only by occasional allegations of brutal treatment of the indigenes and fear of German pressure to have the mandated territory returned to her. The limited activities of the Permanent Mandates Commission in supervising Australia's observance of the New Guinea and Nauru mandates caused her little embarrassment.

It is not proposed here to repeat familiar discussions of the effects of World War II on colonialism, on attitudes about its propriety and future, but simply to stress that, until World War II, there was, outside the very limited mandates context, no forceful, international legitimisation of anything even approaching hostility to the colonial idea. Yet, with the signing of the United Nations Charter at San Francisco in 1945, there was achieved a considerable degree of such legitimisation. And, only a decade later, it was observed:

...it has come to be widely assumed that, even if accompanied by a substantial measure of home rule, colonial status is an interim political arrangement which must necessarily be replaced by 'independence', that is, the absence of any formally legitimate element of external control.⁶

The point which now may be seen as having led on to the United Nations charter, to the beginning of the hastened end of colonialism, was the signing of the Atlantic Charter in 1941. This statement of Allied Powers' ideals declared in the words of its third clause that 'they respect the right of all peoples to choose the form of government under which they will live'. Just as Smuts during World War I helped give currency to the mandates idea which was then applied to the defeated Powers' colonial areas instead of to the European societies he had had in mind, so at least one of the Atlantic Charter's sponsors, Churchill, had in mind primarily the right to self-determination of European and not colonial peoples.⁷ Whatever the intentions of its sponsors, however, the Atlantic Charter became a slogan,

6 Kenneth Robinson, 'Alternatives to Independence' in Political Studies, Vol. IV (1956), No. 3, p.225.

7 For a discussion of the differing views of Churchill and Roosevelt, see Foster Rhea Dulles and Gerald E. Ridinger, 'The Anti-colonial Policies of Franklin D. Roosevelt' in Political Science Quarterly, Vol. 70 (1955), No. 1 (March), pp.1-8.

a term of reference for the development and justification of anti-colonial attitudes.

A statement by the then Australian Minister for External Affairs, Dr H.V. Evatt, in September, 1942, explaining the Labor Government's view of the application in the Pacific area of the previous year's Atlantic Charter and its self-determination clause, comprised the Government's, and Evatt's, first expression of policy on colonialism.⁸ Evatt applied the clause in an immediate way to China and India.⁹ Of other, more truly dependent territories, he said that the age of unfair exploitation had now passed, that the United Nations must be the agent in effecting changes in the government or administration of peoples, and that 'we must found future Pacific policy on the doctrine of trusteeship for the benefit of all Pacific peoples'.¹⁰ He did not explain what this 'doctrine

8 At this time, the A.L.P.'s platform had nothing to say about colonialism. Only in 1948 was a paragraph inserted to refer in mild terms to the need to assist economic and political development in the Pacific area (see Australian Labor Party Federal Platform and Objective - as amended by federal conference, Canberra, September, 1948 - Brisbane, 1948, p.7).

9 Of the former, Evatt said 'it is elementary that the future development of the people of China will no longer be obstructed by such restrictions on their self-respect and their right of self-government as are involved in the almost exploded doctrine of extra-territoriality'. Of the latter: 'we look forward to the people of India developing into a truly self-governing nation' (CPD, Vol. 172, p.82 - Sept. 3, 1942).

10 Ibid.

of trusteeship' meant to him until, in a speech in New York in the following April (1943), he referred to two sorts of obligation owed by a trustee Power: an obligation to world society and an obligation to native peoples. These would include within their ambit a political responsibility to educate colonial peoples 'along the road to self-government'.¹¹ The significant content of his policy to this point comprised an apparent application of trusteeship to all territories, an assumption that self-government was the ultimate end for all dependencies and a rejection, made clear in the New York speech and in the previous year's Canberra statement, of the widely-held pre-war belief (strongly maintained by Australian governments in their administration of New Guinea) in colonial economic self-sufficiency.

Of the two sorts of obligation seen by Evatt in 1943, he continued to stress that towards indigenous peoples. Thus, later in 1943, he referred to colonial peoples and 'their steady advancement...politically'.¹² He did so again in a press statement issued on January 21, 1944, the day of the signing of the Australian-New Zealand Agreement.¹³ And, when he reported to parliament on the

11 Current Notes, Vol. 14, pp.147-8 (May, 1943).

12 CPD, Vol. 176, p.574 (Oct. 14, 1943).

13 Current Notes, Vol. 15, p.25 (Jan., 1944).

colonial aspect of the agreement, he spoke of 'assistance to island peoples in their difficult task of learning to handle their own affairs'.¹⁴ He said:

We reached agreement that, in applying the principles of the Atlantic Charter to the Pacific, the doctrine of 'trusteeship' must be fully accepted in regard to all colonial territories, and that the main purpose of the trust is the welfare of the native peoples and their social, economic and political development.

In unambiguous language, he went on to approve 'the increasing participation of natives in administration with a view to their ultimate attainment of the right of self-government'.¹⁵

To this point, nothing further had been said about the obligation to the world community of Powers administering dependencies. In 1945, however, the Australian Department of External Affairs reported on policy formulated at conferences with New Zealand Government representatives in Canberra in January, 1944, and at Wellington in the October and November of that year, quoting a statement of the New Zealand Prime Minister, Mr Peter Fraser, as expressing Australian policy:

¹⁴ CPD, Vol. 177, p.74 (Feb.10, 1944).

¹⁵ Ibid., pp.77-8.

We feel that there should be set up as part of the general International Organization an international body analogous to the Permanent Mandates Commission, to which colonial Powers should undertake to make reports on the administration of their colonial territories. This body should be empowered to visit dependent territories, and to publish reports of its deliberations. We believe that this is a natural implication of the spirit of 'trusteeship' for dependent peoples, and, for our part, we are willing to subscribe to a general undertaking to that effect as regards both Colonies and Mandated Territories.¹⁶

As the 1945 San Francisco conference drew near, Australia, then, was adopting a three-pronged policy on colonialism, each prong being somewhat radical: substantial metropolitan government investment in dependencies; international accountability in a form a little more rigorous than that known under the League's mandates system and (very radical, this) on a universal basis; and ultimate self-government for dependencies. However, it would be erroneous to exaggerate the significance of this last aspect or to see policy on colonialism separate from other foreign policy goals of the Labor Government of the day. The policy on colonialism was in part, perhaps, a result of the 'socialist distrust of European imperialism'¹⁷ and, in part at least, a 'conscious application of the important principles of

16 Current Notes, Vol. 16, pp.67-8 (April, 1945).

17 Norman Harper and David Sissons, Australia and the United Nations, New York, 1959, p.72.

Australian Social Democracy'.¹⁸ A great deal of its exposition was due to Evatt and reflected the 'dominant influence exerted by a personality'¹⁹ who, it would seem, combined an appreciation of the ruder realities of power and a humanitarian impulse to further the interests of the under-privileged, whether the unemployed of nations or the unenfranchised of nations' dependencies. Nevertheless, it should be stressed that policy on colonialism was interwoven with policy on security.

Evatt strongly supported regionalism as a basis for post-war security arrangements, not, as the American State Department professed to fear,²⁰ to the detriment of a universal security system, but as an integral part of it.²¹ For Australia, this necessarily involved

18 Wolfsohn, op.cit., p.166.

19 Lloyd Ross, 'Some Factors in the Development of Labor's Foreign Policies' in Australian Outlook, Vol. 3 (1949), No. 1 (March), p.43. On Evatt's freedom from interference, see L.F. Crisp, Ben Chifley, Melbourne, 1963, p.287, and Chifley's statement in CPD, Vol. 182, p.2234 (May 30, 1945).

20 See the view of the United States Secretary of State (Cordell Hull) on the Australian-New Zealand Agreement and a subsequent joint call for a regional conference in Department of State, Foreign Relations of the United States, 1944, Vol. III, Washington, 1965, p.177.

21 See Evatt's reply to Hull (Ibid., p.186).

regional arrangements with New Zealand and the United States and with colonial Powers, the survival of whose regimes was assumed, even welcomed. In 1943, indeed, Evatt felt it necessary to balance his statements urging recognition of a universally applicable trusteeship principle with an assurance that 'of course we have no desire...of prejudicing the sovereignty of the Netherlands, France and Portugal' as colonial Powers in the Pacific.²² In a special way, Evatt supported Portuguese and French sovereignty in the area,²³ and referred in glowing terms to the Dutch East Indies Government.²⁴ The connection between the two ideals, progress of indigenes towards self-government and the restitution of colonial regimes, almost

22 Published initially in a Daily Telegraph article, but cited in H.V. Evatt, Foreign Policy of Australia, Sydney, 1945, p.132.

23 The Portuguese aspect emerged the following year, when Evatt declared Australian support for the return of Timor to Portugal in a way suggesting that Australia had little choice, a curiosity of expression unexplained until almost two years later when he announced that Portugal in 1943 had agreed to allow Britain to establish a base in the Azores provided Churchill could obtain an Australian assurance that she would not attempt after the war to interfere with Portuguese sovereignty in Timor. Evatt refused to say how long he envisaged the agreement remaining operative (CPD, Vol. 186, pp.625-6 - March 26, 1946). Of the French, Evatt said that 'Australia...is publicly pledged to do its utmost to maintain the sovereignty of France in its present South Pacific possessions' (Foreign Relations of the United States, 1944, Vol. III, as above, p.187).

24 CPD, Vol. 179, p.235 (July 19, 1944).

certainly was indicated by the report of a United States diplomat in Canberra to the Department of State in Washington on the Australian-New Zealand Agreement and, in particular, on clauses 28-31 of the Agreement:

The implications of this section of the Agreement cover also the natives of territories outside Anzac jurisdiction and we have been told that the reason for concern of welfare of natives outside their jurisdiction is that the improvement of welfare of natives everywhere in the Pacific would render them 'fitter components' in the outer defense bastions.²⁵

Some of the concepts used by Evatt were 'of the times themselves' rather than part of a uniquely Australian contribution.²⁶ Writing of the regionalism concept, one observer declared in 1943 that 'it is like a great scientific discovery, which occurs to many men simultaneously...the "regional grouping" of particular colonies...will, possibly with "partnership", replace "trusteeship" as the stock colonial cliché in the House of Commons or in letters to the "Times"'.²⁷

25 Foreign Relations of the United States, 1944, Vol. III, as above, p.176. It is interesting to note that, writing before the recent publication of these documents in the United States, Wolfsohn saw Evatt's assertion of Australia's regional obligations as 'based upon the recognition that the social advancement of colonial peoples in the region was a vital factor in Australia's future security' (Wolfsohn, op.cit., p.165).

26 K.H. Bailey, 'Dependent Areas of the Pacific: An Australian View' in Foreign Affairs, Vol.24 (1946), No.3 (April), p.511.

27 Henry Swanzy, 'Colonial Groups' in Political Quarterly, Vol.XIV (1943), No.3 (July-Sept.), p.278.

However, even if Evatt's terms were not notably original, it remains that he developed them and sought to give them a degree of concrete application to the point where they became the cause of considerable Anglo-Australian conflict before and during the San Francisco conference.²⁸

II.

In an official statement in February, 1940, the British Government accepted the notion of trusteeship and abandoned the concept of colonial economic self-sufficiency;²⁹ this was two years before Evatt announced similar policies on Australia's behalf. Inter-colonial co-operation on a regional basis was blessed by the British Government in 1942, and constantly thereafter.³⁰ But expressions of British intent in terms of the practical implications of trusteeship did not progress far.

28 A less public conflict also developed with the United States, as will be seen below.

29 See Round Table, Vol. 35, pp.24-5. For a discussion of the origins of the concepts of trusteeship and accountability, see Charmian Edwards Toussaint, The Trusteeship System of the United Nations, London, 1956, pp.5-17.

30 See, e.g., Current Notes, Vol. 14, p.241 (No. 7 of 1943), and the report of the then Australian Prime Minister, Mr John Curtin, on attitudes to regionalism at the 1944 Commonwealth Prime Ministers' Conference in CPD, Vol.179, p.40 (July 17, 1944). (The then Australian federal opposition parties were hostile to regionalism and especially to the Australian-New Zealand Agreement, which Mr Harold Holt, for example, saw as 'independent local action weakening to the Empire'.)

Evatt saw in trusteeship the seeds of self-government and, by implication, independence; in 1942, succeeding British Colonial Secretaries, Cranborne and Stanley, explicitly disowned independence for British dependencies.³¹ At about the same time, the term 'trusteeship' tended to be discarded in favour of 'partnership' in British statements, and Lord Hailey, who largely was responsible for sponsorship of the latter, certainly in 1942 advocated a Pacific council which would, among other things, be 'charged with the periodic review of the progress made in the promotion of self-governing institutions in the dependencies...'.³² But, such was the vagueness of his

31 Current Notes, Vol.14, pp.17-18 (No.1 of 1943).

32 Ed. anon., War and Peace in the Pacific (A Preliminary Report of the Eighth Conference of the Institute of Pacific Relations on Wartime and Post-war Cooperation of the United Nations in the Pacific and the Far East, Mont Tremblant, Quebec, December, 1942), New York, 1943, pp.13-14. It has been argued (in R.N. Chowdhuri, International Mandates and Trusteeship Systems, The Hague, 1955, p.29) that Hailey's success in floating the notion of partnership was such that the new concept, endorsed by Stanley, somehow developed into the idea of regional collaboration, the Anglo-American Caribbean Commission being apparently seen as an effect. In fact, on Chowdhuri's own evidence, the Commission was established two months before Hailey's 'partnership speech' and more than a year before Stanley's endorsement. The link between metropolitan-dependency relationships and metropolitan-metropolitan relationships involved in regional co-operation is, anyway, difficult to see.

subsequent rhetoric at an Institute of Pacific Relations conference that the United States delegation's reaction was to wonder how seriously Britain took the Atlantic Charter, and an Australian delegate's reaction was to ask the British Government to state clearly just where it stood.³³

On the question of external accountability, too, British policy lagged behind that of Australia. At an Institute of Pacific Relations conference at Hot Springs in the United States early in 1945, an Australian delegate proclaimed his country's acceptance of 'the doctrine of accountability in respect of all dependent territories'.³⁴ But it was noted that year that 'during the last two years...a reactionary trend has been manifest in the declarations of British statesmen about colonies.

33 Hailey spoke of Britain's 'new outlook', about the seniority and juniority of partners in 'a situation which must adjust itself as the experience and capacity of the junior partner grows', about a 'much more dynamic view of our responsibilities', about 'high purpose' and 'high hopes', about the need not to forget realities 'while we keep our eyes on the heights' (War and Peace in the Pacific, as above, pp.12, 15). An Australian delegate at this semi-official conference said: 'British opinion has to be clarified, emphasized, discussed and made clear again and again, preferably by Winston Churchill himself' (Ibid., p.123).

34 Ed., anon., Security in the Pacific (A Preliminary Report of the Ninth Conference of the Institute of Pacific Relations, Hot Springs, Virginia, January, 1945), New York, 1945, p.12. The Australian delegate was K.H. Bailey.

The movement is towards rejecting any obligation of accounting to an international authority for the administration of our colonies; and in place of it establishing regional councils for consultation and co-operation...³⁵ It was thought that Britain might go further and seek the abolition even of the limited mandates area of accountability. The possibility seemed to be mooted in a speech made by Stanley in New York in January, 1945, when he appeared to assert the desirability of regional co-operative organisation, not only for colonial areas but also for what had been mandated territories.³⁶ As

³⁵ Norman Bentwich, "Colonies and International Accountability" in Political Quarterly, Vol. XVI (1945), No. 3 (July-September), p.257. See also A Chatham House Study Group, The Pattern of Pacific Security, London, 1946, p.40. It has been suggested to the writer that Evatt, too, saw a regional council as a malleable local alternative to an international authority where the determination of Papua-New Guinea questions would, perhaps, be less within Australian control, but there seems to be no evidence sufficient to support the suggestion.

³⁶ An informed London observer wrote that, while the mandates system had not gone far enough and the new regionalism idea had much to recommend it, 'there is no good reason for jettisoning the first in favour of the second, as there now seems a tendency to do in influential British circles' (Rita Hinden, in New Statesman and Nation, April 21, 1945).

Bailey³⁷ wrote later, 'many people inferred that, so far from making general the system of accountability established under the League Covenant, the British Government intended to propose its total abolition'.³⁸

Of a meeting of British Commonwealth delegations held in London as an immediate preliminary to the San Francisco conference, little is known of the discussion of colonial questions except that common ground seems to have been difficult to find. Discussion seems to have been centred on three topics: the scope of the discussion desired at San Francisco; how a mandates system should be applied; how the trusteeship concept should be applied. On the first, Britain apparently wanted discussion at San Francisco limited to general principles, while the Australian and New Zealand delegations argued that,

37 K.H. (since Sir Kenneth) Bailey, originally an academic lawyer, was a member of the Australian delegation at the San Francisco conference in 1945. Appointed Solicitor-General in 1946, he became Australian High Commissioner to Canada in 1964.

38 Bailey, op.cit., p.498.

given the interest shown in the colonial question by United States leaders, this would not be possible.³⁹

On the second, it seems that agreement was reached on at least the first two of the three Yalta categories, that is, that territories under League mandate and territories detached from World War II enemies might be

39 For a time (1941-4), United States views, official and unofficial, on colonialism tended towards extreme radicalism. In 1943, for example, the State Department proposed the setting of independence target dates for colonies (Post-War Foreign Policy Preparation, 1939-1945, Department of State Publication 3580, 1950, pp.606-7, quoted by Richard J. Kozicki, 'The United Nations and Colonialism' in Robert Strausz-Hupe and Harry W. Hazard, eds., The Idea of Colonialism, London, 1958, p.386). A number of academics, journalists and politicians showed a similar hostility to the indefinite survival of colonialism (see Chowdhuri, op.cit., pp.27-9, for a brief account of the personalities involved and the British reaction to their views). As the San Francisco conference drew near, however, service departments in Washington came into conflict with the radicalism of the State Department; the former stressed the American strategic interest in retaining effective control of Pacific areas (see, e.g., Walter Millis, ed., The Forrestal Diaries, New York, 1951, p.33). For a treatment of the United States interest, see especially Ernst B. Haas, 'The Attempt to Terminate Colonialism; Acceptance of the United Nations Trusteeship System' in International Organization, Vol. VII (1953), pp.5-10.

submitted to an international system of accountability.⁴⁰

Major disagreement evidently occurred on the third.

Australia's delegation argued that metropolitan states

40 The Big Three decided at Yalta in February, 1945, that a trusteeship system might apply to old League mandates, to dependencies of defeated World War II Powers, and to territories voluntarily submitted (it seems, too, that Roosevelt had trusteeship in mind for French Indo-China, and that Roosevelt and Stalin had trusteeship in mind for Korea - see New York Times, March 17, 1955). Forde (F.M. Forde, Deputy Prime Minister and formally head of the Australian delegation) and Evatt claimed that a few months before the London meeting Britain had circulated 'certain proposals' among the Dominions and that these had been such as to suggest a 'hard area of agreement' between Britain and Australia. In London, however, they found that Britain had in the meantime discussed trusteeship with the Soviet Union and the United States and had so changed her position that 'it became necessary... to discuss afresh the policy to be followed'. Evatt and Forde protested that 'no decision on this matter should be carried into effect without the Dominions having been consulted'; see Parliament of the Commonwealth of Australia, United Nations Conference on International Organization Held at San Francisco, U.S.A., from 25th April to 26th June, 1945, Report of the Australian Delegates, The Right Honourable F.M. Forde, M.P., (Deputy Prime Minister and Minister for the Army), and The Right Honourable H.V. Evatt, K.C., M.P. (Attorney-General and Minister for External Affairs), Canberra, 1945, p. 10 (in CPP, 1945-6, Vol. III, and hereafter referred to as the Forde-Evatt Report). The press at the time also reported that Britain's 'revelation that trusteeships were discussed at the Crimea Conference is understood to have come as a surprise to the Australian Government' (Australian Associated Press in Sydney Morning Herald, April 10, 1945).

had a duty to look to the welfare of native peoples and, further, that this duty 'should be accompanied by an obligation to submit reports regularly to an expert and competent advisory body'. Any other course would be 'a derogation of the principle of the Atlantic Charter'. The conference decided that Britain and the Dominions could not agree and were free to make what proposals they wished at San Francisco.⁴¹

III.

Renewed emphasis on the mandates concept at Yalta and London seemed to complicate the issue for Australia, which had been postulating something more rigorous and universal than the old League mandates system or the Yalta proposals: more rigorous than the former and more certainly universal than the latter. The San Francisco conference opened on April 25, 1945, but it was not until May 10 that the Australian position vis-a-vis that of other

⁴¹ Forde-Evatt Report, as above, p.10. A statement that Britain refused at this meeting to allow for the application even of a trusteeship principle to her dependencies and that Australia expressed dissatisfaction is contained in M.C. Setalvad, 'India and the United Nations' in India Quarterly, Vol. VI (1950), No. 2 (April-June), pp.108-9. An account, not altogether documented, may also be found in Lalita Prasad Singh, Policies of the Commonwealth Countries in the United Nations Towards Problems Relating to Political Development of Trust Territories and Non-Self-Governing Territories (1945-59), unpublished Ph.D. thesis, New Delhi, 1961, pp.17-19.

interested Powers became clear.⁴² In the meantime, Forde made a plenary speech in which he accepted the first two Yalta categories but rejected the third (voluntary submission) in favour of submission of territories by an unexplained 'appropriate action'.⁴³ while, outside the conference, Evatt began to distinguish between a universally applicable trusteeship principle and accountability for particular territories to be specified by the still unexplained 'appropriate action';⁴⁴ and the Australian delegation submitted written proposals which still failed adequately to explain 'appropriate action' and seemed to reflect only a shadow of Australia's pre-conference policy.

Because the United States, British, Soviet Union and Chinese delegates who had met at Dumbarton Oaks in the previous August-October to work on preliminary drafts as a basis for discussion at San Francisco had ignored colonial questions, and because the Big Three's decision

⁴² When Evatt addressed Committee II/4.

⁴³ Current Notes, Vol.16, p.102 (May, 1945).

⁴⁴ For reports of Australian views before and during the early days of the conference, see Sydney Morning Herald, April 21, May 2 and 5, and Age, April 13 and May 5, 1945.

at Yalta to discuss such questions with the Big Five (that is, the United States, Britain, the Soviet Union, plus China and France) before the San Francisco conference had not been implemented,⁴⁵ the San Francisco conference's trusteeship committee⁴⁶ had to guide it only a plenary instruction to 'prepare and recommend...draft provisions on principles and mechanism of a system of international trusteeship for such dependent territories as may by subsequent agreement be placed thereunder'.⁴⁷ However,

⁴⁵ This was evidently due to United States domestic conflict between the trusteeship-minded State Department and defence interests anxious to maintain United States bases of power in the Pacific. Roosevelt's death and the accession of President Truman delayed final approval of the 'strategic areas' compromise (whereby territories designated as such would come under the ultimate authority of the Security Council where the United States could exercise veto rights) by the White House until April 18, leaving an insufficient week until the conference opened (see Daniel S. Cheever and H. Field Haviland, Jr, Organizing for Peace, London, 1954, pp.304-5; and James N. Murray, Jr, The United Nations Trusteeship System, Urbana, 1957, pp.28-30).

⁴⁶ Conference activity was divided first into four commissions, the second of which dealt with General Assembly questions. These commissions acted virtually as plenary bodies, with day-to-day negotiations conducted in technical committees of the commissions. In Commission II, there were four such committees, the fourth (officially so numbered) dealing with dependent (non-self-governing, as the conference jargon soon had it) territories. This was known as Committee II/4. See notes by Huntington Gilchrist (Commission II's executive officer) in International Conciliation, No.413 (Sept., 1945), pp.451-60.

⁴⁷ UNCIO Docs., Vol.10, p.423.

the United States, Britain, the Soviet Union, China, France and Australia, in the absence of Dumbarton Oaks proposals for possible modification or amendment, each submitted a draft for a trusteeship chapter for inclusion in a United Nations charter.⁴⁸

The Australian draft, submitted on May 5,⁴⁹ was short,⁵⁰ less detailed than the other drafts and less clear in its meaning. It began with a declaration that all United Nations members administering dependencies would recognise that 'the main purpose of administration is the welfare of the dependent peoples and their economic and political development'. This was the extent of the recognition given to the Atlantic Charter's self-

48 The Soviet Union's contribution comprised amendments to the United States draft.

49 There is some conflict, interesting only in relation to subsequent Anglo-Australian haggling for the credit for responsibility for the universal trusteeship principle declaration, on publication dates. The conference documents date the drafts thus: Australia, France, the United States, May 5; Britain, May 6; China, May 10; the Soviet Union, May 11. Gilchrist, quoting the assistance of Eugene Chase, Committee II/4's secretary, agrees that the Australian, French and United States drafts were submitted on May 5: see Huntington Gilchrist, 'Colonial Questions at the San Francisco Conference' in American Political Science Review, Vol. XXXIX (1945), No. 5 (Oct.), p.985. A British source, however (the Royal Institute of International Affairs' Bulletin of International News, Vol. XXIX (1945), p.439), says the British draft, and not the Australian, was published on May 5.

50 The phrase 'almost contemptuous brevity' has been applied: see J.D. Plant, Australia and Trusteeship at San Francisco, 1945, Seminar Paper, Department of International Relations, Australian National University, Canberra, Nov.5, 1963 (typescript), p.14.

determination clause, which formerly had been so stressed by Australia. Accountability would be through the submission of reports by administering Powers to an expert and advisory body which would keep the United Nations informed through the Economic and Social Council. On the content of these reports, the Australian draft said no more than that they would cover 'administration', presumably political as well as other facets. Accountability was to apply to territories voluntarily submitted or to territories designated by the General Assembly after consideration of specially convened conferences of administering Powers. This latter course, it now appeared, was what had been meant by 'appropriate action', but the new expression was as ambiguous as the old. Read in one way, it suggested use of the Assembly to bring reluctant administering members to heel; read in another, it seemed to keep the administering members in control; read in any way, its effect would depend on majority Assembly attitudes and there was no indication of how Australia estimated those attitudes. For the rest, League mandates and territories detached from World War II Axis Powers were covered in that the Assembly could authorise member states to administer territories under United Nations mandate, the terms of which must include

acceptance of the trusteeship principle and the reporting obligation; power bases could be excepted from the reporting obligation; and the fortifications ban could be removed from the old mandate terms.⁵¹

Except that Britain also proposed a declaration of the trusteeship principle, the other drafts concentrated much more than Australia on the mechanics of a system applicable in terms of the Yalta categories, that is to such mandated territories, Axis territories and other voluntarily submitted territories as might be brought within the system. Whereas the Australian draft saw accountability almost solely as involving reporting of unstated frequency, all the other drafts made reporting annual. In addition, the United States allowed for a trusteeship council to accept petitions and institute investigations, and the Soviet Union, besides, allowed for council inspections of trust territories. And, while Australia and Britain seemed to have in mind something similar to the old Permanent Mandates Commission, essentially a receiver, digester and transmitter of information, the others sought a council representing

51 UNCIO Docs., Vol. 3, pp.548-9.

member states rather than expertise alone and divided in some way between administering and non-administering members.⁵²

Evatt explained the Australian draft at length to the trusteeship committee on May 10. He said nothing of trusteeship machinery beyond what had been conveyed in the written submission: an expert body would receive administering Powers' reports on their administrations, make recommendations and report itself to the United Nations. However, he did make clear what had not been clear in the written submission: Australia not only wanted a trusteeship principle universally accepted, but also wanted a check on its application, a system of accountability (even if amounting to no more than reporting of vague content and unspecified regularity) universally accepted, or imposed if necessary. Given that some dependent territories were near self-government, so that not all dependencies automatically should come within the reporting system, there would, if administering states failed voluntarily to submit territories to the system, be need for the 'appropriate action' referred to

52 It is not proposed here to present an analysis of the various drafts, an analysis available in a number of secondary works. For the British draft, see UNCIO Docs., Vol. 3, pp.609-14; for the United States, pp.607-8; for the French, pp.604-6; for the Chinese, pp.615-7; for the Soviet Union's, pp.618-9.

earlier; the Assembly would decide which states should fall within the system. Evatt was quite clear that the voluntarism of the third Yalta category was unacceptable; a universally applicable trusteeship principle had to be universally applied in fact, and that involved a universally applied trusteeship system from which no administering member could be allowed to except itself:

...it has actually been asked... 'What power is there to ask nations to report...?' Well...it is quite easy to answer. It can be made a condition of this charter that the system of trusteeship to be inaugurated will be applied to members of the organization under certain conditions to be laid down by the organization... Members get certain rights and those members - certain obligations are assumed by them - and this could easily be one of them.

....let the Assembly...state in what territories reports should be required, if that territory has not already been brought voluntarily under the system. What objection can there be to it?

...

The good faith of this conference and the United Nations would be questioned if we adopted any artificial distinction between the needs of the people of detached territories, and the needs of similar people in other areas.

...

...we agree with almost every paragraph of that United Kingdom proposal, except that we think the application of the system of reporting to a trusteeship council or similar body should not be limited to voluntary action by the sovereign state concerned...That United States proposal is also based on voluntary action...

...

I don't feel enthusiastic about a system which is purely voluntary in character because it would not be a satisfactory thing if this world organization created a system of voluntary trusteeship and it was later discovered that not a single power had put any territory under such a system.⁵³

This brought Australia into open conflict with Britain which could not accept 'the principle of compulsion, which finds a place in the Australian proposal...'.⁵⁴

Discussion then shifted to a working paper prepared by a United States delegate, Mr Harold Stassen - 'this so-called working paper', as Evatt called it.⁵⁵ Based on the

53 Verbatim Minutes of the Committee on Trusteeship, Vol. 68 (May 5-18), 2nd Mtg., May 10, Running Numbers 16, 17, 21, 23, 24, 26 in unedited typescript in English (hereafter referred to as Verbatim Minutes). In view of his position later in the controversy on South-West Africa, it is important to note that, while Evatt wanted every dependency in a trusteeship system of the modest sort he had in mind, and argued that the League's mandated territories were no exception, he also argued that mandatory accountability was sufficient for his purpose and that a mandatory Power could not be forced to submit to the envisaged United Nations system (Ibid., Vol. 69 (May 22-June 1), 8th Mtg., Running Number 34).

54 Ibid. (Vol. 68), 4th Mtg., Running Number 19.

55 Ibid., 5th Mtg., Running Number 12. Evatt was irritated because the United States had not consulted Australia, he said, in preparing the paper (Ibid., Running Number 13).

various submissions, but mainly on that of the United States, it conceded to Australia and Britain the statement of principle which emerged finally as the declaration in Chapter XI of the charter. Its separation into Parts A (leading to Chapter XI) and B (leading to Chapters XII and XIII) conveyed the clear distinction made in the British draft between acceptance of a principle and the institution of a system of supervision of its enforcement in given cases. The application of the enforcement system was in Yalta terms; its machinery - a trusteeship council representing states, accepting petitions etc. - had little in common with Australian proposals. In an apparent effort to have at least some sort of obligation involved as a consequence of acceptance of the trusteeship principle, Australia submitted a Part C which, unlike Parts A and B, was exclusively the one Power's submission, and in which Australia would have all United Nations members administering dependencies send regularly to the United Nations secretariat technical information relating to social and economic conditions in the dependencies.⁵⁶

The way was still left open, however for the Assembly to specify territories in regard to which this information

⁵⁶ UNCIO Docs., Vol. 10, p.695.

would also cover political conditions. The Australian delegation seemed to be bowing to the inevitability of a possibly non-universal system and to be trying to achieve some universality of a degree of accountability, in however weak a form, by adding less objectional consequences to acceptance of the trusteeship principle.⁵⁷ In this, Australia was partly successful: what emerged as Article 73e asked for the submission of technical information, though subject to the discretion of administering Powers. But provision for Assembly action to determine what territories should be involved did not appear in the charter.

To recapitulate, Australia began at San Francisco by seeking to apply a light form of accountability universally and compulsorily, that is, to apply universally and by compulsion, if necessary, a trusteeship principle and an accompanying obligation to report on each territory's administration to an expert and advisory body.⁵⁸

57 On Australia's accommodation, see e.g., Ruth B. Russell, assisted by Jeanette E. Muther, A History of the United Nations Charter (The Role of the United States 1940-1945), Washington, 1958, p.825.

58 Evatt, in a sense, denied this in that, in a statement made to the press outside the conference, he denied having sought the subjection of British colonies to a trusteeship system, but this denial was issued in the heat of political battle in which attempts were being made in Canberra to pin to him an anti-British label and when, anyway, the system looked likely to be more rigorous than he had envisaged earlier in the conference (see Sydney Morning Herald, May 25, 1945).

Other Powers sought successfully to apply a heavier form possibly less universally and without compulsion. Australia was then successful in having at least non-political reporting solely for information purposes applied to the territories not covered by the heavier form, that is, not covered by the trusteeship system, inclusion of territories in which was to be left to the discretion of administering Powers. As Frazao wrote later:

The fundamental purpose of the Australian delegation, at that time, was to attribute the same status to and consequently submit to the same international control all dependent territories. The abandonment of that proposition appears in the comprehensive 'working paper' prepared by the American delegation, finally crystallizing in Chapters XI, XII and XIII, in the distinction between the two types of dependent territories.⁵⁹

And as Frazao concluded: 'the opposition met by the Australian proposition focused chiefly upon the extension of the juridical discipline of the trusteeship system to all dependent territories'.⁶⁰ Evatt accepted failure ('under Commander Stassen's guidance') gracefully. Referring to the gap between what Australia initially had proposed and what finally the conference approved,

59 Frazao, op.cit., p.63.

60 Ibid., pp.63-4.

he said 'it does not go as far as that but it goes a good way in the direction...'.⁶¹ Forde, too, was not altogether dissatisfied:

Although our proposal to include an obligation to report to the United Nations on administration in colonial territories has not been agreed to, a very important step which we suggested as an alternative has been adopted, namely: an obligation to transmit to the Organization statistics and other information of a technical nature relating to the economic and social development of the inhabitants of non-self-governing territories.⁶²

One can, at this stage, only speculate on why Australia failed to fight as hard as she might for a universal system of accountability as extensive in form as that which she had described as desirable before the San Francisco conference and which other Powers were prepared to apply to the old mandates, territories detached from Axis Powers as a result of World War II and voluntarily submitted territories. Russell says of the Australian volte-face that it was 'a change accounted for by outside consultations'.⁶³

61 Verbatim Minutes, as above, Vol. 70 (June 8-30), 15th Mtg., Running Numbers 34-6.

62 UNCIO Docs., Vol. 8, p.136.

63 Russell, loc.cit. Russell notes that the Philippines also began by favouring a trusteeship system for all dependent territories but registered no objection to a voluntary basis for submission of territories to the system once it was clear that the United States and other Powers preferred voluntarism.

The role of the United States delegation has been hinted at;⁶⁴ so, too, has the effect of the British reaction.⁶⁵ It is likely that there were some factors domestic to the Australian delegation: the importance Evatt attached to other questions at the conference and his consequent distraction from the trusteeship issue;⁶⁶ the effect of political and journalistic hostility to his trusteeship proposals registered at San Francisco and at home.⁶⁷ This hostility, in large part partisan, was based on three claims: the Australian delegation's activity was anti-British; Papua-New Guinea was being surrendered; the delegation's, and especially

64 See United Nations Secretariat, Note on the Origins of Article 73 of the Charter, 1947, pp.4,11; also Sir Frederic Eggleston, 'The United Nations Charter Critically Considered: The Trusteeship Provisions' in Australian Outlook, Vol. 1 (1947), No.1 (March), p.44.

65 Ibid.

66 This is the firm view of Dr Ralph Bunche (expressed in an interview with the writer). The dating of Evatt's speeches seems to bear it out.

67 It has been suggested to the writer by a close colleague of Evatt that the latter felt especially criticism from Mr John McEwan, than an Opposition front bench member, and Mr Harold Cox, of the Melbourne Herald. Both were in San Francisco - McEwan as a delegation member and Cox as a reporter. 1-e

Evatt's vigorous activity lacked propriety.⁶⁸ Of these claims, the first was, in a literal sense, correct:

Anglo-Australian conflict occurred at London and San Francisco over trusteeship.⁶⁹ The degree of the conflict

68 The first and third of these claims was expressed with particular feeling by the Sydney Morning Herald, one of three Australian papers to send its editor to report on the conference. During the conference, it published four editorials on trusteeship alone. It objected bitterly to the Australian delegation's 'vague humanitarianism' and 'idealistic schemes' in a matter sensitive to Britain (May 1). It mourned that 'the idealistic enthusiasm of the Australian delegation seems to have outrun discretion...there is no call for Australian views on the governance of colonies to be thrust on other Powers, including Britain' (May 11). It charged that 'our delegation seems to have been more concerned with giving its humanitarian impulses an airing than with offering a united front to nations which are all too ready to denounce British "Imperialism"' (May 15). Most of the Australian press was out of sympathy with Evatt, though in less vitriolic terms; only the Daily Telegraph was inclined to applaud the gusto of Evatt's performance.

69 Sensitivity to the British interest and personal animosity towards Evatt characterised the responses of the then Opposition leader, Mr R.G. (since Sir Robert) Menzies: see, e.g., CPD, Vol.181, p.1261 (May 2, 1945); Vol.182, p.2323 (May 31); Sydney Morning Herald, May 17. His statement that 'most Australians would derive very little comfort from having Australia lined up with South American republics...against Great Britain' typified his attitudes. Mr Paul Hasluck, a member of the Australian delegation, seemed to express similar feelings when he wrote later that 'Australia...campaigns in rather strange company to outwit and defeat...nations, such as the United Kingdom' (Paul Hasluck, 'Australia and the Formation of the United Nations' in Royal Australian Historical Society Journal and Proceedings, Vol.XL (1954), Part III, p.164). Evatt himself told the press that there was Anglo-Australian conflict at San Francisco on the issue of periodical reporting of the sort written into Chapter XI of the Charter (Sydney Morning Herald, May 18, 1945).

and its significance is difficult to estimate; for groups hostile to the Government it served as convenient political ammunition. The third claim rested entirely on subjective and, again, mainly partisan canons. The second, that Australian control of Papua-New Guinea was being jeopardised, was, in view of the Pacific War still being fought and the cost in anxiety and lives to Australians in Japan's invasion of the territories and threatened invasion of Australia itself, understandable, but unjustified. The Labor Government's attitude was identical with that of its predecessors on one point at least: Australian control of the territories was vital to Australian security.⁷⁰ Articles 26 and 27 of the Australian-New Zealand Agreement of 1944 stated that the signatories would not accept any change in sovereignty in the Pacific area except by their consent. This, however, is not to say, as some have done, that Evatt was 'kite-flying' or bidding for the support of other middle and small Powers in seeking

70 There was little to choose between the 'Monroe Doctrine' of W.M. Hughes in 1919-20 and Evatt: '...we have a primary and principal responsibility in determining the future of the particular region in which we live. No Australian Government worth the name should fail to make this claim' (Evatt, op.cit., p.176).

universal trusteeship and accountability, having no intention of submitting Papua to a trusteeship system.⁷¹ Nor is Australia's subsequent failure to submit a trusteeship agreement for Papua evidence of Evatt's bad faith at San Francisco. Evatt said nothing designed to weaken the sovereignty of administering Powers and his policies at San Francisco were not calculated to interfere with, for example, Australian sovereignty in Papua.⁷² His notion of a trusteeship system as advanced at San Francisco comprised a mild form of international accountability and contained, given experience only of the League's enforcement of accountability in the mandates context, no threat to control of Papua. But this was not the sort of system established

71 The view expressed by Harper and Sissons (op.cit., p.78) that it was most unlikely that the Australian Government ever intended to place Papua within the trusteeship system seems to be based on an inadequate appreciation of the difference between the trusteeship system envisaged by the Australian delegation and the system actually established (more is said of this in chapters below).

72 It has been said with some authority (Millis, op.cit., p.33) that at one point well before the conference, the Australian Government suggested that it should annex island territories south of the equator as a quid pro quo for United States annexation of formerly Japanese-held islands north of the line. Haas (op.cit., p.6) accepts this, but without additional documentation.

under Chapters XII and XIII of the charter. Where Evatt had sought to have established an expert body dealing only indirectly with the United Nations General Assembly, the charter established a politically-structured body harnessed directly to the Assembly; whereas Evatt had suggested formally nothing more than reporting and, by inference, public justification of administrative policy, the charter allowed for a much more elaborate trusteeship system. His failure to achieve a mild, a political form of accountability, plus the rapid evaporation of war-time euphoria, the appearance of anti-colonial pressure and conflict over a United States power presence in the South Pacific,⁷³ together explain Australia's disinclination to submit Papua to the

73 A former subordinate of Evatt has suggested to the writer that Evatt was willing to see Papua in a trusteeship system because he assumed a post-war United States power presence on Manus, a mandated island adjacent to New Guinea. This did not eventuate because post-war United States Navy economies made the Manus base expendable and because Evatt tried unsuccessfully to use the initial United States interest in retaining the base as a lever with which to obtain United States involvement in a regional security arrangement (see R.N. Rosecrance, Australian Diplomacy and Japan, 1945-1951, (Melbourne, 1962, pp.57-66; and Henry S. Albinski, Australia's Search for Regional Security in South-East Asia, unpublished (microfilmed) Ph.D. thesis, Minneapolis, 1959, pp.148-61). A senior member of the Australian ministry of the time has told the writer that conflict developed in Cabinet over this issue, with Evatt prepared to concede greater jurisdiction rights to the United States on Manus than his colleagues would allow.

trusteeship system. It will be seen in succeeding chapters that Evatt tried later, despite the charter, to have established practices such as to give some effect to his San Francisco proposals. He was at times unsuccessful because other Powers sought to 'politicise' them in ways objectionable to him.⁷⁴

The Australian delegation earned for itself at San Francisco a reputation for sympathy for colonial peoples and for a degree of effectiveness on the trusteeship question. On the former, one contemporary view, admittedly expressed in the early days of the conference, was that 'no delegation....has come out so vigorously and consistently for the interests of the subject peoples of the world as the delegation from Australia'.⁷⁵ On the latter, Bunche later wrote:

Although not a member of the five-power group, Australia had also submitted to the Conference a trusteeship proposal which was very broad in some of its provisions and which at a late stage of the Conference Committee on Trusteeship contributed no little to the provisions of Chapter XI of the Charter.⁷⁶

74 This applied particularly in the context of Chapter XI.

75 New York Herald-Tribune, quoted in Age, May 5, 1945.

76 Ralph J. Bunche, U.S. Department of State, Organizing the United Nations: Trusteeship and Non-Self-Governing Territories in the Charter of the United Nations, Washington, 1946, p.21 (United States-United Nations Information Series No. 6).

More will be said in succeeding chapters of the nature of Australian sympathy with colonial peoples and how far she was prepared to go in expressing it. Of her effectiveness at San Francisco, this, as Bunche said, was felt mainly in Chapter XI of the charter.⁷⁷ With Britain and the United States, she played a significant part in having written into the charter its Article 73. This article was important in that it contained a progressive undertaking by charter signatories to promote the political and social development of their dependent territories to the point of self-government. As a result of Australian activity, this article also obliged signatories to provide information of a limited nature to the United Nations about conditions in their dependent territories. Australia, too, was successful in having written into Article 73 a number of humanitarian injunctions and a reference to educational advancement taken from her Part C of the Working Paper. She had tried to effect more than this by having political as well as economic and social information submitted to an expert body for examination rather than merely to a

⁷⁷ Hasluck (op.cit., p.175) says that the Australian delegation worked hard to create the Trusteeship Council, but there is little documentary evidence of this activity.

secretariat clearing house. What she did achieve or help to have achieved - a mild form of universally (within United Nations membership) applicable accountability and a partial translation of the whole colonial issue from a purely domestic to an international setting - was to have profound consequences.

CHAPTER 2

THREE

ANTI-COLONIAL

AVENUES

In view of Evatt's plans for Pacific regional organisations involving metropolitan Powers, the nature of his submissions at San Francisco, his apparent impatience with the 'self-government or independence' debate at San Francisco,¹ his failure to place particular stress in his statements on anything more than ultimate self-government, it seems clear that he did not anticipate anti-colonial activity which developed subsequently in the United Nations.² His undoubted sympathy for the colonised 'underdog'³ should not too glibly be associated with anti-colonialism of the urgent and comprehensive sort which quickly was to manifest itself. One of his own departmental officers much later was to write that 'intended as primarily a peace-

1 He said that he saw no distinction (Sydney Morning Herald, May 25, 1945).

2 Evatt was not alone in this. Bunche told the writer that when, in 1946, he was helping to establish the trusteeship office in the United Nations secretariat, it was assumed that the office would be busily employed for fifty or seventy-five years, not twenty or twenty-five.

3 See Bailey's view of the Labor Government as a whole: 'It is moved more by sentiment than by doctrine, and desire for the improvement of the lot of the underdog is in truth its strongest motive' (Bailey, op.cit., p.511).

keeping organisation, the U.N. has in recent years become largely a machine for 'de-colonisation' and the extraction of economic aid...'.⁴ But Evatt's proposals at San Francisco suggest strongly that he was seeking rather to bolster and extend the native welfare provisions of the old 'B' and 'C' mandates than to construct a framework designed to facilitate the rapid accomplishment of colonial independence. Certainly, he welcomed the full emancipation of states like India and the Philippines; for the rest, he seemed to assume indefinitely continuing protection and tutelage for what he called 'peoples...who are unable to stand by themselves in the modern world...'.⁵

Evatt demanded accountability for truly dependent territories but, at San Francisco at least, he demanded it in forms reflecting Australian experience of the old mandates area of accountability:

We say that there should be a system of reporting of the character which was instituted under the permanent Mandates Commission of the League of Nations in regard to territories placed under the control of certain powers after the last war.⁶

4 W.D. Forsyth, 'Whither U.N.?' in Australian Journal of Politics and History, Vol. IX (1963), No.1 (May), p.49.

5 Verbatim Minutes, as above, Vol. 68 (May 5-18), 2nd Mtg., Running Number 13.

6 Ibid., Running Numbers 13-14.

And, whatever the coincidence of Pacific security considerations, a humanitarian motivation of the sort uppermost in the supervision of mandates was clearly apparent in his statements at San Francisco - for example:

Reports and analyses by an independent expert body, including technicians in the field of health, education, anthropology and colonial administration, would undoubtedly assist more energetic action to improve the conditions of dependent peoples.⁷

There was nothing here, as has already been stressed, to threaten the Australian position in Papua or New Guinea. Evatt's proposals seemed clearly to envisage a continuation and wider application of the League practice whereby little pressure besides publicity could be marshalled against an administering Power whose direct dealings were with a panel of more or less sympathetic experts.

In fact, the 'courtly traditions of Western diplomacy',⁸ apparent in a League dominated by western European Powers, rapidly disappeared as the Cold War developed and new, formerly dependent states exerted

7 Ibid., Running Number 21. Jacobson has made the point: 'The League was chiefly concerned with improving standards of colonial rule, while the UN's aim has been to liquidate colonialism' (Jacobson, op.cit., p.47). Evatt's attitude seemed to be coloured principally by the former.

8 C.D. Rowley, 'The United Nations, Colonialism and Australia', in Australian Outlook, Vol. 7 (1953), No. 2 (June), p.123.

their influence. As an Australian observer has said, many of these states brought with them into the United Nations a sense of recent injustice, a naive faith in social mechanics, a doctrinaire view of politics and resentments based on culture and colour.⁹ Some were quick to see themselves in a crusader's role; a Philippines delegate told the General Assembly at its first session:

The Philippine Republic did not pretend to be the self-appointed champion of those people; they had their own great leaders whose voices would be sooner or later heard in the Councils of the United Nations. Nevertheless, until that time, the Philippine Republic delegation felt morally bound to give utterance to the thoughts and aspirations of those voiceless millions.¹⁰

The result was a quickly apparent battle line, with administering Powers on one side, Communist and most recently and many less recently dependent Powers on the other, and a number of Powers, like Canada, the Scandinavian states and the few less committed Latin American members, coming down sometimes on the one side and sometimes on the other. The appearance of a battle line was virtually inevitable because it also

9 Ibid., pp.124-5.

10 GAOR, 1st S., 2nd Pt., 4th Ctee., 16th Mtg., Nov.7, 1946, pp.82-3.

quickly became apparent that the communist and many formerly dependent Powers, in Jacobson's words, 'viewed the task of supervising colonial administrations principally in terms of bringing those regimes to a close'.¹¹ Something of their attitude was expressed by Mr V.K. Krishna Menon during the midst of the anti-colonial campaigns of the 1950s when he said that 'India would never concede that people were not ready for self-government'.¹² These Powers,¹³ then, were active agents of the decolonisation process and, in furthering the process, they followed mainly the three avenues already indicated: the interpretation of Chapter XI of the Charter not merely as a declaration of intent, with the lightest of consequent, concrete obligations involving the United Nations, but as the basis of an accountability system increasingly similar to the trusteeship system of Chapters XII and XIII; the transformation of Chapters XII and XIII so that the Trusteeship Council more and more became subservient to the General Assembly which, in turn,

11 Jacobson, loc.cit.

12 Hindu, March 23, 1955.

13 The identities and roles of the anti-colonial Powers are discussed in detail in Chapter 11 below.

increasingly sought to apply pressure and itself issue instructions rather than simply examine and comment on the results of administrative policy already applied; and the raising of independence or self-government issues ostensibly within the context of a 'threat to international peace and security'.

Chapter XI, in its finally negotiated form,¹⁴ declared simply that 'Members of the United Nations which have or assume responsibilities for the administration of territories whose peoples have not yet attained a full measure of self-government recognize the principle that the interests of the inhabitants of these territories are paramount, and accept as a sacred trust the obligation to promote to the utmost...the well-being of the inhabitants of these territories...'. The latter aspect of the declaration, the obligation, involved an undertaking to ensure the general advancement of the peoples of dependent territories, to develop free political institutions and to protect dependent

¹⁴ For an unromantic view of these negotiations ('every principle...was examined to make sure that it would not pop up at some future time to prevent a Power from getting those things - like control of certain territories - which it felt vital to its own security...'), see Christian Science Monitor, Nov. 14, 1946.

peoples from abuse. The only obligation going beyond a statement of intention to an actual contract directly linking the administering Power and the United Nations was that contained in clause 'e' of the declaration's Article 73: 'to transmit regularly to the Secretary-General for information purposes, subject to such limitation as security and constitutional considerations may require, statistical and other information of a technical nature relating to economic, social, and educational conditions in the territories...other than those...to which Chapters XII and XIII apply'.¹⁵

As it stood, Chapter XI might not have seemed likely to serve very easily the anti-colonial cause. Members administering dependencies undertook publicly and solemnly to be humane and progressive in their government of them, and to keep the United Nations informed. But no mechanics were provided by which to check their fulfilment of their undertaking, and the reporting did not extend to political affairs and, anyway, was of

¹⁵ A second article, Article 74, is merely a lightly worded survivor of the anti-discrimination and 'open door' provisions of some of the early May San Francisco drafts. It is derived mainly from the alternative British 'good neighbour' provision.

unspecified frequency and subject to administering Powers' views on security and constitutional limitations. How, then, was the Assembly to seek, as it did, 'to apply to colonies the same methods that govern trust territories, and to read into Article 73e the principle that the Administering Powers were obliged to account to the United Nations for their policy and actions'?¹⁶

The essential prerequisite was not to accept the charter as too sacred and final an instrument: in the Indian view, for example, 'the division of dependent areas into non-self-governing territories and trust territories was merely an accident of history... there was no reason why the status of one...should be different from that of the other. The demands of the people of all dependent areas were essentially the same and it was desirable for the world community to exercise more or less the same kind of influence in the administration of all these territories'.¹⁷ A view of this sort was in accord with that of the Australian delegation at San Francisco, but it was not in accord with the charter. Given this attitude

¹⁶ London Times, Nov. 14, 1951.

¹⁷ Study Group of the Indian Council of World Affairs, India and the United Nations, New York, 1957, p.101.

and given majority acceptance of it, charter revision by Assembly resolution, as Evatt described the phenomenon, could easily enough be accomplished: regular transmission of information could be made annual transmission; transmission to the non-partisan Secretary-General could be made transmission to a partisan committee of a partisan Assembly or Fourth Committee of the Assembly; the determination of limitations could be made an Assembly rather than a sovereign member's function; information transmitted could be made to include political information on the grounds that, while clause 'e' did not mention it because a majority at San Francisco did not want it, political advancement was mentioned in 73a; an attempt could be made simply to impose accountability. This largely summarises what occurred. After only two Assembly sessions, Evatt was able to supply a description which held good for developments over succeeding years:

The Colonial Powers have always taken the view that this chapter is a 'declaration of trust', i.e. a statement of the policies to which they have voluntarily subscribed and intend of their own volition to pursue. Accordingly, it claimed that the declaration in its Article 73 is in no sense a series of specific undertakings to the United Nations the implementation of which that body is entitled to supervise in detail. The 'accountability' of the States responsible is, in their view, of a general nature and the

Declaration a recognition of the general interest of world opinion in the policies these States follow...The Colonial Powers have repeatedly made it clear that they never placed these territories and their administration under the supervision of the United Nations. They have therefore always maintained a clear distinction between Chapters XI and XII and XIII constituting the International Trusteeship System in which international supervision is established but restricted to such territories as are brought within that system by trusteeship agreements. The Colonial Powers...regard the administration of their territories...as matters of domestic jurisdiction.

...

Other members...have taken the view that Chapter XI brings administration as well as the general policies applicable to dependent territories within the scope of the Charter and thus within the field of action of the General Assembly. The Soviet and Arab groups and the Asiatic countries (notably India and the Philippine Republic) have been prominent exponents of this view and they have had important support from Latin American countries in what the Colonial Powers regard as unconstitutional pressure to 'widen the scope of the Charter' and 'rewrite the Charter by Assembly resolution'. They have had an advantage in the fact that the States responsible, of whom there have been up-to-date only eight, have always been a small minority in an assembly of over fifty States.¹⁸

He went on to refer to 'the tendency, running through the dealings of the Fourth Committee since its inception at the first meeting of the General Assembly, to attempt

18 Report of the Work of the Australian Delegation to the Second Annual Session of the General Assembly of the United Nations, New York, 16th September-29th November, 1947, by the Rt. Hon. H.V. Evatt, K.C., M.P., Deputy Prime Minister and Minister for External Affairs, as tabled in the House of Representatives, March 11, 1948 (typescript) pp.88-90 (hereafter referred to as Evatt Report, 1947).

to constrain colonial powers to take action expressly stated in the Charter to be voluntary...'.¹⁹

Chapter XII of the charter dealt with an international trusteeship system. This system, 'for the administration and supervision of...territories', would apply to 'such territories in the following categories as may be placed thereunder by means of trusteeship agreements; a. territories now held under mandate; b. territories which may be detached from enemy States as a result of the Second World War; and c. territories voluntarily placed under the system by States responsible for their administration'. The terms of trusteeship were a matter for agreement among 'the States directly concerned' and approval by the General Assembly or, in the case of designated strategic areas, by the Security Council. The objectives of the trusteeship system were similar to those applied in Chapter XI of the charter to the administration of non-self-governing (that is, non-trust) territories except that independence, and not merely self-government or free political institutions, was listed as an end.

Chapter XIII of the charter dealt with the Trusteeship Council which would be established under the

¹⁹ Ibid., p.95.

authority of the Assembly. Its membership would comprise representatives of members administering trust territories, non-administering permanent Security Council members and as many other members elected for three-year terms by the Assembly as would be necessary evenly to divide the Trusteeship Council between administering and non-administering members. The Council, according to Article 87, was to function under the authority of the Assembly and each might consider reports from administering Powers, accept and examine petitions, and send visiting missions to trust territories. Conflict in the trusteeship system context of Chapters XII and XIII did not occur in the simple form of attempted charter revision manifest in the context of Chapter XI. Informal charter amendment did appear in attempts to read an element of compulsion into Article 77 of Chapter XII - the South-West Africa affair being the notable illustration.²⁰ More significant than this, there emerged a two-fold conflict over roles: the role of the Assembly in relation to that of the Trusteeship Council, and the role of the United Nations

20 Article 77, after listing the categories of old and new mandates and territories voluntarily submitted said quite explicitly: 'It will be a matter for subsequent agreement as to which territories in the foregoing categories will be brought under the trusteeship system and upon what terms.'

as such. In the former, the administering Powers sought to have the Assembly respect the primacy of the Council.²¹ In the latter, the administering Powers sought to retain a sort of chronological primacy: they objected to Assembly or Council instructions or recommendations on what they should do in the future; they preferred to be judged on actual, and therefore past, performance. Casey spoke for them when he said:

We make no complaint about there being a proper scrutiny of the way in which our obligations as an Administering Power are carried out, but we cannot accept that there exists in the United Nations the power to direct the speed of development, the rate of expenditure or the basic policies which we consider appropriate....²²

As in the case of Chapter XI, the anti-colonial Powers largely were successful; increasingly, they had the Assembly instruct the Council and the Assembly instruct the administering Powers and hold them to account for planned as well as implemented policy.

The third avenue has been outside the context of these chapters, dealing with emancipation from colonial rule in the case of specific areas rather than with the application of measures designed to play a part

21 The administering Powers were not on strong ground here. Article 85 (2) makes clear the subservience of the Council to the Assembly, and most subsequent trusteeship agreements implied an obligation to act on Assembly recommendations.

22 GAOR, 9th S., 479th Mtg., Sept. 27, 1954, p. 77.

in the general emancipation. In part, at least, this path has been taken as a way around the domestic jurisdiction claims of administering Powers. The technique involved has been to claim the existence of conflict such as to threaten peace and justify United Nations activity. This conflict may be between states (as in the issue of West Irian), between metropolitan Powers and dependencies (as in the issue of Indonesian independence) or between power centres and provinces (as in the issue of Algeria). For a time, this course was taken or attempted in the Security Council but, in the 1950s, preference was shown for the Assembly arena where the anti-colonial Powers were better able to muster the numbers to have an item placed on the agenda, discussed in committee and referred back to the Assembly in plenary session.²³

²³ This is not to say that every question submitted to the United Nations survived the General (Agenda) Committee or that the Assembly has always accepted that committee's recommendations for inclusion. Nor has initial success with an item necessarily been maintained: it was for a time almost an annual event for the West Irian issue to survive the General Committee's scrutiny and a challenge in the Assembly, go to the First (Political) Committee and back to plenary session of the Assembly where invocation of the 'two-thirds' voting rule would defeat the proposals of the First Committee.

A characteristic of this third avenue is that it has involved, or has had to seem to involve, crises.²⁴ Once the almost ritual claims of domestic jurisdiction have been made, therefore, the reaction of the administering Powers and their friends has been to deny the reality of the crises or to doubt the good faith of those on the anti-colonial side. This has been a major feature of the Australian response which, except in the case of Indonesian independence, usually has been to defend the administering Power under attack. As Casey said on the West Irian issue, for example:

Situations are sometimes said to be threats to the peace simply because people wish to regard them as such...it is only a short move from this attitude of mind to the actual stimulation of disorder and tension.²⁵

24 Benson, after finding that 'the main colonial issues of the United Nations are channelled to the First Committee where they are treated as political questions involving international peace and security and where each question is one of crisis', observes that 'the effect of a denial of the right of the United Nations to discuss the normal evolution of colonies and dependencies towards self-government and self-determination has not prevented such a discussion; but it has meant that the discussion takes place on issues and in circumstances unfavourable to international co-operation' (Wilfred Benson, 'The International Machinery for Colonial Liberation' in Creech Jones, op.cit., p.238).

25 GAOR, 9th S., 479th Pl.Mtg., Sept.27, 1954, p.76.

And as an Australian delegate, Dr E.R. Walker, said on the Algerian question:

Certain delegations used the United Nations as a propaganda forum, not merely for the purpose of gaining general sympathy for the rebels - which certainly constituted intervention in French domestic affairs - but also in order to encourage resort to violence.²⁶

From 1960, the first and second avenues described above tended to merge under the Declaration on Colonialism.

This Declaration, it will be seen, finally blurred distinctions between non-self-governing and trust territories; in 1961, machinery was established for the implementation of the Declaration, especially of its sharp call for independence for surviving dependencies, in respect of both categories of territories. Because of this, and because only three territories (New Guinea, Nauru and the Pacific Islands) then remained in the trusteeship system, the system's significance in large part disappeared and dependencies came to be dealt with very much as comprising a single category. This represented a marked achievement for the anti-colonial Powers, an achievement which, from 1961, Australia mainly accommodated.

26 GAOR, 12th S., 1st Ctee., 924th Mtg., Dec.5, 1957, p.328.

CHAPTER 3

NON - SELF - GOVERNING

TERRITORIES

(PART I 1946 - 1949)

Chapter XI of the charter is short and vague.¹

It is the only chapter which carries a heading amounting to more than a simple label, and that heading ('Declaration Regarding Non-Self-Governing Territories') is ambiguous: the term 'declaration' implies a cloudy distinction between Chapter XI and the rest of the charter, as though the former is an affirmation of intent rather than an enforceable undertaking by the signatory state; nowhere in the chapter is a non-self-governing territory defined.² Apart from these deficiencies, which became bases of conflict in interpretation of the chapter, Chapter XI emerged from the San Francisco conference in a form unsatisfactory to anti-colonial Powers in that it provided for only one point of contact between an administering Power and the United Nations: the submission of a specialised kind of information about non-political aspects of conditions in non-self-governing territories. Even this was subject to safeguards

1 For a comprehensive analysis of Chapter XI and conflicts arising in its interpretation, see J.A. de Yturriaga, 'Non-Self-Governing Territories: The Law and Practice of the United Nations' in Year Book of World Affairs, Vol.18 (1964), p.178 sq.

2 There is a distinction drawn between trust territories and others, but the criterion of non-self-government is applied to peoples and not to territories; hence the 'Belgian thesis' that Chapter XI could be applied to backward tribal or ethnic groups in independent states - India, Burma and some Latin American states, for example.

in the interests, security and constitutional, of the administering Power. Such material would be submitted with unspecified regularity to the Secretary-General 'for information purposes'. This scarcely amounted to accountability.

Australia sought at San Francisco to have established a system of accountability. Administering Powers would report to a body which would examine the information submitted. This information, apparently, would comprise political as well as other aspects of administration. The General Assembly would decide what, for this purpose, qualified as a non-self-governing territory. The immediate endeavour of anti-colonial Powers from 1946 very largely was to make good in practice what Australia and others had failed to achieve at San Francisco. They went further than Australia was prepared to follow, and their preoccupation with political ends clashed with Australia's primary interest in humanitarian ends. The issues they raised basically were : (1) to whom to report; (2) what to report; (3) when to report.

I.

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Australia tried initially at San Francisco to have administering Powers report to an expert committee, failed, and submitted a draft of what became Article 73e as a more generally acceptable alternative. She seemed for a time in 1946 to be trying to achieve in the practical implementation of Chapter XI something of what she had failed to have written into it. The Australian delegation at the first Assembly session made the running in trying to have a somewhat torpid Fourth Committee suggest 'arrangements' and 'machinery' for the implementation of the Assembly's functions under Chapter XI, despite the failure of that chapter even to hint that the Assembly had any functions to implement. Australian representatives stressed the distinctions between Chapter XI and the trusteeship system of Chapters XII and XIII, but evidently more as a device to hasten activity on the former than to prevent an unwarranted duplication of the latter.³ At the first (early 1946)

3 The rapporteur of a Fourth Committee sub-committee established to hammer out draft resolutions for submission to the Assembly noted that 'the sub-committee had adopted the suggestion of the Australian delegation that attention should be drawn to the fact that Chapter XI was independent from the setting up of the Trusteeship Council and was therefore already in force' (GAOR, 1st S., 1st Pt., 4th Ctee., 10th Mtg., Feb. 4, 1946, p.33).

part of the first session, it was not made clear just what arrangements Australia wanted made or how she saw the Assembly's functions. The Australian delegation submitted to the Fourth Committee a draft resolution asking that the Secretary-General report on 'the manner in which the United Nations should exercise the functions that pertain to it under Chapter XI, including the manner in which the information...transmitted to him by Members under paragraph (e) of Article 73 of the Charter, should be communicated to other Members and to the General Assembly'.⁴ This reference to Assembly functions and the need for the information in some way to come within the cognisance of the Assembly as opposed merely to being available to members went beyond what at those early meetings was majority opinion.⁵ The Fourth Committee preferred a

⁴ Ibid., Annex 6, pp.51-2.

⁵ Discussions at these first meetings of the Fourth Committee necessarily were exploratory; delegates were feeling their way. On the reporting question, one of a host discussed, the United States delegate, for example, felt that the Chinese draft adequately covered the implementation of 73e (Ibid., 27th Pl.Mtg., Feb.9, p.368); The British delegate, Creech Jones, talked of machinery in terms of Chapter XI and the trusteeship system but without further elucidation in the case of the former (Ibid., pp.373-6).

Chinese draft which took Article 73e very simply and only asked the Secretary-General to include in his annual report a summary of information received.⁶

This question was raised again in the second (late 1946) part of the first session when it emerged that the Secretary-General had, in fact, submitted a report of the sort envisaged in the Australian proposal rejected earlier in the year. He noted that information submitted would be very detailed and, while he could provide a factual summary, a committee appointed by the Fourth Committee might be better able to isolate 'points of interest and importance...with greater authority...before the next session of the General Assembly...'.⁷ Bailey reacted with guarded approval: examination of the submitted information by experts⁸ 'might help to ensure an enlightened discussion in the General Assembly'.⁹ The issue was then referred with

6 Ibid., 4th Ctee., 10th Mtg., Feb.4, p.33. This proposal was incorporated in a draft which also covered trusteeship system matters and which was adopted by the Assembly as Resolution 9(I) by unanimous vote, 41-0-0 (Ibid., 27th Pl.Mtg., Feb.9, p.376).

7 GAOR, Ist S., 2nd Pt., 4th Ctee., Annex 14, pp.246-7.

8 Bailey spoke of experts, but the Secretary-General had not. He had spoken of representatives of governments assisted by experts from the specialised agencies (Ibid., p.247). In the secretariat's draft discussed by the sub-committee, however, the proposal was for a Committee of Experts.

9 GAOR, Ist S., 2nd Pt., 4th Ctee., 18th Mtg., Nov.11, 1946, p.94.

others to a Fourth Committee sub-committee which had as a basis for discussion a draft submitted by the secretariat. This called for the creation of an ad hoc committee of experts to be appointed by governments nominated by the Assembly and assisted by representatives of the relevant specialised agencies. This committee would examine the Secretary-General's summary and the information on which it was based 'with a view to aiding the General Assembly in its consideration of the summary'; it would also recommend procedures for the future.¹⁰ Three views emerged in the sub-committee's discussions: China and the Soviet Union regarded the Trusteeship Council as the appropriate examining body; others (India, Egypt, Cuba, Brazil, Poland, Philippines) agreed that the Council was the appropriate body, but noted that it did not yet exist and, anyway, it might be held to lack competence, so that an ad hoc committee was a desirable alternative; others (administering Powers: Denmark, France, Britain, Belgium, United States) objected to use of the Trusteeship Council which, they

¹⁰ Ibid., Part III, Annex 2a, p.88.

said, would be incompetent in the context of Chapter XI, and objected to an ad hoc committee either as unconstitutional or unnecessary. Bailey agreed with the administering Powers that it would not be proper to use the Trusteeship Council; the distinctions between Chapter XI and the trusteeship system should be maintained. Unlike them, he found 'nothing insidious or unconstitutional' in the suggestion of an ad hoc committee: 'the General Assembly was empowered to establish any subsidiary organs which it deemed necessary'. However, it would be necessary to settle terms of reference for such a committee and this would be difficult. He preferred a joint Denmark-Netherlands-Britain-United States draft, which would have the Secretary-General analyse and classify, as well as summarise, information received, the Assembly to review this procedure, if it wished, the following year.¹¹ His preference was shared by the majority which defeated a Chinese draft favouring use of the Trusteeship Council and a Cuban draft favouring an ad hoc committee, and adopted the jointly sponsored draft.¹²

11 Ibid., 6th Mtg., Nov.25, p.32-3.

12 The Chinese draft was defeated 9-10 (Ibid., p.35) and the Cuban 8-10, with one abstention (Ibid., 7th Mtg., Nov.26, p.38); the joint draft was adopted 10-4, with five abstentions (Ibid., p.39).

In the Fourth Committee, however, Cuba reintroduced the draft which she had submitted unsuccessfully in the sub-committee. In a short debate, Syria joined Cuba's supporters, and Canada joined the administering Powers opposed to the Cuban proposal. Supporting the joint draft adopted by the sub-committee, the British delegate argued that, while information submitted should be studied by experts, there were available in the secretariat experts whose competence and objectivity were beyond dispute. As for the view put by a secretariat representative in the sub-committee that the secretariat should not be expected to involve itself in political questions, he argued that this difficulty would not arise because Article 73e excluded political questions from information to be submitted.¹³ The Cuban draft, put as an amendment to the joint draft, was adopted by the Fourth Committee and the Assembly.¹⁴ Australia did not address the Fourth Committee or the Assembly, but her position was reserved after the Fourth Committee vote and her

13 GAOR, 1st S., 2nd Pt., 4th Ctee., 21st Mtg., Dec. 8, 1946, pp. 124-7.

14 The Fourth Committee vote was 21-12-4 (Ibid., p. 127) and, in the Assembly, 28-15-7 (Ibid., 64th Pl. Mtg., Dec. 14, p. 1369).

delegate voted against the relevant paragraphs put separately in the Assembly.¹⁵

When the ad hoc committee, comprising representatives of eight reporting Powers and eight others elected by the Assembly, reported at the following (1947) Assembly session, it recommended the creation of a special committee. Like the ad hoc committee itself, this committee would be comprised equally of representatives of reporting and non-reporting Powers, but the latter would be elected by the Fourth Committee. Its purpose was less tentatively expressed than had been the ad hoc committee's. The ad hoc committee's function had been to examine the Secretary-General's summary of information transmitted so as to aid the Assembly in its consideration of that information and to recommend future procedures. The special committee's function was to be to examine information submitted and report on it to the Assembly, and to submit appropriate procedural and substantive recommendations. It was to be free to seek expert advice from specialised agencies,

¹⁵ Ibid., Annex 78, p.1564, and Ibid., 64th Pl.Mtg., Dec.14, p.1369. The resolution as a whole, Resolution 66(I), was adopted in the Assembly by a vote of 27-7-13. New Zealand, which abstained, was the only administering Power not to vote against the key, Cuban-sponsored paragraphs.

establish liaison with the Economic and Social Council and ask reporting Powers to provide what additional information it might think necessary.¹⁶ Surprisingly, this was acceptable to the administering Powers.¹⁷

In the Fourth Committee, however, India followed Cuba's example of the previous year by trying to have achieved there what she had failed to have accepted in the ad hoc committee. She sought to amend the ad hoc committee's proposal by having the special committee up-graded in stature; the non-reporting members were to be elected for two-year terms and by the Assembly itself.¹⁸ The Australian view of this, shared by the other administering Powers, was that it 'tended to make the proposed special committee rather a new principal

16 GAOR, 2nd S., 4th Ctee., Annex 4a, p.214.

17 This involved them in contradictions. The United States delegation, for example, had opposed creation of the ad hoc committee because it comprised 'a modification of the Charter' (GAOR, 1st S., 2nd Pt., 4th Ctee., 21st Mtg., Dec.8, 1946, p.125) and because the secretariat was better qualified to do the job than a superfluous committee (Ibid., 64th Pl.Mtg., Dec.14, p.1368). Yet that delegation accepted the notion of a special committee because, while it 'went somewhat beyond the strict letter of Article 73e', it was 'within the spirit of Chapter XI' and would 'contribute to the well-being of dependent peoples by aiding Member States in preparing the information...and the Secretary-General in summarizing and analysing it' (GAOR, 2nd S., 4th Ctee., 35th Mtg., Oct.2, 1947, p.29).

18 Ibid., Annex 4e, pp.215-6.

organ of the United Nations than a subsidiary and limited body such as that originally proposed'.¹⁹ The Fourth Committee adopted the amendment and the ad hoc committee's proposal as amended.²⁰ In the Assembly, however, the United States was successful in invoking the 'two-thirds' voting rule, the Fourth Committee's (Indian-amended) draft was defeated, and the original ad hoc committee's draft was adopted.²¹ The records show that Australia voted for the application of the two-thirds rule and against an Indian amendment, designed to lessen the importance of the issue and avoid the application of the rule, to have the special committee described as experimental.²² The status of the committee thus was kept virtually to that of a sub-committee of the Fourth Committee.

19 Evatt Report, 1947, p.93.

20 GAOR, 2nd S., 4th Ctee., 42nd Mtg., Oct.11, 1947, p.78. The vote was 23-19.

21 Ibid., 108th Pl.Mtg., Nov.3, p.744. This draft of what became Resolution 146(II) was adopted by a vote of 49-0-4.

22 Ibid.

The committee²³ duly met before the Assembly's third (1948) session, considering reports on fifty-nine territories, and it recommended its reappointment for a further year. In the Fourth Committee, Brazil sought to have the committee given a further term of three years, and Poland sponsored a withdrawn Venezuela-Cuba proposal (withdrawn because the limited Brazilian amendment seemed more likely to succeed) urging that the committee be established on a permanent basis.²⁴ Australia opposed both on the somewhat light grounds that, regarding the former, there was no particular virtue in three as a number and, regarding the latter, it was better 'to consolidate...progress' than risk a motion unacceptable to the Assembly.²⁵ Her delegate, J.D.L. Hood, voted against the Polish amendment, which was defeated only in a deadlocked vote of 17-17-18,

23 This committee began as the Special Committee on Information Transmitted under Article 73(e) and, in 1952, became the Committee on Information from Non-Self-Governing Territories. It will be referred to in this work simply as the information committee.

24 GAOR, 3rd S., 1st Pt., 4th Ctee., Annexes, p.4.

25 Ibid., 59th Mtg., Oct.16, 1948, p.77.

and against the Brazilian amendment.²⁶ The information committee's own proposal for a further one-year term was then adopted.²⁷

At this Assembly session, the Soviet Union submitted in the Fourth Committee a resolution draft alleging that the information committee had failed adequately to judge the content of the reports which it had examined, urging the administering Powers to include political information in their reports,²⁸ and asking that direct personal contact be allowed between the information committee and the inhabitants of dependent territories.²⁹ This, while close to what Australia had once postulated except that Australia had assumed apolitical membership of an examining body, was opposed by Hood on the grounds that it was not allowed for in Chapter XI, and:

26 Ibid., p.78. The Brazilian amendment was defeated 11-19-21.

27 This draft which became Resolution 219(III) was adopted by a vote of 44-7-0, Australia voting with the majority (Ibid., 155th Pl.Mtg., Nov.3, p.393).

28 More will be said of this aspect below.

29 Ibid., 4th Ctee., 54th Mtg., Oct.11, pp.22-3.

...although nothing less than what is written in the Charter in regard to dependent peoples should be achieved, on the other hand nothing more should be required of those with whom the responsibility rests for implementing those principles.³⁰

Australia joined other administering powers in majorities voting against the principal clauses of the Soviet draft.³¹

In 1949, the information committee rejected the view of China, Egypt, India and Venezuela that it should propose its own permanence, and the Belgian view that it should propose a one-year renewal of its mandate, and adopted a United States suggestion that it recommend a three-year re-appointment.³²

In the Fourth Committee, India submitted a draft resolution which replaced the information committee's as a basis for discussion. This also proposed a three-

30 Ibid., 57th Mtg., Oct.14, p.53.

31 Paragraphs alleging the inadequacy of the information committee's work were defeated 8-29-10, a recommendation for the submission of political information by 15-25-8, a recommendation that data from official sources be included in summaries of information by 8-28-12, a recommendation that communications from indigenes should be examined by 8-25-14, and a recommendation that United Nations representatives visit non-self-governing territories annually by 7-33-7; Ibid., 58th Mtg., Oct. 15, pp.66-8. The Communist bloc received significant outside support only on the question of the submission of political information when all six Asian members and the two African members voted in favour.

32 GAOR, 4th S., Supplement No.14, Annex 2, p.17. Australia tried unsuccessfully to have the information committee leave the question of its renewal entirely to the Assembly.

year term but, in addition, sought to have the committee's status heightened by having its non-reporting members elected by the Assembly.³³ Czechoslovakia submitted an amendment to have the committee made a subsidiary organ of the Assembly, and thus a permanent body.³⁴ Mexico submitted an amendment to have the committee examine submitted information 'in the spirit of paragraphs 3 and 4 of Article 1 and of Article 55 of the Charter'.³⁵ Australia did not contribute to the debate, but her delegate voted with a majority against the Czech amendment.³⁶ He voted with a minority against the Mexican amendment but, as the delegation tended to do on other issues in 1949, he took

33 GAOR, 4th S., Annexes, Ag.It.35, pp.113-4. India agreed to drop the status proposal, which had failed the previous year, before a vote was taken.

34 Ibid., p.114.

35 Ibid., p.115. Article 1(3) notes that the purposes of the United Nations include international co-operation for social and economic ends and promotion of respect for fundamental freedoms; 1(4) would have the United Nations a centre for harmonising members' actions to these ends. Article 55 covers similar ground, but also speaks of 'respect for the principle of equal rights and self-determination of peoples'. Mexico claimed to be trying to give the committee terms of reference, an absence of which had been used by some administering Powers in their criticism of it (Ibid., 4th Ctee., 122nd Mtg., Nov.10, 1949, p.169).

36 Ibid., p.170.

Australia from the company of most of her administering colleagues to vote for the draft (to have the committee continue for three years) as amended by Mexico.³⁷

The amended draft was then adopted by the Assembly.³⁸

It will be seen from the preceding narrative that Australia followed only hesitantly in the path taken by the anti-colonial Powers. In 1946, she began by giving some approval to the idea of an ad hoc committee, but finally voted against it and for the alternative course of leaving the examination of submitted information in the hands of the secretariat. In 1947, she accepted the Special Committee but would not agree to its being given the status desired by India. In 1948, she opposed a permanent or three-year term for the committee but approved its re-appointment for one year. In 1949, she still opposed permanence but approved a three-year term. In this, Australia noticeably was leaving the vanguard of reform in which she had found herself during World War II and even at San Francisco. Early in 1946, she was still taking the lead in trying to have machinery established and

37 Ibid., p.171.

38 Voting on the draft, which became Resolution 332(IV), was 44-5-4 (Ibid., 263rd Pl.Mtg., Dec.2, p.461).

in affirming a role for the Assembly in the implementation of Chapter XI of the charter; from late in 1946, she was evidently settling into the administering Powers' camp where the main endeavour seemed to be to impose restraints on the anti-colonial Powers' initiatives.

The reasons for the Australian course are not difficult to see. At San Francisco and early in 1946, there was manifest a sense of urgency in the interest shown by many Powers in the colonial question; late in 1946, there appeared comprehensive and sharp criticism to which the Australian delegation reacted with some shock, though not altogether negatively.³⁹ It will be seen that conflict between the administering Powers and their allies and the anti-colonial Powers

³⁹ According to private diplomatic papers seen by the writer, the Australian delegation warned that 'hyper-critical and often ill-informed and intemperate opinions' expressed at the late 1946 Assembly session, as well as pressure exerted by strong groups of Powers in the context of Chapter XI, called for the close attention of the Australian Government. It would be necessary to see that the ad hoc committee took a 'constructive view of its task'. At the same time, it urged that, in view of the temper of the United Nations, Australia should vigorously pursue enlightened canons of administration so that she could maintain a reputation for 'up-to-date and progressive policies' and should also disseminate as widely as possible information about the peculiar difficulties which she faced in her administration.

showed itself late in 1946 on a wide range of issues, including trusteeship agreements of sensitive interest to Australia. In this setting, the secretariat's assumption of the probability of politics becoming involved in the use of information submitted under 73e was bound to cause disquiet.⁴⁰ That Australia and other administering Powers accepted a Special Committee after opposing the establishment of the ad hoc committee, and despite discomfort experienced in the ad hoc committee,⁴¹ was rational. Enjoying equal representation with the non-reporting Powers, the administering Powers' experience of the ad hoc committee suggested that they could modify the activities of such a body.⁴² Given

40 The secretariat's action in submitting a draft at all caused some disquiet; that it launched the idea of an ad hoc committee and assumed political problems caused more (expressed, particularly, by the British delegate). For a view of the secretariat's role in general, see Jacobson, op.cit., p.39.

41 The ad hoc committee's rapporteur (G. Perez Cisneros, of Cuba) wrote that the 'situation in Non-Self-Governing Territories and the problems existing there were the objects of much critical comment on the part of the representatives of China, Egypt, India and the Soviet Union...representatives of Members responsible...maintained their position that many of these criticisms were unfounded, and that some of these questions were outside the competence of the Committee' (GAOR, 2nd S., 4th Ctee., Annex 4a, p.206).

42 The form of the ad hoc committee's proposal for the establishment of the Special Committee, for example, was the result of a United States-India compromise (Ibid., p. 211). With Latin American support, too, Australia and several other administering Powers were able to have the ad hoc committee decide that the analysis of voluntarily submitted political information was outside the committee's competence (Ibid., p.205).

their minority standing in the Assembly, there was, too, an inclination to co-operate to some degree with the strong anti-colonial groups.

The information committee emerged not as the expert body desired at one time by Australia, but as a highly political body. Had it been more apolitical and had Australia and her administering colleagues been under less pressure from the anti-colonial Powers, the Indian view that 'the Committee constituted a guarantee that the Administering Authorities were seriously discharging their obligations under Article 73e of the Charter'⁴³ might still also have reflected Australian policy. As it was, Australia viewed the information committee with wariness and, as will be seen below, at times with hostility.

⁴³ GAOR, 4th S., Supplement No.14, p.12. This kind of view was near the middle of the spectrum of views expressed. Further to the left, as it were, was the Polish view that 'the General Assembly was entitled to acquire the necessary information in order to ensure the well-being of dependent peoples and their eventual attainment of self-government' (GAOR, 4th S., 4th Ctee., 113th Mtg., No.2, 1949, p.118). Further to the right was the British view denying to the United Nations even the slightest right to supervision or accountability in more than a most general way: 'it was within the rights of the General Assembly to establish a committee to perfect the techniques of submission and nothing more' (GAOR, 4th S., Supplement No.14, p.12).

II.

Article 73e of the charter allowed the international society to learn of conditions in non-self-governing territories by means of information to be transmitted to the Secretary-General of the United Nations by administering members. Two questions were subsequently raised: what kind of information should the administering Powers submit, and was the submission of information by administering Powers to comprise the United Nations' only source of knowledge about conditions in the territories.

Members raising the question of what kind of information should be transmitted almost invariably have had in mind what they have seen as the desirability of having political information transmitted. Article 73e refers only to 'statistical and other information of a technical nature relating to economic, social and educational conditions in the territories...'. At San Francisco, Australia seemed initially to want the charter to have administering Powers report on all aspects of their administrations and, from the beginning, she has each year submitted political information in her reports on her own non-self-governing territory of Papua. Australia, however, has still

insisted that, as Article 73 stands, there is no obligation on administering members to provide such information.

The contrary view of the anti-colonial Powers has been that, while 73e does not mention political information and says that information is transmitted only for information purposes, the United Nations does have a duty to see that administering members meet their undertaking to seek to achieve the objectives of administration listed earlier in the article, and these include political development. This function of the United Nations, they have argued, cannot be fulfilled if they are not informed of political developments in the territories. They have argued besides that economic, social and educational matters cannot usefully be considered outside a political context.

This question was raised almost at the outset of Assembly discussions about the implementation of Chapter XI of the charter. In 1946, China and India, for example, argued that, while there was no formal obligation on the administering Powers to provide political information, the submission of such information

was very desirable.⁴⁴ The Soviet Union went further and argued that the United Nations could not adequately fulfil its functions without political information.⁴⁵ Putting the Australian view, Bailey agreed that the submission of political information was desirable, but that it must remain optional:

...Chapter XI was a declaration of trust, voluntarily made by certain Members of the United Nations, and declaring the policy they would themselves follow in the administration of their Non-Self-Governing Territories. The obligation to transmit the information mentioned in Article 73(e) was the sole specific obligation undertaken vis-a-vis the Organization, and was clearly limited.⁴⁶

Britain, France and Belgium expressed the same view. Indeed, when the rapporteur of a Fourth Committee sub-committee noted what he took to be general approval for the Assembly declaring the desirability of political information being submitted, Britain forced a vote on the paragraph and had it deleted.⁴⁷

In 1947, the ad hoc committee described above noted in its report that some Powers were

44 GAOR, 1st S., 2nd Pt., 4th Ctee., Part III, p.12.

45 Ibid.

46 Ibid., p.13.

47 Ibid., 4th Ctee., Annex 21, p.282.

submitting political information and stated that this practice was entirely in conformity with the charter. In the Fourth Committee, the Soviet Union succeeded in having this amended so that the draft, as it left the Fourth Committee, conveyed subtly that Powers which had submitted political information had fulfilled an obligation and had the Assembly recommend that other administering Powers do likewise.⁴⁸ In the Assembly, Australia was among a majority which rejected the Fourth Committee draft as amended by the Soviet Union and adopted in its place the original ad hoc committee draft.⁴⁹ In 1948, when Forsyth, for Australia, allowed that the Assembly was competent to express a wish to have political information submitted but not to

48 GAOR, 2nd S., Annex 14, pp.1547-8.

49 In the Fourth Committee, where the Soviet amendment was carried by only one vote, Australia somewhat surprisingly abstained. In the Assembly, however, Australia voted with a majority against the Soviet-amended draft and for the original ad hoc committee draft (see Evatt Report, 1947, p.92), which became Resolution 144(II) on its adoption by a vote of 44-2-5 (GAOR, 2nd S., 108th Pl.Mtg., Nov.3, 1947, p.732). Australia here parted company from Britain which, with Belgium, voted against both the Soviet-amended draft and the milder draft which became Resolution 144(II).

criticise Powers which did not submit it,⁵⁰ the Fourth Committee and the Assembly adopted an information committee draft acceptable to the administering Powers.⁵¹ This merely asked the Secretary-General to invite administering members to provide information 'in relation to the geography, history, people of, and human rights in the Territories concerned!.

In 1949, the Soviet Union again tried in the information committee to have accepted a draft making the submission of political information obligatory, but failed to enlist sufficient support. In the event, the committee adopted an Indian draft which expressed the hope that administering members which had not so far submitted political information would do so.⁵² Amended by Cuba to include a recommendation that the submission of information on territories' geography, history, social composition and observance of human

50 GAOR, 3rd S., 1st Pt., Supplement No.12, p.8.

51 This draft, which became Resolution 218(III), was adopted by a vote of 41-6-2, Australia and other administering Powers voting with the majority (Ibid., 155th Pl.Mtg., Nov.3, 1948, p.393).

52 To this point, only Australia, New Zealand and the United States voluntarily were submitting political information.

rights be made obligatory when next the standard form was revised,⁵³ this draft was adopted by the Fourth Committee and the Assembly.⁵⁴ Debate on these drafts, to which Australia did not contribute, was interesting in that new views were expressed. India, for example, accepted the administering Powers' legal argument that they were not bound by the charter as it stood to submit political information, but argued that a convention could be validly established without formal charter amendment.⁵⁵ And Britain expressed publicly her disinclination to see administering Powers made to supply political information which could be misused in the United Nations.⁵⁶

The second question mentioned above, that of alternative sources of information, was raised in 1946 when the Philippines proposed in the Fourth Committee that there should be a conference of dependent peoples outside the trusteeship system. It would be authorised by the Assembly, and it would be convened by the Economic and Social Council which would assess

53 This standard form, of United States origin, was adopted by the Assembly in 1947. It included a so-called 'optional category' in which, in 1948, was included information on the geography, history, etc., of territories.

54 The Assembly adopted the draft, which became Resolution 327(IV), by a vote of 33-9-11 (GAOR, 4th S., 263rd Pl.Mtg., Dec.2, 1949, p.461).

55 Ibid., 4th Ctee., 117th Mtg., Nov.5, 1949, p.139.

56 Ibid., p.138.

information provided by conference participants and submit recommendations to the Assembly. The Assembly would then take 'appropriate action, to effectively ensure the fulfilment of the obligations assumed by the metropolitan powers in the declaration...embodied in Chapter XI of the Charter'.⁵⁷ This proposal to obtain information from a source not provided for in the charter and to have the Economic and Social Council acting almost as a Trusteeship Council (the conference serving in the stead of petitions and visiting missions) was referred to the Sixth Committee. To avoid almost certain legal objections, therefore, the Philippines delegation drastically re-wrote the draft resolution so that it merely called on the Assembly to recommend to administering Powers that regional conferences of dependent peoples be held.⁵⁸ This was given a legal clearance by the Sixth Committee and was adopted by a Fourth Committee sub-committee.⁵⁹ In the Fourth Committee, the Soviet Union sought to recapture something of the spirit of the original Philippines notion with an amendment having the

57 GAOR, 1st S., 2nd Pt., 4th Ctee., Annex 21, p.290.

58 Ibid., pp.290-1.

59 Ibid., Part III, p.79.

Economic and Social Council organise the holding of conferences at which dependent peoples would have a chance to express 'their wishes and aspirations'.⁶⁰ The Australian view put by Bailey was that the Soviet amendment was objectionable because, among other things:

...it did not mention whether the Economic and Social Council would act through the intermediary of the Governments administering non-self-governing territories or whether it would by-pass them in calling the conferences. The second assumption would involve a violation of the Charter.⁶¹

Despite the administering Powers' objections, the Philippines draft, as amended by the Soviet Union, was adopted by the Fourth Committee.⁶² In the Assembly, Cuba sought to make the draft more acceptable by submitting an amendment with the effect of again having the Assembly simply recommend regional conferences; the sovereignty of administering Powers would not be impaired by the intrusion of a United Nations body and there was now no question of official United Nations activity as a result of such conferences.⁶³

60 Ibid., 4th Ctee., Annex 15a, p.248.

61 Ibid., 4th Ctee., 21st Mtg., Dec.8, 1946, p.130.

62 Ibid., p.131.

63 Ibid., 64th Pl.Mtg., Dec.14, 1946, p.1356.

The Cuban amendment was carried. So innocuous was the draft resolution thus amended that Assembly president P-H. Spaak told his Belgian delegation to vote for it because it was 'so conciliatory...'.⁶⁴ The amended resolution draft was adopted; the one delegation to vote against it was the Australian.⁶⁵

If information could not be obtained directly from dependent peoples for use in and by the United Nations, there remained other possible sources than the administering Powers. In what looked to be a rare attempt by the administering Powers to take the initiative, Australia, the United States, Britain, France, the Netherlands and Denmark, supported by Uruguay, in 1947 had the ad hoc information committee

⁶⁴ Ibid., p.1357.

⁶⁵ This amended draft, which became Resolution 67(I), was adopted by a vote of 31-1-21 (Ibid.). Most of the abstentions were by Communist and Latin American members showing their preference for the stronger draft accepted in the Fourth Committee. The administering Powers' vote was split: Belgium, Denmark, New Zealand, Britain and the United States voted for the draft, and France and the Netherlands abstained. According to private diplomatic papers seen by the writer, the Australian delegation was intransigent on this question because it felt it should be on record as opposing a resolution in conflict with the charter (that is, that acceptance would compromise the Australian view that Chapter XI left administrative policy exclusively with the responsible Powers), and because it wished to avoid any implication that the United Nations might have some supervisory authority in relation to the South Pacific Commission.

provide in its procedural suggestions for the use of information allowing comparisons between dependent territories and sovereign states.⁶⁶ In the Fourth Committee, India moved for the deletion of this provision, and the Soviet Union proposed its replacement with an authorisation of comparisons between territories and their metropolitan states. India's argument was that 'good government was no substitute for self-government'; she and her supporters feared that administering Powers would try to justify their regimes by pointing to the existence of worse in independent states. If comparisons were to be made, India preferred the Soviet alternative.⁶⁷ After a long debate, to which Australia did not contribute, the Indian move failed, but the Soviet proposal was carried.⁶⁸ In the Assembly, however, western Powers obtained sufficient Latin American support to have the Soviet proposal defeated so that the draft adopted by the Assembly fundamentally was that suggested originally by the ad hoc committee at the behest of the administering Powers.⁶⁹

66 GAOR, 2nd S., 4th Ctee., 1947, Annex 4a, pp.209-10.

67 Ibid., 4th Ctee., 36th Mtg., Oct.3, 1947, p.30.

68 Ibid., 41st Mtg., Oct.10, pp.70-1.

69 This draft, which became Resolution 143(II), was adopted 44-0-0 (108th Pl.Mtg., Nov.3, p.719).

In 1948, the Assembly adopted a draft based mainly on an information committee suggestion that the Economic and Social Council should provide what relevant information it might have and that the Secretary-General collate material available from the specialised agencies.⁷⁰ The following year, 1949, saw these developments taken much further; Australia, to the mystification of her administering colleagues, helped spur them on.

The first followed from an information committee proposal inviting administering Powers to abolish discrimination in their territories' education systems.⁷¹ This was amended by Cuba in the Fourth Committee to read even more like a Trusteeship Council recommendation in that it would have the administering Powers submit data on relative costs where schools were not integrated. The orthodox opposition to this sort of proposal was expressed by the British delegate:

⁷⁰ This proposal was adopted by the Assembly in the form of two drafts, which became Resolutions 220 and 221(III) and each of which was accepted by a vote of 44-0-7 - Australia voting for both (GAOR, 3rd S., 1st. Pt., 155th Pl.Mtg., Nov.3, 1948, pp.393-4).

⁷¹ GAOR, 4th S., Supplement No.14, Annex 2, pp.16-17.

...the draft resolution suggested that the General Assembly was in a position to invite Member States to adopt a certain policy in the Non-Self-Governing Territories for which they had exclusive responsibility. A very important issue was involved, far wider than just the question of discrimination in education. If the draft resolution was adopted, the Committee would be interfering in a matter of domestic jurisdiction, arrogating to itself an authority which it does not in fact possess.⁷²

Australia abstained in the Fourth Committee voting on the amendment as such, but voted for the draft as amended, whereas Britain (alone) voted 'against'.⁷³

The second sprang from an information committee proposal that UNESCO be asked to collaborate with administering Powers in studying how indigenous languages might be preserved and used as languages of instruction in schools. In the Fourth Committee, Yugoslavia sought to amend this so as to have UNESCO asked also to study how the use of local languages in schools might be accelerated, and Syria submitted an amendment recommending to the administering Powers that they promote the use of local languages and that they report on the scope and results of such promotion. The reaction of some

72 Ibid., 4th Ctee., 117th Mtg., Nov.5, 1949, p.141.

73 Ibid., p.142. This draft, which became Resolution 328(IV), was adopted by the Assembly by a vote of 44-1-7 (Ibid., 263rd Pl.Mtg., Dec.2, p.461).

administering Powers was to argue that a request for UNESCO interest should come from themselves; as the British delegate put it, 'neither the Assembly nor the Committee had the requisite legal competence to give instructions to the Administering Powers on questions that were essentially within the latter's province'.⁷⁴ Britain, with France and Belgium, voted against the draft as amended, but Australia was content with an abstention.⁷⁵

A third, similar proposal from the information committee was that UNESCO be asked to advise administering members on the eradication of illiteracy in their territories. Britain, again, expressed hostility to encroachment on an area felt to be the exclusive concern of administering Powers.⁷⁶ Britain and Belgium, among others, abstained in the Fourth Committee, but Australia voted for the draft as amended by Cuba to have UNESCO report to the United Nations on the extent to which its services had been used by the

⁷⁴ Ibid., 4th Ctee., 119th Mtg., Nov.8, p.152.

⁷⁵ Ibid., p.157. This draft, which became Resolution 329(IV), was adopted by the Assembly by a vote of 34-4-13 (Ibid., 263rd Pl.Mtg., Dec.2, p.461).

⁷⁶ Ibid., 4th Ctee., 118th Mtg., Nov.7, p.144.

administering Powers.⁷⁷ A fourth proposal emanating from the information committee was that the Assembly should stress the need for close co-operation between specialised agencies and the administering Powers in meeting the developmental problems of territories. Britain scorned this proposal as unnecessary and redundant and voted against a draft giving it effect; Australia voted for it.⁷⁸

A fifth proposal came from Australia. Supplementary to the fourth draft just described, it provided merely for the Secretary-General to keep the information committee informed of the nature of technical assistance afforded dependent territories by specialised agencies. Australia tried to raise this matter in the information committee but, while India had been enthusiastic, Britain had been uneasy about the implications of an introductory paragraph in the Australian draft noting 'the special interest

77 Ibid., p.148. This draft, which became Resolution 330(IV), was adopted by the Assembly by a vote of 42-0-10 (Ibid., 263rd Pl.Mtg., Dec.2, p.461).

78 Ibid., 4th Ctee., 118th Mtg., Nov.7, p.150. This draft, which became Resolution 331(VI), was adopted by the Assembly by a vote of 39-2-8 (Ibid., 263rd Pl.Mtg., Dec.2, p.461).

which the members of the Special Committee...have in measures adopted by Governments responsible for Non-Self-Governing Territories concerning the economic and social welfare of the inhabitants of such Territories'.⁷⁹ Because of this, and because other administering Powers had been mystified as to its purpose, Australia had decided to raise the matter later in the Fourth Committee.⁸⁰ There, the Australian delegate, Hood, argued that the administering Powers needed technical assistance and that it would be useful to the information committee to know what assistance was being afforded. He spoke of rendering the task of the information committee 'more constructive and effective'.⁸¹ Australia was supported by a number of anti-colonial Powers: Syria, Cuba, Guatemala, Lebanon, India and Egypt. The British delegation objected to the implication that it was for anyone but the administering Power to suggest a need for technical assistance; it was not for the information committee to interpose itself.⁸² Only Britain, France, Belgium

79 GAOR, 4th S., Annex, Ag.It.35, pp.120-1.

80 Ibid., Supplement No.14, p.15.

81 Ibid., 4th Ctee., 127th Mtg., Nov.17, 1949, pp.197-8.

82 Ibid., p.198.

and an unrecorded fourth Power failed to vote for the Australian draft.⁸³

This bracket of five resolutions, four of which received voting approval from Australia, had dual significance: it comprised attempted United Nations interference with the administering Powers, either indirectly in the form of recommendations to them or indirectly in the form of requests to third parties to interest themselves in those Powers' territories; at the same time, it comprised an attempt to widen the sources and scope of information supplied to the United Nations. On the particular issues in question, economic and social issues, Australia was prepared to be less intransigent than she had been, and was still, on issues with political implications. This latter aspect of Australian policy, an intransigence where political issues were involved, showed itself in the working out of the third major question noted above: when was the obligation to report in terms of Article 73e applicable?

83 Ibid., p.199. This draft, which became Resolution 336(IV), was adopted by the Assembly by a vote of 46-1-5 (Ibid., 263rd Pl.Mtg., Dec.2, p.461).

III.

Chapter XI of the charter, it was observed above, does not define a non-self-governing territory, on which the relevant administering Power is obliged under Article 73e to transmit information. During the first part of the Assembly's first (1946) session, it has also been seen, the Secretary-General was authorised to summarise and report on information submitted. In June, 1946, he wrote to United Nations members asking them to give an opinion on factors to be considered in determining what comprised a non-self-governing territory within the meaning of Chapter XI and to list such territories under their jurisdiction. Australia seems not to have commented on factors involved in a definition, but to have given Papua as a non-self-governing territory on which she would submit information.⁸⁴ At the second part of the first session, when the question was referred to the Fourth Committee, Bailey suggested that it was not necessary to arrive at a definition; it would be better to proceed with a list of seventy-four territories on which eight members had said they would transmit information. If a member

⁸⁴ See GAOR, 1st S., 2nd Pt., 4th Ctee., Annex 19, pp. 274-6.

felt that a relevant territory had been omitted, he could call attention to the fact.⁸⁵ The Australian view, shared by Britain and the United States among others, was that adopted by the Fourth Committee and the Assembly.⁸⁶ A list of the seventy-four territories was incorporated in Resolution 66(I) referred to above in connection with the establishment of the ad hoc information committee.

The question next arose in its negative aspect: when is a territory not, or no longer, non-self-governing. It arose because information failed to be submitted on some territories listed in Resolution 66(I). In 1948, when there were eleven such territories, India submitted a proposal whereby the Assembly would note that not all administering Powers were reporting on territories listed and would ask administering Powers to inform the United Nations of constitutional developments such as to make reporting, in the view of those Powers, no longer applicable.⁸⁷ In effect, the administering Powers were not to be left free to decide for themselves when reporting was now inappropriate, even though they had been left largely free to

85 Ibid., 4th Ctee., Part III, 2nd Mtg., Nov.18, 1946, p.9.

86 Ibid., 64th Pl.Mtg., Dec.14, p.1369.

87 GAOR, 3rd S., 1st Pt., 4th Ctee., 57th Mtg., Oct.14, 1948, p.59.

say when it was appropriate in the first place. The aspects of the Indian proposal objectionable to the administering Powers were that a sort of political information was being requested and that it placed them in danger of having to defend what they regarded as domestic policy. That is, if a Power felt that a territory had achieved such a degree of self-government or independent status that the submission of information on it was no longer appropriate, it would have to explain its reasons and, presumably, justify itself. The view of many anti-colonial Powers was expressed by Haiti: 'The Administering Powers were in the position of guardians of the Non-Self-Governing Territories; they could not dispose of them as their own property...'.⁸⁸ The administering Powers split on the issue. The United States found the Indian proposal 'logical and proper';⁸⁹ so, too, did the Netherlands. New Zealand found the principle of having the United Nations informed acceptable but feared that the wording of the Indian draft might allow United Nations discussion of administering Powers' activities.⁹⁰

88 Ibid., 60th Mtg., Oct.18, p.91.

89 Ibid., p.83.

90 Ibid., p.87.

Britain was less happy about the principle and scarcely doubted that unwarranted discussion would ensue.⁹¹

Hood, for Australia, objected firmly; Australia, he said, was 'quite unable to accept anything which might be interpreted to mean that the Administering Powers should provide details of constitutional changes, and possibly be called upon to defend them before the General Assembly...'.⁹² In the event, the Indian draft was accepted by the Fourth Committee (with the United States and the Netherlands voting with the majority, and Australia and the other administering Powers abstaining) and was adopted subsequently by the Assembly.⁹³

The question arose again in 1949 when France was criticised for not having reported on a number of territories claimed to have the status, or virtual status, of overseas departments, Britain for having failed to document her decision that Malta had achieved a degree of self-government such as to make reporting no longer appropriate, the United States for not having

91 Ibid., p.82.

92 Ibid., p.85.

93 Ibid., p.95. This draft, which became Resolution 222(III), was adopted by the Assembly without opposition (Ibid., 155th Pl.Mtg., Nov.3, p.394).

submitted information on the Panama Canal Zone,⁹⁴ and the Netherlands for having reported on Indonesia.⁹⁵

The Soviet Union tried to advance on the previous year's Indian resolution by proposing in the information committee that an administering Power should not merely inform the United Nations of constitutional changes so important that a territory had moved outside the ambit of Chapter XI of the charter, but should be obliged to continue submitting reports until the information committee was satisfied that the territory was in fact self-governing and beyond the scope of the reporting obligation. This proposal would have had administering Powers discussing and clearing policy with a United

94 This was ironical in that in 1946, when the United States included the Canal Zone among territories on which she would submit information, Panama had objected that the United States was not competent to do this, and the United States had agreed to reconsider the matter.

95 Anti-colonial Powers, and especially the Soviet Union, argued that Indonesia was a sovereign state and that the Netherlands, by submitting information on the area, was supposing the contrary. In view of her stand on the Indonesian question in the Security Council (to be described below), it was curious to find Australia coming down with the Netherlands in the information committee: '...the Committee was not competent to consider what were the constitutional relations between a territory and the metropolitan government' (GAOR, 4th S., Supplement No.14, p.3). Following a policy dictated presumably by home colonial rather than general foreign policy criteria, the Australian delegate said no more than that the Netherlands might have refrained, but the decision was hers to take. In the Security Council, Australia was arguing that Indonesia was an independent state.

Nations body before putting it into effect, a practice which these Powers, and especially Australia, it will be seen below, refused to entertain even within the trusteeship system of Chapters XII and XIII of the charter. Australia joined Britain, France and Belgium in declaring that the constitutional relationship between a metropolitan Power and its dependencies was essentially within the domestic jurisdiction of that Power, which alone could judge whether a change in that relationship absolved it of the obligation to report under 73e. They were successful in their stand and the information committee decided that the Soviet proposal fell outside its competence.⁹⁶

In the Fourth Committee in 1949, Egypt returned to the basic definition issue. Her delegation submitted a draft resolution which declared the Assembly's responsibility to express an opinion on principles to be taken into account in deciding territories to which Article 73e applied; further, it had the Assembly ask the information committee to examine such factors.⁹⁷ Australia and her administering colleagues voted against

⁹⁶ Ibid., p.2.

⁹⁷ GAOR, 4th S., Annexes, Ag.It., 35, p.120.

the draft, which was adopted by the Fourth Committee and the Assembly.⁹⁸

IV.

A brief analysis of the voting, or views expressed, on resolutions adopted by the Assembly in 1946-9 would, at first glance, seem to suggest evidence for the opinions quoted in the Introduction to this work: during her Labor Government's term of office, which concluded after the Assembly's fourth session in 1949, Australia tended to place a 'broad construction' on the charter, to be permissive in her response to the activities of the anti-colonial Powers to the point almost of appearing to be in their ranks. Of nineteen resolutions noted on preceding pages, Australia supported twelve (in one instance after voting against part of the resolution and, in another, after abstaining on part), voted against three and abstained on two; of the remaining two, almost certainly she supported one and opposed the other.⁹⁹

⁹⁸ This draft, which became Resolution 334(IV), was adopted by the Assembly by a vote of 30-12-10 (Ibid., 263rd Pl.Mtg., Dec.2, p.461).

⁹⁹ Australia supported Resolutions 9(I), 143(II), 144(II), 218(III), 219(III), 220(III), 221(III), 328(IV), 330(IV), 331(IV), 332(IV) and 336(IV), and almost certainly 146(II); she opposed 66(I), 67(I) and 334(IV), and almost certainly 327(IV); she abstained in voting on 222(III) and 329(IV).

A closer examination of these resolutions, however, shows a simple numerical indicator to be misleading. In fact, the resolutions supported by Australia were minor or utterly negligible in their effect on the administering Powers' exclusive control of their territories; those she did not support comprised the few adopted drafts which could be seen as endangering that control. Thus, she approved: the quite harmless request to the Secretary-General to summarise and report on information received under Article 73e - 9(I); the favourable provision for comparative information on territories and independent states - 143 (II); the only slightly 'loaded' statement that the submission of political information was in conformity with the charter and should be encouraged - 144(II); the request for information on territories' physical and social backgrounds and observance of human rights, but within the optional category of the standard form - 218(III); the proposal in 1948 to extend the information committee's life by one year, as opposed to three years or permanently - 219(III); the use of relevant information provided by the Economic and Social Council - 220(III); the collation by the Secretary-General of

information from the specialised agencies - 221(III); a call for the abolition of discrimination in territories' education systems amended so that relative expenditure in segregated systems also was requested of the administering Powers - 328(IV); a call to UNESCO to collaborate with administering Powers in combating illiteracy and to report on the use made of its services - 330(IV); a statement of the need for co-operation between specialised agencies and the administering Powers in meeting territories' problems - 331(IV); the proposal in 1949 to renew the information committee's mandate for three years, rather than permanently - 332(IV); the provision of information about the technical assistance afforded administering Powers by specialised agencies - 336(IV). It seems, too, that she approved the establishment of the information committee in 1947 - 146(II).

Except for the establishment of the information committee in 1947, however, these resolutions were largely peripheral to the anti-colonial Powers' central endeavour of trying to extend the role of the United Nations from that allowed by a literal reading of Chapter XI of the charter to one of supervision, and generally to have ignored the administering Powers'

view that, in the last resort, they were masters of their non-self-governing territories. Rather more important were those resolutions which Australia opposed or, in the voting on which, she abstained. She voted against Resolution 66(I) establishing the ad hoc information committee, 67(I) calling for dependent peoples' conferences, 334(IV) seeking a list of factors relevant to a definition of a non-self-governing territory and declaring the Assembly's responsibilities in the matter. It is likely, too, that she opposed 327(IV) whereby the Assembly expressed the hope that administering Powers would submit political information. She abstained on 222(III), which asked for the submission of constitutional information relevant to an administering Power's decision not to transmit further information on a territory under 73e, and on 329(IV) which recommended to administering Powers that they promote the use of indigenous languages in their territories and report on the results.

Even more to the point, Australia opposed most of the major proposals which failed to enlist sufficient support to become resolutions. It has been seen that she opposed, for example, proposals that the Trusteeship Council deal with information transmitted under

73e, that the information committee be established on a permanent basis, that communications from territories' indigenes be considered, that United Nations representatives visit territories, that administering Powers should report until the Assembly was satisfied that such reporting had become inappropriate.

Australia, then, was a little more flexible than some of her administering colleagues, including Britain. In 1949, clearly, Australia was accepting the information committee and allowing it an area of activity in which she would positively co-operate with it. She was prepared, unlike most of her colleagues, to submit political information, but the choice had to remain hers to make. She fairly consistently opposed the anti-colonial Powers in their efforts to loosen the grip of the administering Powers on their territories. Compromises which she did make, especially in 1949, were in line with what, it has been suggested, was the substance of her policy originally at San Francisco. In 1945, and still in 1949, her policies at base were welfare rather than decolonialist policies; she did not envisage thereby any significant diminution of her authority in her own dependencies.

CHAPTER 4

NON - SELF - GOVERNING

TERRITORIES

(PART II 1950 - 1963)

By the end of the fourth (1949) Assembly session, it was apparent that, 'on what might be regarded as the very narrow basis of the obligation under Article 73e for certain States to transmit technical information to the Secretary-General, there have emerged in a brief period of four years procedures, objectives, studies and proposals for action which have made Chapter XI one of the most vital sections of the Charter'.¹ The momentum of decolonialist pressures within the context of Chapter XI gathered pace during the 1950s. Accountability, in the limited form applied in the League's supervision of its mandates, became routine; the Assembly and its committees discussed conditions in non-self-governing territories often in great detail, criticised them and sought changes in them.

Attempts to achieve and tighten United Nations supervision of the administering Powers occurred piecemeal on a number of fronts but, at least retrospectively, it is possible to discern a pattern in them and in Australia's responses to them. The main elements in the pattern of attempts to develop United Nations supervision comprised: (1) continuation

¹ Anon., 'International Responsibility for Colonial Peoples' in International Conciliation, No.458 (Feb., 1950), p.55.

of the existence of the information committee as a body whose functions could be expanded virtually to those of a trusteeship council; (2) efforts to widen the sources and nature of the information with which this committee and the Assembly could work; (3) efforts to have accepted the prerogative of the United Nations in determining the applicability in specific instances of Chapter XI and its obligations; (4) related to this prerogative, efforts to have accepted another allowing the Assembly to determine when Chapter XI no longer applied (in effect, the establishment of the United Nations' right to certify the true independence or self-government of a territory); (5) the building up of pressure for an increasingly rapid achievement of administrative aims, including that of independence.

More will be said of the general Australian reaction after a brief examination of these main elements and the particular Australian response in each case. It will be seen, however, that, for reasons which usually were legal in expression but as a rule almost certainly political in fact, Australia on the whole opposed decolonialist pressures of the sort just indicated. At the same time, she held largely

to her fundamental acceptance of a measure of accountability and co-operation with the United Nations when such co-operation did not seem to entail a surrender by administering Powers of ultimate political control of their territories or of their sovereign status, as they saw it, as United Nations members. It will be seen further that, for reasons to be discussed below, this Australian response changed markedly at the end of the decade.²

I.

The information committee had its mandate renewed in 1949 for three years. When this term expired in 1952, a group of twenty-one states proposed permanence for it in terms which were to recur a decade later and with different results.³ These were

² The characteristics and pattern of the Australian response over the whole range of the colonial question will be discussed in a later chapter.

³ It will be seen below that, in 1961, when a similar proposal was successful, and when the anti-colonial Powers virtually had 'won' their major campaign in the United Nations, the Australian reaction was quite different. For an interesting, if slightly partisan, account of the history of the committee, see Usha Sud, 'Committee on Information from Non-Self-Governing Territories: Its Role in the Promotion of Self-Determination of Colonial Peoples' in International Studies, Vol. VII (1965), No. 2 (Oct.), p.311sq.

that the committee should continue in being, not for the further three-year term suggested by the committee itself, but for as long as there existed territories not yet fully self-governing. The Australian delegation approved a further three-year term: '...the machinery so far established and its functioning over a three-year period had been fairly satisfactory...', said Forsyth in the Fourth Committee. But he opposed permanence on by now familiar grounds:

...the fundamental distinction between Non-Self-Governing Territories and Trust Territories was reflected in the fact that while the Charter had established the Trusteeship Council to supervise the administration of Trust Territories, it had omitted - and not by accident - the principle of supervision in the case of the Non-Self-Governing Territories. The Trust Territories were wards of the United Nations; the Non-Self-Governing Territories constituted part of the sovereignty and territory of the administering Members. Their relationship to the United Nations was fundamentally different and it would be going far beyond the spirit and letter of the Charter to establish permanent machinery.⁴

In effect, Forsyth was saying that Australia accepted the committee and, despite dissatisfaction with some of its activities, supported its continued existence provided that its mandate was not so framed as to bolster already (to Australia) objectionable tendencies towards an exertion of supervision.

4 GAOR, 7th S., 4th Ctee., 266th Mtg., Nov. 7, 1952, p.121.

In the event, the committee's mandate was renewed for three years⁵ and, when this term expired in 1955, Australia voted with a majority for its renewal for yet a further three years.⁶ The Australian delegate, P.E. Joske, stated explicitly that his vote was intended to signify Australia's willingness to co-operate with the committee.⁷ In 1958, Australia abstained in an Assembly vote on a proposal to have the committee continue again for three years, not because of any objections to the term

5 Despite the opposition of Australia and other administering Powers, the Fourth Committee adopted an amended version of the joint draft (by a vote of 40-12-2) whereby the committee would continue for three years and permanently thereafter unless the Assembly should decide otherwise (Ibid., 267th Mtg., Nov.8, p.127). In the Assembly, Britain, Belgium and France announced that they would not co-operate with a permanent body, and enough Latin American and Asian states switched to abstentions to allow the draft adopted by the Fourth Committee to be amended so that only a further three-year term was provided for. The draft thus amended, which became Resolution 646(VII), was adopted by 53-2-3 (Ibid., 402nd Pl.Mtg., Dec.10, p.355).

6 GAOR, 10th S., 541st Pl.Mtg., Nov.8, 1955, p.293. The draft of what became Resolution 933(X) was adopted by a vote of 54-1-2.

7 Ibid., 4th Ctee., 489th Mtg., Oct.27, p.121.

or even to the wording of the draft in question,⁸ but as a gesture of protest against 'a number of developments which have lately taken place'. These, said Walker, included:

...the express wish of certain delegations to telescope the consideration of matters relating to Non-Self-Governing Territories and Trust Territories, to extend without justification the functions of the Fourth Committee..., and to disregard the explicit provisions of the Charter...and not least of all, to disregard the rights and responsibilities of Member States.⁹

In 1961, when the Committee's mandate came up again for renewal, the anti-colonial atmosphere had been heavily charged by the 1960 Declaration on Granting Independence to Colonial Countries and Peoples and the subsequent creation in 1961 of the Committee of Seventeen charged with implementation

8 A difficulty facing a delegation at the United Nations is that it must vote simply for or against (or abstain on) what are often long, multi-purpose drafts. Many delegations have tended to ignore objectionable terminology or even operative paragraphs provided they have sympathised with the general intent of a draft. On colonial questions, administering members as a rule have been on the defensive and wary of the implications, or directly objectionable by-products, of terms of drafts; one objectionable point in a draft very often has led them, including Australia, to oppose the whole lest precedents be set and their future activities thereby circumscribed. More is said of this below.

9 GAOR, 13th S., 789th Pl.Mtg., Dec.12, 1958, p.586. The three-year renewal was effected by Resolution 1332(XIII) which was adopted by a vote of 72-1-4 (Ibid., p.584).

of the Declaration. In this setting of new and, to some, disturbing developments, there seemed to be a tendency for the familiar information committee to evoke a kind of loyalty from Powers like Australia, and even Britain which, in the past, notably had been coolly disposed towards it.¹⁰ Although an Afro-Asian-Latin American group submitted a draft which would have the committee exist for as long as non-self-governing territories remained, examine political and constitutional information submitted by administering Powers, intensively examine political as well as other conditions in territories and establish links with the Committee of Seventeen, Australia's reaction was moderate. L.R. McIntyre said that the Australian delegation found the draft's implied instruction to administering Powers to submit political information unacceptable, but he was content to abstain in

10 Britain changed her policy and announced that in future she would submit political and constitutional information to the committee. She was, however, somewhat more hostile to the joint draft than Australia, stressing that she would not tolerate interference in her domestic affairs. It is likely that new warmth towards the information committee, at least under its former terms of reference, was not unconnected with the administering Powers' numerical strength in it; they were in a small minority in the newly-established Committee of Seventeen.

Fourth Committee and Assembly voting on it.¹¹ Australia, he said, had come to regard the committee as 'an established organ of the United Nations...'.¹² He said, moreover, that the committee had been useful as a source of information and as a stimulus to the administering Powers, and Australia would continue to co-operate with it.¹³ To the extent, then, that the information committee would continue to perform functions which Australia from the beginning had thought proper and desirable, and despite its performing functions which Australia very often did not regard as proper, Australia supported its continuing existence and would co-operate with it while still opposing what she saw as unconstitutional pressures on administering Powers. Indeed, two years

11 What became Resolution 1700(XVI) was adopted by an Assembly vote of 77-0-16, the abstainers including Communist states which preferred the information committee's extinction in view of the Committee of Seventeen's establishment (GAOR, 16th S., 1083rd Pl. Mtg., Dec.19, 1961, p.1105).

12 Ibid., 4th Ctee., 1251st Mtg., Dec.15, p.607. Australia's own preference was renewal for one year to see how the committee co-existed with the Committee of Seventeen.

13 Ibid.

later, Australia appeared to regret the demise of the committee.¹⁴

II.

The question of the nature of information to be submitted by the administering Powers continued to arise mainly in the form of argument about whether political information should be included. The Australian attitude continued to be hostile though, after 1960, more moderately expressed.

In 1954, for example, an Afro-Asian draft resolution submitted in the Fourth Committee noted 'with satisfaction' that some administering Powers

¹⁴ The Assembly (by Resolution 1970(XVIII) adopted by a vote of 84-0-26) dissolved the information committee in 1963 (GAOR, 18th S., 1281st Pl.Mtg., Dec.16, 1963, p.12). This followed a statement in the Fourth Committee by a secretariat official on behalf of the Secretary-General to the effect that, because most administering Powers were now submitting political and constitutional information, the information committee and the Fourth Committee were tending to concentrate on political and constitutional questions, and these were also the main concern of the Committee of Twenty-Four (as the Seventeen had become in 1962). Thus, there was duplication and the secretariat felt that money, time and effort could be saved by concentration on one body (Ibid., 4th Ctee., 1501st Mtg., Dec.4, p.479). Australia, one of the many states to abstain on the question, and a state with a possible interest in the survival of a committee of equal colonial and anti-colonial representation, suggested that the information committee had developed a special expertise and that the Committee of Twenty-Four already had more work than it could handle (Ibid., 1509th Mtg., Dec.10, p.543).

had submitted political information, declared again that the submission of political information was in accord with the spirit of Article 73 and invited administering members to co-operate. Australia argued that 'a repetition of resolutions in no way increased the prestige of the United Nations'; otherwise, her opposition was based on legal grounds:

The considered position of the Australian delegation was that there was no obligation, either explicit or implicit, in Chapter XI of the Charter to submit political information and the Administering Members were not legally or morally bound to do so. Australia had freely transmitted such information, but on the clear understanding that its action was not to be regarded as prejudicing the interpretation of Chapter XI. The Australian delegation objected to the assumption in the draft resolution that the General Assembly was entitled to alter or amend the obligations set forth in the Charter.¹⁵

With a solid group of administering Powers, Australia voted against the draft which was, nevertheless, adopted by the Fourth Committee and the Assembly.¹⁶ Similarly, in 1959, Australia opposed a longer and

¹⁵ GAOR, 9th S., 4th Ctee., 424th Mtg., Nov.8, 1954, p.184.

¹⁶ This draft, which became Resolution 848(IX), was adopted by the Assembly by a vote of 42-10-3 (Ibid., 498th Pl.Mtg., Nov.22, p.291).

more strongly worded resolution along the same lines. Again, the Australian argument was legal, although with a political rider to the effect that the Assembly should not risk alienating administering Powers whose co-operation was needed by the Assembly.¹⁷ In 1960, Australia abstained in voting in the Fourth Committee on a draft resolution on progress achieved in non-self-governing territories, in part, said the Australian delegate, because it contained a paragraph 'urging once again' the submission of political information.¹⁸ It was seen above that Australia also abstained in 1961 on Resolution 1700(XVI) because her delegation felt that it contained an implied instruction to administering Powers to submit political information.

Occasionally, the Assembly asked for information on specific political matters. In 1950, for example,

17 Interestingly, the Australian delegate, K.T. Kelly, explicitly linked the constitutionalism of Australia's internal politics with the attitudes of Australian delegations towards the charter: GAOR, 14th S., 4th Ctee., 984th Mtg., Dec.3, 1959, p.617. Resolution 1468(XIV), which was adopted by an Assembly vote of 50-13-9 (Australia voting 'against'), 'urged' rather than merely invited the voluntary submission of political information.

18 GAOR, 15th S., 4th Ctee., 1025th Mtg., Oct.27, 1960, p.149. This draft, which became Resolution 1535(XV), was adopted by an Assembly vote of 69-0-20 (Ibid., 948th Pl.Mtg., Dec.15, p.1291).

a resolution which had been submitted by four consistently anti-colonial Powers (Haiti, Mexico, the Philippines and Syria) had the Assembly recommend that administering Powers report on the observance in their territories of the United Nations Universal Declaration of Human Rights adopted in 1948.¹⁹ Australian opposition was partly legal, in that such information was not provided for in the charter, and partly political, in that the resolution would ask more of the administering Power than the ordinary member.²⁰

It will be remembered that the question of the origin of information to be considered by the information committee and the Assembly arose during the 1946-9 period. One example was advocacy of dependent peoples' conferences as an extra-administering Power source of information; another was a move to allow information committee members to visit non-self-governing territories. Like

19 This draft, which became Resolution 446(V) on adoption by the Assembly by a vote of 37-10-9 (GAOR, 5th S., 320th Pl.Mtg., Dec.12, 1950, p.601), also asked the information committee to use submitted information as a basis for recommendations on the application of the Universal Declaration in territories.

20 Ibid., 4th Ctee., 187th Mtg., Nov.25, p.292.

that of the submission of political information, the question of sources of information was part of the larger question of United Nations supervision of non-self-governing territories. The administering Powers tended to deny the right of the United Nations to supervise at all; the anti-colonial Powers went ahead with attempts to establish supervision. Inevitably, the efforts of the latter tended to be towards the reproduction of aspects of the trusteeship system - the proposal for visiting missions was a case in point. Other parallel forms emerged in the 1950s: the examination of expert witnesses and indigenous representation at the United Nations, the latter being, as Toussaint says, 'in effect... equivalent to oral petitions from non-self-governing territories'.²¹

A suggestion that expert representatives of administering Powers should be interrogated by the information committee came from India in 1958. This

21 Charmian Edwards Toussaint, 'The Colonial Controversy in the United Nations' in Year Book of World Affairs, Vol. 10 (1956), p.193.

was at a time when anti-colonial pressure was building up towards the Declaration of 1960. At the 1958 Assembly session, India was arguing, for instance, that:

The administering Powers had accepted....a 'sacred trust'....

A 'trust' involved accountability of administration and hence the existence of an entity or an organization to which account was to be rendered...the General Assembly and, under its authority, the Committee on Information were the instruments for the fulfilment of the basic purposes of the sacred trust.²²

At the same time, the Mexican delegate was stating frankly that:

The primary problem with regard to the Non-Self-Governing Territories was that the anti-colonialist countries considered the provisions of Chapter XI of the Charter to be inadequate....²³

The Australian reply to the Indian suggestion for interrogation of experts, which was not formally submitted as a draft resolution,²⁴ was that, although

²² GAOR, 13th S., 4th Ctee., 823rd Mtg., Dec.1, 1958, p.421.

²³ Ibid., 821st Mtg., Nov.28, p.410.

²⁴ In a similar way, Cuba had in 1950 again raised the question of visiting missions which, advanced by the Soviet Union, had been rejected in 1948. But Cuba did not submit a draft for a vote.

the charter said nothing about examination by the Assembly of information submitted to the Secretary-General under 73e, the information committee had been able to do useful work because of 'the spirit of forbearance and comprehension shown by so many delegations with respect to juridical issues...'. 'It would be a very great pity', said Kelly, 'if the work of the Committee on Information were to be imperilled by well-meaning attempts to assimilate the Committee to the Trusteeship Council'.²⁵

The question of indigenous participation assumed much greater importance. It arose first in 1951 when Burma, Cuba, Ecuador, Egypt and India submitted a joint draft resolution to have the Assembly ask the information committee to report on the possibility of having the non-self-governing territories associated in its work. Perhaps because the draft referred to territories and not to people (let alone indigenes) and because the administering Powers were in a strong position in the committee, Australia supported the draft.²⁶ Possible confidence

25 Ibid., 819th Mtg., Nov 27, p.396.

26 GAOR, 6th S., 4th Ctee., 218th Mtg., Dec.3, 1951, pp.101-2. The draft, which became Resolution 566(VI), was adopted by the Assembly by a vote of 47-2-7 (Ibid., 361st Pl.Mtg., Jan.18, 1952, p.355).

in the administering Powers' capacity to deal with too radical suggestions was rather borne out in that, during the committee's discussion of the question during 1952, a proposal to have the Assembly recommend non-voting representation for inhabitants of territories was defeated. In the Fourth Committee, however, Asian states raised the question again in the same terms, and Latin American states submitted an amendment to have the joint Asian draft refer to indigenous inhabitants. Australia opposed the form of the draft rather than the principle of indigenous participation. Forsyth argued that indigenous participation could be effected by separate territorial representation or by the inclusion of competent indigenous representatives in the delegations of administering Powers. The former, 'dual representation of Member States...would be entirely unacceptable and could only lead to chaotic conditions'. Of the latter, he said:

It must be understood...that the composition of their delegations was the exclusive prerogative of the Member States, and it was not for the United Nations to make any recommendations on the subject.²⁷

²⁷ GAOR, 7th S., 4th Ctee., 269th Mtg., Nov. 11, 1952, p. 140.

The administering Power was the sole authority in the matter, anyway, and it was for the administering Power to decide how and when such indigenous participation should be effected. Australia joined other administering and western Powers in a minority vote against the draft which, as amended, invited administering Powers to make possible the participation of qualified indigenous representatives in the work of the information committee and to transmit to territories' executive and legislative bodies copies of information committee reports and relevant Assembly resolutions.²⁸

In the following year, 1953, the Assembly adopted a resolution which more explicitly invited administering Powers to attach to their delegations indigenous representatives who could speak on matters relating to their territories.²⁹ In 1959, the newly

28 This draft, which became Resolution 647(VII), was adopted by the Assembly by a vote of 43-11-4 (Ibid., 402nd Pl.Mtg., Dec.10, p.355).

29 Resolution 744(VIII) was adopted by an Assembly vote of 43-8-7 (GAOR, 8th S., 459th Pl.Mtg., Nov.27, 1953, p.312). Australia did not enter the debates, roll-call votes were not requested and the delegation's report on the session was not tabled in Parliament, so that the Australian position is not recorded.

independent and energetic Guinea submitted a draft resolution inviting administering Powers to nominate territories for admission to specialised agencies, emphasising the value of inclusion in the delegations of administering Powers indigenous representatives who could participate in the work of the information committee and the Fourth Committee, and asking the administering Powers to report on their practical implementation of the resolution to the Secretary-General (who, in turn, would report to the Assembly). Australia, like Britain, professed to approve 'the spirit' of the draft. But, whereas Britain was prepared to accept it, despite objections to its implied instruction on the composition of delegations and allowance for scrutiny of members' response, Australia would not compromise. For the reasons which led Britain to abstain in voting merely on the objectionable clauses, Australia (with Portugal, Spain, Belgium, France and Peru) abstained in Fourth Committee voting on the whole draft.³⁰

30 GAOR, 14th S., 4th Ctee., 987th Mtg., Dec.1, 1959, pp.572-3. In the Assembly, where the draft of what became Resolution 1466(XIV) was adopted by a vote of 66-0-3 (Ibid., 855th Pl.Mtg., Dec.12, p.726), Australia was one of the three consistent abstainers (Parliament of the Commonwealth of Australia, Summary Report of the Australian Delegation to the Fourteenth Session of the United Nations General Assembly held at New York from 15th September to 12th December, 1959, Canberra, 1960, p.52 - in CPP, 1960-1, Vol.IV).

In 1960, it was found that none of the administering Powers had reported on their implementation of Resolution 1466(XIV) to the Secretary-General. The upshot was a resolution sponsored by twenty-one members and fairly moderate in that it did not refer to the information committee or the Fourth Committee or to administering Powers' delegations but merely declared the virtue of having direct indigenous participation in the work of 'appropriate organs of the United Nations' and asked the administering Powers to arrange such participation. Although the resolution also asked the Secretary-General to report on implementation, Australia this time supported the proposal.³¹ In effect, Australia was prepared to accept the notion of direct participation (and has since practised it) and its being written into Assembly resolutions as long as its expression did not suggest any objectionable

31 GAOR, 15th S., 4th Ctee., 1022nd Mtg., Oct.25, 1960, p.130. This draft, which became Resolution 1539(XV), was adopted by an Assembly vote of 79-0-10 (Ibid., 948th Pl.Mtg., Dec.15, p.1292).

diminution of her freedom to exercise her sovereignty over Papua and its inhabitants, or any interference with the mechanics of her diplomacy.³²

The question of petitions as such within the context of Chapter XI of the charter arose again in 1961 when steps were taken to circumvent Portuguese claims that her overseas territories were provinces of the home state and, therefore, were not subject to the provisions of Chapter XI. It will be seen below that at about this time Australia changed her policy on the issues involved in the Portuguese claim. In line with this change, she gave her support in 1961 to a resolution which, among other things, established a committee to examine available information on Portuguese territories and to receive petitions and hear petitioners.³³

32 This, at least, would be supposed from public policy statements. It is not unlikely, however, that Australia wished to be left free to avoid contributing to what a British delegate once described as the conversion of the information committee 'into tribunals in which States of the United Nations can be confronted with the indigenous inhabitants of these Territories' (Toussaint, *The Colonial Controversy in the United Nations*, as above, p.193).

33 GAOR, 16th S., 1083rd Pl.Mtg., Dec.19, 1961, p.1105. Voting on Resolution 1699(XVI) was 90-3-2, the voters against comprising Spain and 'hard core' intransigents, Portugal, and South Africa.

Australia also approved hearings by the Fourth Committee itself of two petitioners from Portuguese Guinea.³⁴

III.

It was observed above that in 1946, when the concrete application of Chapter XI of the charter began, the Assembly did not make good the charter's insufficiencies by saying just what comprised a non-self-governing territory. The Assembly simply took note of seventy-four territories listed by eight administering Powers. In 1949, it has been seen, the Assembly asked the information committee to examine and report on factors relevant to the application of Chapter XI, that is, non-self-governing status, to territories. But the context was one of dissatisfaction with the way in which territories were being removed from the 1946 list by the unilateral decisions of administering Powers. Consequently, the issue of 'factors', as it came to be known, took on something of a negative aspect and the question became one of when was a territory no longer non-self-governing

³⁴ Ibid., 4th Ctee., 1208th Mtg., Nov. 14, p. 326. Britain, which expressed fears of such a precedent being set, was one of five to oppose the hearings. Later still in the session, the Fourth Committee decided (without a vote or Australian comment) to hear the premier of British Guiana, Mr Cheddi Jagan. In 1962, and again without votes being taken, the Fourth Committee heard petitioners from British, Spanish and Portuguese territories in Africa.

and beyond the scope of Chapter XI (this aspect is discussed in the following section of this chapter of this work).

The positive aspect of the question, that is, the determination of when Chapter XI did apply to a territory as opposed to when it did not or no longer did, arose again in 1956. In that year, as in 1946, the Secretary-General asked sixteen states admitted to the United Nations during the previous year whether they administered non-self-governing territories. Concern was expressed at the outcome because all the replies were in the negative and these included Portugal's.³⁵ Iraq's delegate argued in the Fourth Committee, for example, that the Assembly should examine objectively whether new members had obligations to fulfil to the United Nations under Chapter XI.³⁶ An Afro-Asian group submitted a draft resolution to have the Assembly establish an ad hoc committee to study the application of Chapter XI to new members who would be asked to state their views.³⁷

35 The new members included Spain which largely escaped censure during the Assembly's 1956-7 session because she had not yet replied to the Secretary-General. Portugal was the main target.

36 GAOR, 11th S., 4th Ctee., 615th Mtg., Jan. 29, 1957, pp. 329-30.

37 This was not too far removed from Evatt's proposal at San Francisco in 1945 on how the reporting obligation might be applied.

For Australia, this was a clear case of encroachment on the domestic jurisdiction of members. The Australian delegate, A.H. Loomes, said that:

The debate had shown the desire of certain Members to look beyond the replies received from new Members and investigate the reasons underlying them. The clear implication was that the General Assembly should seek to interpret the constitutions of certain Member States for the purpose of determining the applicability of Article 73e. It would be improper for any Member, and therefore improper for the General Assembly as a whole, to call into question the constitutional provisions of another Member...each Government was entitled to interpret and apply its own constitution in determining whether it had any obligations under the terms of Article 73e.³⁸

Loomes professed not to be sure what the committee was intended to do, although it was clear, he said, that members' constitutions might be examined, and this was unacceptable. He took the invitation to new members to make further statements to reflect on the veracity of their initial replies to the Secretary-General.³⁹ The objections of the administering Powers and their allies were overruled in the Fourth Committee, but the two-thirds voting rule was applied in the Assembly where the draft resolution was then defeated.⁴⁰

38 Ibid., 621st Mtg., Feb.4, pp.361-2.

39 Ibid.

40 Ibid., 657th Pl.Mtg., Feb.20, pp.1166,1179. The Assembly vote was 35-35-5, Australia voting against the draft.

During the next (1957) Assembly session, Portugal's claim that her African territories were integral provinces of the one country and therefore outside the scope of Chapter XI again came under attack, again it was proposed to have an ad hoc committee study the question, and again Australia joined the administering Powers' counter-attack. As in the previous session, the Australian case was that the purpose of the proposal was to allow a committee to state what parts of the metropolitan areas of members, as described in their constitutions, were to be characterised as non-self-governing territories. This would allow the constitutions of all members to be questioned.⁴¹ As before, a draft resolution was adopted by the Fourth Committee but failed to survive the application of the two-thirds rule in the Assembly.⁴² Yet again in 1958, a similar resolution was submitted, mainly with reference to Portugal.⁴³ Australia repeated her arguments of the previous year almost to

41 GAOR, 12th S., 4th Ctee., 693rd Mtg., Nov.5, 1957, p.225.

42 Ibid., 722nd Pl.Mtg., Nov.26, p.517. The Assembly vote was 41-30-10, Australia voting against.

43 Spain, while claiming that her African territories were Spanish provinces, had agreed to transmit information on them.

the word.⁴⁴ The draft resolution was adopted by the Fourth Committee but, when the two-thirds rule was again invoked, it was not put to the vote in the Assembly.⁴⁵

Developments took a new turn in 1959 when Canada and Ireland joined the anti-colonial Powers in submitting a draft resolution. This ignored particular members and their constitutional structures. It had the Assembly state the desirability of itself listing principles for the guidance of members in determining whether an obligation existed under 73e to transmit information, establish a committee of six (comprised equally of representatives of administering and non-administering Powers) to study such principles, ask the Secretary-General to prepare a list of opinions stated in the past on the question and invite members to communicate their views to him. For Australia still, the question was one of individual members to decide for themselves and she voted against that paragraph of the draft referring to the desirability of the

⁴⁴ GAOR, 13th S., 4th Ctee., 832nd Mtg., Dec. 5, 1958, p. 484.

⁴⁵ The Fourth Committee vote was 41-29-4, Australia voting against the draft (Ibid., p. 490).

Assembly listing principles (Britain was content to abstain).⁴⁶ Like Britain, however, Australia abstained in voting on the whole draft which was adopted by the Fourth Committee and the Assembly.⁴⁷

The committee established under Resolution 1467(XIV) reported to the 1960 Assembly session with twelve principles which the Australian delegation 'endorsed in general'.⁴⁸ However, Togo and Tunisia moved to amend a principle dealing with the integration of a territory with an independent state to the effect that the United Nations would be empowered, if it wished, to supervise the process by which a territory expressed its wish for integration. Australia joined Britain and most other western states in voting against this amendment and abstaining on the principles as amended, as well as on an associated resolution approving the principles and their application in cases of conflict.⁴⁹

⁴⁶ GAOR, 14th S., 4th Ctee., 981st Mtg., Dec.2, 1959 p.596.

⁴⁷ Assembly voting on what became Resolution 1467(XIV) was 54-5-15 (Ibid., 855th Pl.Mtg., Dec.12, p.726).

⁴⁸ GAOR, 15th S., 4th Ctee., 1037th Mtg., Nov.4, 1960, p.223.

⁴⁹ Resolution 1541(XV), which contained the list of principles in an annex, was adopted by an Assembly vote of 69-2-21 (Ibid., 948th Pl.Mtg., Dec.15, p.1292).

The logical consequence of this resolution was another sponsored by twelve Afro-Asian states naming nine Portuguese territories as coming within the scope of Chapter XI of the charter. It declared that Portugal was obliged to submit information on them, and invited Portugal and Spain⁵⁰ to participate in the work of the information committee. Australia, which 'had reservations on the competence of the General Assembly to make determinations and especially to specify territories upon which information should be supplied',⁵¹ and which had in the past advanced policy completely at odds with the provisions of the draft, might have been expected to vote against it, but in fact was content to abstain.⁵²

At the following (1961) Assembly session, Australia actually voted for a resolution which went

50 Spain still had not submitted information, but was continuing to say that she would.

51 Parliament of the Commonwealth of Australia, Report of the Australian Delegation, Fifteenth Regular Session (First Part) of the General Assembly of the United Nations, New York, 20th September - 20th December, 1960, Canberra, 1961, p.64.

52 This draft, which became Resolution 1542(XV), was adopted by an Assembly vote of 68-6-17 (GAOR, 15th S., 948th Pl.Mtg., Dec.15, 1960, p.1293).

even further than the previous year's. Not only did this 1961 resolution, as was noted earlier, establish a committee to examine available information and hear petitioners and receive petitions from Portuguese territories, but it also condemned Portugal for having failed to submit information and asked United Nations members to deny Portugal support of possible use against the peoples of her territories. The Australian delegate, McIntyre, said his delegation (unlike its predecessors, he might have added) did not propose to argue the legal competence of the Assembly to prescribe members' obligations. Portugal, he said, should provide information, as other administering Powers had done; a member should interpret as liberally as possible obligations set out in the charter, as Australia, Britain and others had done.⁵³ Indeed, during the next (1962) session, McIntyre 'stressed that Australia regarded Portugal's policies in Africa as utterly wrong' and abstained in a vote on yet another draft, which again condemned Portugal, primarily because it contained a paragraph asking members

⁵³ GAOR, 16th S., 4th Ctee., 1205th Mtg., Nov.10, 1961, p.306. Resolution 1699(XVI) was adopted by an Assembly vote of 90-3-2 (Ibid., 1083rd Pl.Mtg., Dec.19, p.1105).

to prevent the sale of arms to Portugal.⁵⁴

Further developments in the placing of pressure on Portugal will be discussed in other contexts below. In view of previous insistence on defending the national interest of administering Powers against the encroachments of the international organisation, one may note, however, part of a statement made by one of Australia's delegates, Mr Dudley McCarthy, in 1963 to the effect that:

...his Government disagreed profoundly with the Portuguese doctrine of self-determination. For his delegation, the principle of self-determination must be based on the unshakable belief that any people had the inalienable right to self-determination and meant quite simply the right of any people to choose for themselves the form of the government which they, as free people, decided might suit best.⁵⁵

Australian policy, then, changed markedly on this question within a short time. In 1957 and 1958, Australia argued strongly for domestic jurisdiction: it was for the signatory to the charter alone to decide whether it had obligations to meet under the

⁵⁴ GAOR, 17th S., 4th Ctee., 1419th Mtg., Dec.12, 1962, p.612. The draft of what became Resolution 1807(XVII) was adopted by an Assembly vote of 82-7-13 (Ibid., 1194th Pl.Mtg., Dec.14, p.1148).

⁵⁵ GAOR, 18th S., 4th Ctee., 1494th Mtg., Nov.29, 1963, p.424.

provisions of the charter's Chapter XI. In 1959 and 1960, it has been seen, she moderated her stand. In 1961, she registered only mild objections when the Assembly not only denied the right of a member state, Portugal, to the freedom previously insisted on by Australia, but brushed that state's protests aside and proceeded to try to deal directly with people and territories over which that state held sovereignty. In 1962 and 1963, Australia joined in the condemnation of Portugal, explicitly set aside formerly stressed legal considerations and, like the anti-colonial Powers, argued on political grounds. More will be said below of this switch in Australian policy.

IV.

As directed by Resolution 334(IV) described above, the information committee in 1950 discussed briefly the question of factors which should be taken into account in deciding whether a territory was non-self-governing and, therefore, within the scope of Chapter XI of the charter. The committee postponed a full consideration of, and report on, factors until the following year, but events in 1950 itself foreshadowed a rapid change in the aspect of factors to be

stressed. By this is meant that the notion of factors began as referring to criteria of non-self-government but quickly came to refer rather to self-government; emphasis on determining what territories fell within the scope of Chapter XI was replaced by emphasis on determining what territories did not, or any longer, fall within its scope. It has been seen already that the notion of factors arose directly from the decision of Britain and France to discontinue reporting on some territories listed as non-self-governing in 1946. This arose again in 1950 when the Netherlands formally informed the Secretary-General that she would not in future submit information on the now sovereign Indonesia. She also gave notice that the Netherlands West Indies and Surinam would soon be self-governing and beyond the scope of Chapter XI. In the subsequent Fourth Committee debates, it became clear that many members were hostile to the idea of administering Powers unilaterally declaring a cessation in their transmission of information on territories. They wanted factors defined under Resolution 334(IV) and they wanted the United Nations to determine whether an administering Power was acting correctly

in ceasing to transmit information, that is, whether a territory had properly exercised its right to self-determination.

In 1951, the information committee listed a number of factors to be taken into account as criteria in decisions on the status of a territory as self-governing or not. Later that year, the Fourth Committee appointed a sub-committee of its own to study the question further and, despite her evident lack of interest, appointed Australia to it.⁵⁶ This sub-committee then proposed that an ad hoc committee be established to study the question even further and report at the next year's Assembly session. Again, despite her coolness towards the committee's purpose, Australia was appointed to it.⁵⁷

This ad hoc Committee on Factors, as it was called, arrived at a list of 'factors indicative of the attainment of independence or of other separate systems of self-government' and submitted them at

⁵⁶ Australia professed not to be able to see what advance the sub-committee could make on the information committee's work (GAOR, 6th S., 4th Ctee., 218th Mtg., Dec.3, 1951, p.99).

⁵⁷ 'The Australian delegation...had always doubted the practical value of a list of factors', said Forsyth in the following year (GAOR, 7th S., 4th Ctee., 272nd Mtg., Nov.13, 1952, p.153).

the 1952 Assembly session. In the Fourth Committee, the Australian delegate, Forsyth, said that the Australian representative in the ad hoc committee had not approved that committee's report, had seldom taken part in its discussions and had reserved Australia's position because the committee 'had deliberately evaded' definitions of terminology. Australia felt that only the administering Power concerned was involved in a decision on whether or not to transmit information on a territory, that it was unreal to think in terms applicable to more than seventy very different territories. Further, said Forsyth:

The Australian delegation's chief criticism was that an attempt had been made to establish that the attainment of independence was one of the means by which a territory could achieve self-government. That view...was based on an unjustified interpretation of Chapter XI of the Charter.

He went on to argue that independence was merely one possible consequence of self-government.⁵⁸ The

⁵⁸ Ibid. It might be noted that, at about this time and throughout the 1950s, Australian views on the future of Papua-New Guinea, while various and vague, included the possibility of involvement in the Australian federation (see, e.g., Christian Science Monitor report of Sept. 16, 1956, that New Guinea's future 'looks like being statehood within the Australian federation') or in a Pacific Islands political unit, or even in self-government short of complete independence from Australia.

Australian delegation subsequently voted against a draft resolution which, among other things, stated that the reporting obligation remained until the objectives of Chapter XI had been fulfilled, repeated the view that the United Nations should be informed of changes in the constitutional status of a territory, approved provisionally the ad hoc committee's list of factors as a guide for the Assembly and members in deciding whether a territory had achieved self-government and set up a new ad hoc committee to study the matter further.⁵⁹

Australia was appointed to the ad hoc committee established under Resolution 648(VII). In that committee, which reported to the following (1953) Assembly session, discussion covered ways of guaranteeing the principle of self-determination, discussion to which Australia objected because 'the question of self-determination had no direct relevance to Chapter XI of the Charter...'.⁶⁰ The committee

59 Assembly voting on what became Resolution 648(VII) was 36-15-7 (GAOR, 7th S., 402nd Pl.Mtg., Dec.10, 1952, p.355). In separate votes in the Fourth Committee, Australia voted in a similar minority on each of the major provisions noted above.

60 GAOR, 8th S., Annexes, Ag.It.33, p.3.

approved a list of factors very similar to the previous year's. Conflict occurred in the Fourth Committee when Middle Eastern, Asian and Latin American Powers sought to amend a mildly-worded Brazilian draft resolution, which did little more than accept the list of factors, so as to have the Assembly assert its competence to make recommendations based on consideration of the factors. The Australian delegate, Sir Douglas Copland, was not enthusiastic about even the Brazilian draft: the factors equated independence and self-government, the latter not being adequately defined. The amendment, he said, was diametrically opposed to the administering Powers' views and would be unenforceable.⁶¹ Australia voted against the Brazilian draft under which, as amended, the Assembly would approve the list of factors, envisage Assembly use of them as occasion warranted, assert that in any given case the right to self-determination had to be considered, and see self-government as being attained primarily through the achievement of independence.⁶²

61 Ibid., 4th Ctee., 327th Mtg., Oct.6, 1953, pp.71-2.

62 Ibid., 330th Mtg., Oct.9, p.93. This draft, which became Resolution 742(VIII), was adopted by a plenary vote of 32-19-6 (Ibid., 459th Pl.Mtg., Nov.27, p.312).

The purpose of the anti-colonial Powers, and the intransigence of Australia, became even clearer in consideration of a number of cases where it was claimed by administering Powers that territories had achieved self-government, so that the transmission of information on them under Article 73e would cease. The first occurred in relation to the Netherlands' territories of Surinam and the Antilles. In 1952, the Netherlands informed the Secretary-General that these were no longer non-self-governing and no further information would be submitted on them.⁶³ The Fourth Committee decided to postpone consideration for a year while the ad hoc Committee on Factors examined the Netherlands statement.⁶⁴ In the committee, Australia supported the Netherlands, but opinion was too divided to allow an agreed conclusion.⁶⁵ In the Fourth Committee

⁶³ The Netherlands view was that under the Interim Law, and pending formal revision of the structure of the Kingdom of the Netherlands, in which these territories would be units, they were fully self-governing.

⁶⁴ Australia opposed this; the committee should deal only with generalities and not specific instances, said Forsyth.

⁶⁵ GAOR, 8th S., Annexes, Ag.It.33, p.7.

at the next (1953) Assembly session, Surinam and Antilles representatives gave evidence supporting the Netherlands. Sweden then submitted a draft resolution calling for a United Nations appraisal of the matter when Netherlands-Antilles-Surinam conferences had actually concluded and the information committee had reported on the outcome. Australia opposed this, said Copland, because it 'assumed that the General Assembly, the Fourth Committee and the Committee on Information...all had the right to question the prerogative of any administering Power to cease supplying information to the United Nations because the territory in question had attained a degree of control over its own affairs which entitled it to determine policy on the matters on which information should be supplied from Non-Self-Governing Territories'.⁶⁶ Australia also opposed a Soviet amendment to have information supplied until a final outcome was known and the Assembly had decided that the transmission of information might cease, and an Indonesian amendment to have the Assembly ask the Netherlands advise Surinam and the Antilles of

⁶⁶ GAOR, 8th S., 4th Ctee., 346th Mtg., Oct.29, 1953, p.202.

the desirability of information on them continuing to be submitted. In Copland's view, 'both amendments assumed that the Fourth Committee and the General Assembly were the judges of sovereign rights'.⁶⁷

In 1954, when Surinam and the Antilles agreed to enter a Kingdom of the Netherlands as self-governing units, some Fourth Committee members still expressed doubts about the nature of the territories' decision-making process. The outcome was a draft resolution having the Assembly suggest examination of statements on how the territories had made their decisions. Yugoslavia submitted an amendment to have the Assembly allowed to send visiting missions to observe expressions of self-determination in territories. Australia voted against the amendment and the draft thus amended.⁶⁸ The Australian delegation leader, Sir Percy Spender, said in the Assembly:

67 Ibid., In the Fourth Committee, Australia voted in a minority against the Swedish draft as amended by the Soviet Union and Indonesia (Ibid., 347th Mtg., Oct.29, p.211). The amended draft, which became Resolution 747(VIII), was adopted by an Assembly vote of 33-13-8 (Ibid., 459th Pl.Mtg., Nov.27, p.319).

68 GAOR, 9th S., 4th Ctee., 433rd Mtg., Nov.15, 1954, p.241. The amended draft, which became Resolution 850(IX), was adopted by an Assembly vote of 40-12-3 (Ibid., 499th Pl.Mtg., Nov.22, p.307).

The terms of this draft resolution represent ...yet another attempt to extend the provisions of the Charter by means of Assembly resolutions ...A procedure for amendment is laid down in the Charter...it seems that some Members⁶⁹ are irked by the limitations of Chapter XI.

The case was finally concluded in 1955. Some, like India's Menon, were still not altogether happy about the matter. He equated cessation with self-government or independence which, in turn, he tended to equate with eligibility for United Nations membership, and this was not the status of Surinam and the Antilles.⁷⁰ Fourth Committee debate, however, was proceeding smoothly on a draft resolution submitted by Brazil to have the Assembly recognise that the submission of information on the territories should cease. The Australian delegate, T.A. Pyman, was content with this, although he urged members not to write into the draft expressions of the alleged competence of the Assembly to decide when submission should cease.⁷¹ When Uruguay and India proposed amend-

⁶⁹ Ibid., p.301.

⁷⁰ GAOR, 10th S., 4th Ctee., 524th Mtg., Nov.29, 1955, pp.308-9.

⁷¹ Ibid., p.312.

ments which did just this, Australia voted against them and abstained on the draft thus amended.⁷² Even in the Assembly, where the Netherlands itself voted against paragraphs asserting the Assembly's competence but voted for the draft resolution as a whole, Australia abstained.⁷³ Australia thus found herself in the position of having to oppose a resolution, the main point of which was in accord with her own estimate of the facts of the case (that the territories were self-governing and no longer within the scope of Chapter XI), and unable to vote in concert with an administering colleague, because of the inclusion in the resolution of (to her) an objectionable extension of Assembly powers.

It is not proposed here to follow other cases in equal detail, but their course and Australia's policy were much the same. The insertion of a paragraph stating the Assembly's competence in the matter was written into a draft resolution in 1953 accepting Puerto Rico as self-governing. Australia did not

⁷² Ibid., 527th Mtg., Nov.30, pp.328-9.

⁷³ Assembly voting on what became Resolution 945(X) was 21-10-33 (Ibid., 557th Pl.Mtg., Dec.15, p.462).

support the draft, even though the administering Power, the United States, was content to vote separately against the competence paragraph and for the whole draft.⁷⁴ As Copland put it, Australia 'would have voted for any resolution recognizing the right of the United States to do so, but he had been unable to support a resolution which implied that the General Assembly was competent to decide whether the cessation was justified'.⁷⁵ Again, in 1954, Australia voted in the Fourth Committee against (and in the Assembly abstained on) a draft resolution accepting a communication from Denmark stating that Greenland was now outside the ambit of Chapter XI because an amendment was carried to the effect that the Assembly had competence in deciding the issue.⁷⁶ The Australian delegate, P.J. Clarey, explained:

74 In the Assembly, where what became Resolution 748(VIII) was adopted by a vote of 26-16-18, Australia voted against the whole; some other administering Powers, including Britain, merely abstained (GAOR, 8th S., 459th Pl.Mtg., Nov.27, 1953, pp.319-20).

75 Ibid., 4th Ctee., 356th Mtg., Nov.6, p.259.

76 This draft, which became Resolution 849(IX), was adopted by the Assembly by a vote of 45-1-11 (GAOR, 9th S., 499th Pl.Mtg., Nov.22, 1954, pp.306-7).

The General Assembly was not empowered to consider political information regarding the Non-Self-Governing Territories, and Administering Members were not bound to supply it. Therefore the Administering Members, and only they, could decide whether a Territory placed under their jurisdiction had really become independent. That principle applied both to Territories which had joined the former administering Power and to those which had become separate States...he would vote against the... amendment, and if it were adopted he would even have to vote against the joint draft resolution which he had at first intended to support.⁷⁷

This pattern was repeated in 1959, when a draft resolution accepting the removal of Alaska and Hawaii from the scope of Chapter XI was amended to include a reference to the Assembly's competence. Australia and the United States (the administering Power concerned) and other administering Powers and their allies voted in the Fourth Committee against the amendment and, while the United States voted for the draft as amended, Australia and other administering Powers were among those to abstain.⁷⁸

It will have been apparent that these cases involved only territories integrating in some way with

⁷⁷ Ibid., 4th Ctee., 430th Mtg., Nov.11, p.219.

⁷⁸ GAOR, 14th S., 4th Ctee., 983rd Mtg., Dec.3, 1959, p.610. In the Assembly, the draft of what became Resolution 1469(XIV) was adopted by a vote of 58-0-17 (Ibid., 855th Pl.Mtg., Dec.12, p.726).

the former administering Power. As a United Nations publication has put it:

When territories have attained independence, the procedures for the cessation of transmission of information have not been followed.⁷⁹

Given the anti-colonial Powers' major interest in territories achieving independence, it is scarcely surprising that, where cessation has followed independence, the United Nations has done little more than congratulate the parties concerned.⁸⁰ Still, where cessation was an issue, Australian policy was consistent: it was not the business of the Assembly to give itself the role of supervisor or judge in a matter which was the exclusive province of administering Powers.

79 United Nations Office of Public Information, Everyman's United Nations, New York, 1964, p.360.

80 In the case, for example, of France's African territories, no action was taken when France announced a cessation of transmission with respect to a number of them in 1959.

V.

The administering Powers opposed efforts to have established a system of accountability and supervision in the context of Chapter XI analogous to the system formally established under Chapters XII and XIII of the charter. Article 73, it has also been seen, refers to information being submitted by administering Powers to the Secretary-General 'for information purposes'. The anti-colonial Powers then succeeded in having this implemented in such a way that an information committee was established to examine and report on information submitted by the administering Powers. To a perhaps minor degree, this in itself comprised the establishment of something like the trusteeship system and something quite like the mandates system. Efforts to have the similarity even more marked by the institution of visiting missions and the hearing of petitions, as well as the interrogation of expert witnesses, largely were unsuccessful. Still, although political information was not generally submitted and examined until the 1960s, basic elements of accountability existed: administering Powers reported ultimately to a body which examined that information and reported publicly on it.

The strong (equal) representation of the administering Powers on the information committee tended to put a brake on its activities.⁸¹ Nevertheless, year-by-year it examined conditions in non-self-governing territories and reported on them to the Assembly. The question of supervision then arose when, on the basis of the information supplied by the administering Powers, the committee or anti-colonial Powers in the Fourth Committee sought to have the Assembly make recommendations to the administering Powers and to have the Assembly urge the implementation of its resolutions and reports on the information committee. Assembly recommendations dealt mainly with educational and social questions and most were fundamentally acceptable even to the administering Powers. These Powers, however, were sensitive to the principle involved.

In 1952, for example, Afro-Asian members were responsible for the information committee including in its report a draft resolution recommending that

⁸¹ This, as Sady points out, was of value to the administering Powers in that the Assembly began each session's deliberations on a basis of the information committee's reports rather than with a clean slate on which to write anti-colonial resolutions (see Sady, op.cit., p.75).

steps be taken against racial discrimination in territories. In the Assembly, Australia voted for the draft (no one voted against it, and only France abstained).⁸² In the information committee itself, however, Australia originally had abstained for several reasons but including this, that 'it was not proper for this Committee to recommend to Member States the examination of their legislation with a view to its alteration'.⁸³ Nor was Australia hostile merely to this particular sort of recommendation. In 1956, when the Assembly adopted a resolution calling for intensified progress in education in the territories, the Australian view was that, as A.H. Loomes put it, 'the United Nations could not request an Administering Member to adopt specific procedures...'.⁸⁴

82 This draft, which became Resolution 644(VII), was adopted by an Assembly vote of 51-0-1 (GAOR, 7th S., 402nd Pl.Mtg., Dec.10, 1952, p.354). Despite her abstention in the information committee, Australia was prepared to support the draft, said Forsyth, because 'of the importance of the principles with which the resolution dealt...' (Ibid., 4th Ctee., 261st Mtg., Nov.1, p.89).

83 GAOR, 7th S., Supplement No. 18, p.5.

84 This draft, which became Resolution 1049(XI) by an Assembly vote of 55-5-9 (GAOR, 11th S., 657th Pl.Mtg., Feb.20, 1957, p.1178), also was highly objectionable to Australia in that it called for the submission of target dates.

Similarly, on the question of implementation, Australia opposed the right of the Assembly to bring pressure to bear to have its recommendations and reports acted on. In 1952, Afro-Asian and Latin American members of the information committee argued that administering Powers should report on activities undertaken as a result of the committee's reports and Assembly recommendations. The administering Powers, including Australia, replied that administrative responsibility was solely theirs, so that committee reports and Assembly recommendations could serve as no more than 'useful guides to possible solutions for particular problems'.⁸⁵ Australia subsequently abstained in Fourth Committee voting on a draft resolution requesting the administering Powers to report on implementation.⁸⁶

As on most questions, the Australian view on recommendations and their implementation tended to change in the 1960s. In 1960, for example, another

⁸⁵ GAOR, 7th S., Supplement No.18, pp.1-2.

⁸⁶ Ibid., 4th Ctee., 268th Mtg., Nov.10, 1952, p.130. This draft, which became Resolution 645(VII), was adopted by the Assembly by a vote of 47-2-8 (Ibid., 402nd Pl.Mtg., Dec.10, p.354).

draft resolution on racial discrimination in territories was submitted. This draft had the Assembly recommend to the administering Powers that they rescind all laws and regulations tending however indirectly to sanction discrimination and urge them immediately to extend basic political rights, including the right to vote, equally to all racial groups in territories. Explaining Australia's lonely abstention with Britain in Fourth Committee voting on the draft, Loomes said that his vote 'had been entirely due to the demand...that full and immediate effect should be given to the recommendation...His delegation could not honestly have voted in favour of a draft resolution which his country would have been unable to carry out immediately'.⁸⁷ He then went on to agree that racial discrimination in all forms should be abolished. He made no mention of possible illegality in the Assembly issuing recommendations directly to administering Powers, in referring to those Powers' internal laws and regulations, in addressing itself at all to political matters.

⁸⁷ GAOR, 15th S., 4th Ctee., 1029th Mtg., Oct., 31, 1960, p.174. Australia also abstained in the Assembly where the draft of what became Resolution 1536(XV) was adopted by a vote of 88-0-2 (Ibid., 948th Pl.Mtg., Dec.15, pp.1291-2).

VI.

The essential interest of the anti-colonial Powers at the United Nations in colonialism has been not merely to affect its course but to hasten its end. This was apparent in the nature of a host of their proposals submitted from 1946 and aimed in various ways at removing non-self-governing territories and their administration from the purely domestic arenas of administering Powers increasingly to the international arena of the General Assembly and its committees. A more intense concentration of the central purpose of decolonisation, however, can be seen to have emerged in the activities of the anti-colonial Powers in the mid-1950s and again, and even more strikingly, at the end of the decade - both points coinciding, it might be noted, with the appearance in the United Nations of groups of new, mainly ex-dependent and anti-colonial states.⁸⁸

The new phase in anti-colonialist activity was manifest in 1955, when a group of states proposed that the Assembly declare the desirability of having examined the overall progress achieved in attainment of the objectives of Chapter XI of the charter.

⁸⁸ Sixteen states joined the United Nations in 1955, seven in 1956-8 and seventeen in 1960.

Australia took a leading part in attempts in the Fourth Committee to have a draft resolution to this effect defeated. The Australian delegate, Joske, spoke of 'the remarkable obscurity of the language of the draft resolution' about which he had 'profound misgivings'; what the draft proposed would be a 'waste of time'.⁸⁹ The draft was adopted, with Joske reserving Australia's position.⁹⁰

The following year, 1956, a draft resolution was submitted to give effect to the previous year's, that is, to have the Secretary-General prepare a report on progress achieved, using whatever information was available. The Australian delegate, Loomes, opposed the draft because, he said, he had doubts about the use to which the report would be put, and he opposed the use of information 'supplied to other organs for other purposes under other agreements.'⁹¹

89 GAOR, 10th S., 4th Ctee., 485th Mtg., Oct.25, 1955, p.100. Joske's haste in trying to 'scotch' this draft almost can be sensed from the summary records.

90 Ibid., 487th Mtg., Oct.26, p.107. This draft, which became Resolution 932(X), was adopted by an Assembly vote of 45-0-12 (Ibid., 541st Pl.Mtg., Nov.8, p.293).

91 GAOR, 11th S., 4th Ctee., 627th Mtg., Feb.7, 1957, p.385.

Still, the draft was adopted by the Fourth Committee and the Assembly.⁹² During the same session, it was seen above, the Assembly adopted Resolution 1049(XI) dealing with progress in the field of education in territories. As Loomes said: 'For the first time an attempt was being made to apply the concept of targets and dates in Non-Self-Governing Territories'.⁹³

The report on progress achieved in the non-self-governing territories was written by the secretariat and considered ultimately at the Assembly's 1960 session. A resolution was adopted noting the contents of the report but also affirming that inadequate social and economic progress was not a bar to self-government and urging the administering Powers to provide political information. Loomes objected to the thesis that political progress could not be delayed because of inadequate economic and social progress and to what Australia still saw as an unconstitutional request for political information.⁹⁴

92 This draft, which became Resolution 1053(XI), was adopted by an Assembly vote of 65-3-3 (Ibid., 657th Pl.Mtg., Feb.20, p.1179).

93 Ibid., 4th Ctee., 610th Mtg., Jan.24, p.311.

94 GAOR, 15th S., 4th Ctee., 1025th Mtg., Oct.27, 1960, p.149. Resolution 1535(XV) was adopted by an Assembly vote of 69-0-20, Australia abstaining (Ibid., 948th Pl.Mtg., Dec.15, p.1291).

Meanwhile, in 1958, the anti-colonial Powers reacted to their familiar experience of having success in the Fourth Committee, where only a simple majority was required to have a draft resolution adopted, frustrated in the Assembly, where a two-thirds majority could be required of 'important' questions.⁹⁵ A group of these Powers submitted a draft resolution directly to the Assembly in plenary session to have the International Court of Justice asked for an advisory opinion on the voting procedure required for matters relating to Chapter XI of the charter. They argued that there had been inconsistencies, with the two-thirds rule sometimes invoked on unimportant measures and simple majorities allowed on major questions. Australia objected to the draft even more vigorously than her administering colleagues. The Australian delegate, Walker, tried on a point of order to have the draft disallowed because it had not been considered for the agenda by the General Committee. When this tactic failed, he attacked the draft on the additional grounds

⁹⁵ Examples of the way in which the anti-colonial Powers could be frustrated in this way, especially in relation to the West Irian issue, will be seen below.

that it challenged the ruling of a previous Assembly president⁹⁶ and that it had been rushed into the Assembly in the closing hours of the session.⁹⁷ In the event, the draft was not put to a vote.

However, the following (1959) session was also disconcerting for the administering Powers in that Guinea, a new and very active member, submitted a draft resolution calling for the submission of timetables for the achievement of independence by all non-self-governing territories. It, too, was not put to a vote, but it served as something of a curtain-raiser for the 1960 Declaration, to which reference already has been made.

It is not proposed here to discuss in detail the statements of seventy delegations made during seventeen days of plenary debate on a Soviet draft resolution calling for immediate independence for all dependent territories and a slightly more flexible

96 Prince Wan Waithayakon, of Thailand, who, said Walker, 'has earned the highest respect of the Assembly of all parts of the Assembly for his impartiality'.

97 GAOR, 13th S., 789-90th Pl.Mtgs., Dec.12-13, 1958, pp.583, 593.

version sponsored jointly by forty-three members. The Australian contribution was noteworthy in that, unlike the British response which was (as the Australian delegation itself said) 'strong',⁹⁸ its tone was moderate. The Australian delegate, (later Sir) James Plimsoll, admitted that colonialism had had its share of inhumanity and that, while it had been a necessary transitional phase, it was desirable that it should now come to an end. In the penultimate paragraph of his speech, he said:

None of us would say that there is no good or no bad in this institution of colonialism. But we are all agreed that we should bring it, as rapidly as possible, to an end in the form of self-government for all the peoples of the world.⁹⁹

In the sense of self-determination, this, he said, applied to Papua-New Guinea.¹⁰⁰ Australia did not explain the specific reasons for her rejection, with the majority, of the Soviet draft or for her abstention, with a small minority, on the successful joint draft

98 Australian Delegation Report, 1960, as above, p.23. For the reaction of the British delegate, David Ormsby-Gore, see GAOR, 15th S., 925th Pl.Mtg., Nov.28, 1960, pp.982-6.

99 Ibid., 933rd Pl.Mtg., Dec.2, p.1093.

100 Ibid.

resolution.¹⁰¹ However, Plimsoll noted that Australia could not agree with the opinion expressed in the joint draft that colonialism necessarily impeded the progress of a people. In New Guinea, he said, colonialism was essential to advancement. And he spoke at length of conditions in the territory to show that colonialism could not be abolished there overnight.¹⁰² The significance of the Australian reaction to the draft of what became the Declaration lay not so much in the voting on it - Australia did not oppose it outright, but nor did anyone else and her fellow abstainers mainly comprised the generally less admired administering intransigents. It lay rather in the tone and expression of Plimsoll's speech, which was conciliatory and

101 The Soviet draft was voted on in two sections and defeated by 32-35-30 and 25-43-29, Australia voting against in each case (Ibid., 947th Pl.Mtg., Dec.14, pp.1272-3). The joint draft, which became Resolution 1514(XV), was adopted by 89-0-9 (Ibid., pp.1273-4).

102 Ibid., 933rd Pl.Mtg., Dec.2, pp.1091-2. Among Australia's western allies, New Zealand generally approved the resolution despite dissatisfaction with some parts of it and voted for it; Canada thought it 'a very good one and for which we are very pleased to vote'. The United States objected to emphasis on speed and on independence as the acceptable goal and abstained in the vote.

sympathetic rather than the traditionally hostile and legalistic.¹⁰³

The trend towards greater flexibility and moderation in Australian activity noted above showed itself in the context of the Declaration when, at the following (1961) session, Australia voted for a resolution setting up a special committee of seventeen members to 'make suggestions and recommendations on the progress and extent of the implementation of the Declaration...'. This left France, Spain, South Africa and Britain alone in an abstention consistent with their previous year's stand.¹⁰⁴ Without actually explaining why Australia had not been prepared to vote for the Declaration in 1960 but was in 1961 prepared

103 Of the Declaration's twelve introductory paragraphs, at least eight formerly would have been highly objectionable to Australia on legal and political grounds; of its seven operative paragraphs, at least five would have been objectionable enough to have warranted an Australian vote 'against'.

104 Portugal by now was refusing to register a vote of any sort on such resolutions. Like Australia, the United States also showed more permissiveness in 1961 but this change was less notable (for a discussion of political pressures making for inconsistency in United States policy on colonial questions, see William Henderson, 'United States Policy and Colonialism' in Academy of Political Science Proceedings, Vol. XXVI (1954-59), No. 3, p. 247).

to vote for a move to pursue its implementation, Plimsoll stressed that it was not being accepted that there should be immediate and universal independence but merely that immediate steps should be taken in that direction, and that it was assumed that the Committee of Seventeen would act responsibly.¹⁰⁵

In 1962, when the Assembly considered the Committee of Seventeen's first report, Plimsoll, speaking as a member of it as well as Australia's Assembly delegate, referred to it in kind terms and allowed it a not inconsiderable mandate:

...the committee should satisfy itself that the Administering Authorities are making an honest attempt, at a reasonable pace and in reasonable ways, to give effect to the provisions of the Charter on self-determination. The Committee should stimulate the Administering Authorities - stimulate them in many ways, stimulate them with ideas, stimulate them with questions.¹⁰⁶

A draft resolution was submitted to have the committee's

¹⁰⁵ GAOR, 16th S., 1065th Pl.Mtg., Nov.27, 1961, pp.850-1. The writer has been told authoritatively that a strong consideration involved in Australia's decision to support the creation of the committee was the inevitability of its creation and the feeling that it was in Australia's interest to co-operate with such a body rather than to obstruct it or its establishment. Resolution 1654(XVI), establishing the committee, was approved by an Assembly vote of 97-0-4, Britain, France, South Africa and Spain being the abstainers (Ibid., 1066th Pl.Mtg., Nov.27, pp.871-2).

¹⁰⁶ GAOR, 17th S., 1173rd Pl.Mtg., Nov.21, 1962, p.807. It is, perhaps, significant that, when the committee visited Africa in 1962, Australia was the only western member to send its permanent representative, an ambassador.

membership increased to twenty-four,¹⁰⁷ and to have the committee not only seek the speedy implementation of the Declaration and to propose specific measures to that end, but also to recommend independence target dates. This last provision was voted on separately and defeated.¹⁰⁸ While voting against this provision, Australia voted for the draft, whereas Britain again abstained with South Africa, Spain and France.¹⁰⁹

The effect of the Committee of Seventeen's work was to increase the degree to which particular territories received the attention of the Assembly. These included Southern Rhodesia, Nyasaland, Angola, Kenya, Zanzibar and the southern African territories of Basutoland, Bechuanaland and Swaziland. Australia's reaction to attention being focussed on various territories was permissive and, more than could have been imagined in the 1950s, her view of the Assembly's

107 Pressure for the extra numbers on the committee came from Afro-Asian Powers which felt under-represented, although some would have been content with a committee of twenty-one.

108 Ibid., 1195th Pl.Mtg., Dec.17, pp.1155-6.

109 This draft, which became Resolution 1810(XVII), was adopted by an Assembly vote of 101-0-4 (Ibid., p.1156).

activities in each case was approving or only moderately hostile.

Southern Rhodesia emerged as a major issue in late 1961 and early 1962. A number of states, most of them Afro-Asian, disturbed by the pro-European weighting of the revised 1961 Southern Rhodesian constitution, proposed that the Assembly ask the Committee of Seventeen to consider whether Southern Rhodesia had attained a full measure of self-government and was thus, as Britain argued, outside the scope of Chapter XI of the charter and the 1960 Declaration. A resolution to this effect was adopted by the Assembly.¹¹⁰ The Committee of Seventeen examined the situation in Southern Rhodesia and, as a result, urged the inclusion of the question on the agenda of the resumed Assembly session in mid-1962.¹¹¹ This was done and, at the mid-year meetings of the Assembly, Afro-Asian states successfully submitted a draft resolution which, as amended by Bulgaria, asked Britain

110 Resolution 1745(XVI) was adopted by an Assembly vote of 57-21-24, Australia voting against (GAOR, 16th S., 1106th Pl.Mtg., Feb.23, 1962, pp.1376-7).

111 Inclusion of the question on the agenda was effected by a vote of 62-26-15, Australia voting against (Ibid., 1109th Pl.Mtg., June 12, pp.1398-9).

(described as the administering Power, British protests to the contrary notwithstanding) to convene a constitutional conference aimed at ensuring the rights of the majority of Southern Rhodesia's inhabitants on a 'one man, one vote' principle. Australia abstained in a separate vote on the 'one man, one vote' reference and on the draft as a whole.¹¹² The burden of Plimsoll's mildly-expressed opposition to this draft was that 'it asks the United Kingdom to do things which the United Kingdom Government believes lies beyond its powers'.¹¹³

The few months remaining before the Assembly's seventeenth (1963) session were marked by outbreaks of violence in Southern Rhodesia and official action against the major African political party there. Two resolutions were adopted at the seventeenth Assembly

112 The draft, which became Resolution 1747(XVI), was adopted by a vote of 73-1-27 (Ibid., 1121st Pl.Mtg., June, 28, p.1549).

113 It was characteristic of Plimsoll's diplomatic style that he was able to convey sympathy with the causes of self-determination and Africans' rights and, at the same time, argue some of Britain's cause.

session. The first called on Britain to secure the release of political prisoners and a lifting of the ban on the Zimbabwe African Peoples Union in Southern Rhodesia.¹¹⁴ The second largely was a repetition of the resolution of the previous session, but it also called for a cancellation of elections due to be held under the discriminatory 1961 constitution and asked the Secretary-General to lend his good offices in the matter.¹¹⁵

Australia abstained in the voting on both drafts. Her abstention on the second, the major draft, was based on Australia's view of the incompetence of the Assembly in the matter and the view that outside interference would not help the situation, said McIntyre.¹¹⁶ Again in 1963, Australia abstained in voting on two resolutions adopted by the Assembly: one asked Britain not to cede sovereignty to Southern Rhodesia or to allow military forces to be transferred back to Southern Rhodesia from the dissolved Central African Federation;¹¹⁷ the other affirmed Southern Rhodesians' right to self-determination and independence

114 Resolution 1755(XVII) was adopted by a vote of 83-2-11 (GAOR, 17th S., 1152nd Pl.Mtg., Oct.12, 1962, p.484).

115 Resolution 1760(XVII) was adopted by a vote of 81-2-19 (Ibid., 1163rd Pl.Mtg., Oct.31, pp.655-6).

116 Ibid., 4th Ctee., 1368th Mtg., Oct.31, pp.255-6).

117 Resolution 1883(XVIII) was adopted by a vote of 90-2-13 (GAOR, 18th S., 1241st Pl.Mtg., Oct.14, 1963, p.7).

but asked Britain not to allow independence to the current minority government, asked Britain to convene a constitutional conference preparatory to early independence on a basis of universal adult suffrage, and asked the Secretary-General again to lend his good offices.¹¹⁸

The Southern Rhodesian question presented difficulties for Australia. Her delegation, it is clear from the Assembly's debates, was concerned for the rights of Africans and held some doubts about the present and future observance of these rights in Southern Rhodesia. On the other hand, the delegation was, like other 'old Commonwealth' delegations, aware of the constitutional complexity of Britain's relationship with the self-governing territory, felt that local racial harmony would not be promoted by expressions of international hostility towards the territory's minority government, and would prefer as a general rule to avoid too emphatic hostility towards British policy on a sensitive area. In the event, Australia did not accompany Britain in the latter's

118 Resolution 1889(XVIII) was adopted by an Assembly vote of 73-2-19(Ibid.., 1255th Pl.Mtg., Nov.6, 1963, p.2).

refusal to vote, nor for the most part, did she join South Africa and Portugal in consistent and utter hostility to the Assembly's resolutions; she was content to abstain. On the Portuguese question, Australia's path was easier in that her international friendship involved was weaker and the points at issue were, for a state no longer intransigent on colonial questions and their framing at the United Nations, less debatable.

It has been seen that in 1956-7-8, Australia voted against draft resolutions designed to bring pressure to bear on Portugal to have her recognise her overseas territories as non-self-governing and liable to the reporting obligation of Chapter XI of the charter. The Australian view, sternly put, was that only the individual member, and not the Assembly, could say whether the member administered territories within the scope of Chapter XI. It was seen, further, that Australian policy showed a marked change in 1960 when her delegation merely abstained in voting on Resolution 1542(XV), which declared Portugal's obligation to report on nine specified territories. Then, in 1961, Australia actually voted for Resolution 1699(XVI), which condemned Portugal's

failure to co-operate with the Assembly and appointed a committee to gather information on Portuguese territories as best it could. In 1962, the Australian delegation joined in verbal criticism of Portugal and abstained in voting on Resolution 1807(XVII) only because it included an appeal to members not to supply arms to Portugal.¹¹⁹ In 1963, finally, Australia supported a draft resolution which called for immediate independence for all Portuguese territories and asked the Security Council to consider how this might be achieved.¹²⁰

Meanwhile, United Nations attention had become focussed particularly on the Portuguese territory of Angola on Africa's west coast. As a result of civil disturbances there early in 1961, conditions in the territory were brought before the Security Council and General Assembly for consideration. The Council failed to adopt a draft resolution on the question, but the Assembly adopted Resolution 1603(XV), which

119 Resolution 1807(XVII) was adopted by an Assembly vote of 82-7-13 (GAOR, 17th S., 1194th Pl.Mtg., Dec.14, 1962, p.1148). The Australian view was that the Assembly had no right to call for a ban on the movement of arms between alliance partners.

120 This draft, which became Resolution 1913(XVIII), was adopted by the Assembly by a vote of 91-2-11, the abstainers including Britain, the United States and Canada (GAOR, 18th S., 1270th Pl.Mtg., Dec.3, 1963, p.4).

called for reforms in the territory and implementation of the 1960 Declaration and appointed a committee to investigate the question.¹²¹ The committee's report was considered by the Assembly early in 1962 when there occurred another example of the change already noted in Australian policy.

On Resolution 1603(XV), Australia voted (abstained) on the Angola question with Powers like Britain, which held to the legal view that the Assembly was not competent to interfere in the legally domestic affairs of a member state. Later in 1961, as it has been seen, Australia switched to support for the condemnation of Portugal and the creation of an information committee to deal with Portuguese territories despite the domestic jurisdiction claims of Portugal. Now, early in 1962, the Australian representative, Plimsoll, followed this new attitude through with a speech which 'received widespread attention in the Assembly and was referred to appreciatively by many African and Asian countries

¹²¹ Resolution 1603(XV) was adopted by an Assembly vote of 73-2-9, Australia abstaining (GAOR, 15th S., 992nd Pl.Mtg., April 20, 1961, p.435).

in their statements as being helpful and constructive'.¹²²
 He was helpful and constructive in that he virtually disowned ten or fifteen years of Australian emphasis on legal considerations in defence of administering Powers' (and her own) interests. He said:

I do not think it would be profitable to go into the legal considerations. When we embark on legal discussions we often find ourselves in the position of having to lay down principles that govern a wide range of situations differing perhaps in so many respects from the one that is under consideration that it is difficult to get agreement. But in a case like the present one, which we can all regard in the light of common sense and our general knowledge of the conditions of the territory and its people, it seems to the Government of Australia that, irrespective of what legal position the Government of Portugal may take concerning the constitutional status of its territories, it would be, to say the least, wise for them to regard Angola as a territory falling within Chapter XI of the Charter of the United Nations, with all that that implies. And that implies, in the first place, regular reporting to the United Nations in accordance with the Charter.

It appears also to the Australian Government that the Government of Portugal should recognise, irrespective of any legal or constitutional principles which it regards as applying in this situation, that the people of Angola are entitled, at the proper time, to a genuine exercise of the right to self-determination.¹²³

122 Parliament of the Commonwealth of Australia, Report of the Australian Delegation, General Assembly of the United Nations, Resumed Sixteenth Session, 15th January to 23rd February, 1962, Canberra, 1962, p.7.

123 GAOR, 16th S., 1091st Pl.Mtg., Jan.18, 1962, p.1220.

Plimsoll then voted for a draft resolution under which the Assembly called on Portugal to cease repression in Angola, to initiate a process for the transfer of power to the people of Angola and to report to the following Assembly session. It also reappointed the committee established under Resolution 1603(XV).¹²⁴ In 1962, the Assembly adopted a draft resolution along similar lines except that it called for sanctions and the imposition of an arms embargo.

124 Resolution 1742(XVI) was adopted by an Assembly vote of 99-2-1 (Ibid., 1102nd Pl.Mtg., Jan.30, 1962, p.1350). Australia's affirmative vote presumably was made possible by the prior defeat of a paragraph in the draft calling for an arms embargo. It is interesting to note that Plimsoll reported to the Assembly that in the previous October the Australian Prime Minister, Mr Menzies, had written to the Portuguese Prime Minister, Dr Salazar, to the effect that 'it was Australia's view that the Government of Portugal...should regard Angola as a Non-Self-Governing Territory under Chapter XI of the Charter, that it should report on Angola to the United Nations, and that it should recognise that the people of Angola are entitled to exercise freely and genuinely the right of self-determination' (Ibid., 1091st Pl.Mtg., Jan.18, p.1220). It appears, then, that the marked change in Australian attitudes may be dated to the period April-October, 1961. In April, Australia felt constrained to abstain on Resolution 1603(XV) and, in October, Australia was privately informing Portugal of a change of policy to be manifest when Australia voted for Resolution 1699(XVI) in December. Two months later, Australia also voted for Resolution 1742(XVI).

This latter provision apparently was still objectionable to Australia, which subsequently voted against the draft.¹²⁵

It remains to note only that in 1962, when several British territories other than Southern Rhodesia received attention, Australia's course was somewhat closer than Britain's to that of the anti-colonialist Assembly majority. Thus, while Australia and Britain both abstained on resolutions affirming the right to independence of Nyasaland and of Bechuanaland, Bantuland and Swaziland, Australia voted for similar

¹²⁵ Resolution 1819(XVII) was adopted by an Assembly vote of 57-14-18 (GAOR, 17th S., 1196th Pl.Mtg., Dec. 18, 1962, p.1166). Australia had voted unsuccessfully for a separate vote on the paragraph calling for an arms embargo. It might be noted that four days earlier Australia was content to abstain on Resolution 1807(XVII) which did not refer to a specific territory but which also called for an arms embargo against Portugal, though not as well for Security Council-ordered sanctions.

resolutions on Zanzibar and Kenya, whereas Britain persisted with abstentions.¹²⁶

126 The resolutions involved here were respectively 1818, 1817, 1811 and 1812(XVII). They were adopted without roll-call votes being requested, but for evidence of Australians, British and some other Powers' voting, see Parliament of the Commonwealth of Australia, Report of the Australian Delegation, Seventeenth Regular Session of the General Assembly of the United Nations, 18th September, 1962 - 20th December, 1962, Canberra, 1963, p.24. It may be supposed that Australia was prepared here to follow her own voting course where Britain's essential interests were not much affected. Britain still had not accepted Assembly interference: '...nothing in the Charter authorizes the Assembly to adopt such recommendations; indeed the Charter specifically recognizes the responsibility of the Administering Members for the administration of territories...the Assembly had no right or power to usurp a responsibility which clearly belongs to the Administering Power alone', said a British delegate (GAOR, 17th S., 1195th Pl.Mtg., Dec.17, 1962, p.1159). Australia, on the other hand, was now markedly less intransigent. But, while Britain persisted with abstentions on behalf of a principle, the content of the resolutions was only very mildly objectionable - the territories in question were anyway proceeding towards imminent independence. Where proposals significantly embarrassed Britain, as on the Southern Rhodesian and Aden questions (in 1963, Australia voted vainly against Fourth Committee hearings for Aden petitioners), Australia tended to support the British cause.

VII.

A total of fifty resolutions has been referred to in preceding pages of this chapter covering the period 1950-63.¹²⁷ Australia apparently voted for 12, against 13, and abstained in voting on 24.¹²⁸ In the shorter period of 1950-9, during which it has been seen that Australia was much less flexible than she was to show herself in the 1960s, she apparently

127 It should perhaps be noted that reference has not been made in preceding pages to four resolutions adopted by the Assembly in 1957-8-9 in response to some Powers' fears that European Economic Community developments might impede the achievement of economic objectives in territories administered by members of the Community. Three of them - 1153(XII), 1330(XIII) and 1470(XIV) - simply asked for information on the matter from administering Powers. Australia voted against all three. Whatever the motives of the resolutions' sponsors and the bases of the contrary attitudes of the administering Powers, which (except for the Netherlands in one year) failed to co-operate, they seem to the writer not to have gone much beyond Article 73e and, thus, not to have had major decolonialist significance. A fourth resolution on the subject - 1329(XII) - had some such significance in that it comprised a recommendation to administering Powers to do something in respect of their territories (to examine the advisability of adopting investment policies ensuring economic development and rising per capita incomes in territories). Curiously, Australia was content to abstain in Fourth Committee voting on this draft which was adopted by an Assembly vote of 58-5-15 (GAOR, 13th S., 789th Pl.Mtg., Dec.12, 1958, p.584).

128 Of the 50 resolutions, Australia's Assembly vote is documented on 34; her Fourth Committee vote is documented on 10; there are strong contextual indications of her vote on 5; on only 1 is her vote doubtful.

voted for only four resolutions, against 11 and abstained on eight. It was pointed out above, after discussion of events in the 1946-9 period, that a simple analysis of voting on resolutions can be misleading if taken as more than very broadly indicative of attitudes, if note is not taken of which resolutions were supported or opposed.

If account is taken of the significance of resolutions supported or opposed by Australia, the conclusion reached on the period 1946-9 largely applies again in the 1950-9 period; that is, Australian opposition to anti-colonialist pressures exerted in the United Nations was greater even than voting figures alone would indicate. The few resolutions supported by Australia in 1950-9 were of minimal anti-colonialist significance, while those she opposed outright or by abstention had considerable anti-colonialist significance. Thus, Australia supported resolutions on: anti-discrimination, though unenthusiastically - 644(VII); a request for an examination of the question of territories' (not indigenes') participation - 566(VI); and extensions to the life of the information committee - 646(VII)

and 933(X). On the other hand, Australia opposed resolutions to do with the major efforts of the anti-colonial Powers to take the fate of dependent territories from the exclusively domestic determination of administering members. These included resolutions to do with: reporting on the observance of the Human Rights Declaration - 446(V); indigenous participation - 647(VII); factors to be taken into account in deciding on a member's obligation or not to continue reporting under Article 73 - 648(VII) and 742(VIII); assumption by the Assembly of the right to legitimise a cessation of reporting - 747(VIII), 748(VIII), 849(IX), 850(IX), 945(X) and 1469(XIV); education programme target dates - 1049(XI); and the submission of political information - 848(IX) and 1468(XIV). Australia opposed less emphatically (by abstention) resolutions on: implementation - 645(VII); achievement of progress in territories - 932(IX) and 1053(XI); the information committee - 1332(XIII); and principles relevant to establishment of non-self-governing status - 1467(XIV). Australia also opposed major anti-colonialist proposals which were unsuccessful and, if only for a time, did not become resolutions: in 1952, for example, she

opposed permanence for the information committee; in 1956-7-8, she opposed the establishment of an ad hoc committee to study the application of Chapter XI to the territories of new members; in 1958, she opposed the interrogation of administering Powers' expert witnesses and reference to the International Court of Justice of the question of the application of the two-thirds majority rule in Assembly voting.

The 1960s, it has been seen, saw a new flexibility and pragmatism in Australian activity. The observation that 'one does not contemplate with much pleasure the sort of company in which Australia sometimes found herself...' would apply much less to the 1960s than to the 1950s.¹²⁹ Factors apparently associated with this policy reorientation will be discussed in a later chapter of this work. It is necessary here merely to note that Australia now supported resolutions on: indigenous participation - 1539(XV); establishment of the Committee of Seventeen

129 Geoffrey Sawer, 'The United Nations' in Gordon Greenwood and Norman Harper, eds., Australia in World Affairs 1956-1960, Melbourne, 1963, p.162.

to prosecute the urgent independence objectives of the 1960 Declaration - 1645(XVI); condemnation of Portugal and establishment of an information committee to deal with Portuguese territories - 1699(XVI); reform and independence for Angola - 1742(XVI); extension of the mandate and membership of the Committee of Seventeen - 1810(XVII); independence for Zanzibar and Kenya - 1811 and 1812(XVII); independence for all Portuguese territories and reference of the question of enforcement to the Security Council - 1913(XVIII). While there was nothing like a complete somersault in policy,¹³⁰ approval for the sort of resolutions just cited reflected a considerable change.

¹³⁰ Thus Australia still voted against a resolution on Southern Rhodesia - 1745(XVI) - and on a resolution which included a call for an arms embargo on Portugal - 1819(XVII). And she still showed herself opposed, if in a moderate way, to the 1960 Declaration and to resolutions on: progress achieved - 1535(XV); anti-discrimination - 1536(XV); principle relevant to a reporting obligation - 1541(XV); Portugal's obligation to report on nine specified territories - 1542(XV) - and so on. Even here, however, the mere fact of abstentions rather than votes 'against' was of significance.

CHAPTER 5

THE

TRUSTEESHIP

SYSTEM

(PART 1 1946 - 1949)

The fundamental conflict between administering Powers and anti-colonial Powers in the context of Chapter XI of the charter arose over the question of control of non-self-governing territories. The administering Powers sought to maintain their exclusive control which they felt the charter allowed; the anti-colonial Powers sought to establish to the maximum the right of the Assembly substantially to lessen that exclusiveness. It was a question of who, in the last resort, should decide the fate of non-self-governing territories: the administering Powers alone or the United Nations as a whole. A similar conflict developed in the context of the trusteeship system established under Chapters XII and XIII of the charter. It was a question of who, in the last resort, controlled trust territories - Powers exercising trusteeship or the United Nations which awarded those Powers their trusteeship.

The trusteeship system operated in a smaller area than the informal system gradually devised for non-self-governing territories within the scope

of Chapter XI.¹ It at no time encompassed more than eleven territories, ranging from 362,688sq. mile Tanganyika (population, over nine million) to 5,263-acre Nauru (population, under five thousand).² But it operated in a more intense way. Article 75 of Chapter XII of the charter explicitly provided for a United Nations system of supervision; Article 76 listed independence as an objective of the system (whereas Article 73e spoke only of self-government for non-self-governing territories), Article 85 named the Assembly as the ultimate source of approval of terms under which trust territories would be administered,

1 Article 77c, of course, envisaged the possibility of all non-self-governing territories being subject to the trusteeship system. In fact, the system has applied only to territories detached from World War I and II enemies, and not even to all of those. Territories, with independence date and the relevant administering Power, in the system have been: Ruanda-Urundi (1962 as two states, Burundi and Rwanda), Belgium; Cameroons (1960) and Togoland (1960), France; Somaliland (1960), Italy; Western Samoa (1962), New Zealand; Cameroons (1961, part joining Nigeria, part joining Cameroon Republic), Togoland (1957, joining Ghana) and Tanganyika (1961), Britain; Nauru and New Guinea, Australia; Pacific Islands, United States.

2 While there have been 11 trust territories, the Assembly has in all listed 104 non-self-governing territories (some of these comprising parts of larger units - e.g., four components in the Leeward Islands- and some despite protests to the contrary by United Nations members alleged to be administering Powers).

Article 87 allowed the Assembly, and an Assembly-dominated Trusteeship Council to accept petitions and send visitors to trust territories, and Article 88 had the administering Powers report annually on the basis of a Trusteeship Council questionnaire covering all aspects - political as well as other - of the development of trust territories.

In a sense, the anti-colonial Powers initially had less ground to cover in the trusteeship than in the Chapter XI context. In the latter, they had to build a measure of accountability and supervision and press for territories' independence, on what at best they could claim was implicit in the charter. In the former, accountability and supervision were quite explicit in the charter and independence was a clearly stated goal: decolonisation under the aegis of the United Nations was written into the trusteeship system at the beginning. However, difficult questions remained: what, for example, was meant by supervision; who would negotiate or set the terms under which each trust territory would be administered; what could be done if, as Evatt had postulated, territories were not submitted to the system; who could say when independence had become appropriate.

For the anti-colonial Powers, the value of the trusteeship system was that it took the administration and fate of trust territories out of administering Powers' hands and placed them in those of the Assembly, and the greater the degree of supervision the better. For the administering Powers, including Australia, the trusteeship system was meant to ensure their own observance of the humane and progressive canons of Article 76 by having them held to account for their administrations before a body provided with adequate information. In the face of anti-colonialist efforts to maximise the supervisory role of the United Nations and to press for the attainment of the objective of independence, the administering Powers and their allies sought to retain freedom from (to them) objectionable interference. They sought, in the first place, to have the Assembly and Trusteeship Council allow them a sort of chronological primacy. That is, they insisted on a form of accountability by which they would be held to account only for policy implemented. They opposed the notion that they should first obtain United Nations approval for planned activity or be given concrete directions on planned activity. In the

second place, they sought to have the Assembly respect the primacy of the Trusteeship Council, to leave their relationship with the Council undisturbed in the same way as, when they were mandatory Powers, the League of Nations Council had left their relationship with the Permanent Mandates Commission undisturbed.³

Conflict between the two groups of Powers showed itself on a wide variety of questions which may loosely be categorised under three headings: (1) the establishment of the trusteeship system; (2) the degree of supervision exercised under the system; and (3) the attainment of the political objectives of the system.

I.

Article 79 of the charter states that the terms of trusteeship for each territory placed under the system should be agreed upon 'by the States directly concerned'. In the case of territories which had been

³ The administering Powers here were on very weak constitutional ground but this was an understandable defence tactic against the anti-colonial Powers. The latter 'in the Assembly...enjoy a preponderance of numbers which the constitution of the Trusteeship Council denies them, and in the Fourth Committee in particular they have conducted what is virtually a continuous review of the Council's policies'. (H.G. Nicholas, The United Nations as a Political Institution, London, 1959. p.135).

League mandates, states directly concerned would include the mandatory Power. There was no indication of what other Powers would be concerned, or of what states would be concerned in the case of territories which had not been mandates.⁴ At the first meetings of the Fourth Committee in 1946, the Soviet Union sought to have permanent members of the Security Council declared to be 'States directly concerned' in each case, but Britain and the United States apparently would not tolerate this.⁵ Other states had various views. Iraq, for example, argued that the states concerned were the administering Powers plus states 'concerned, by virtue of geographical proximity, or cultural, linguistic, economic, social and continued historical ties with the territories to be placed under trusteeship'.⁶ Bailey, for Australia,

4 Article 85 says that the Assembly shall approve trusteeship agreements, but states inclined to be critical or suspicious of administering Powers clearly would have preferred to have a voice in the initial stages of drawing up the terms of agreements.

5 New York Times, Jan.10, 1946.

6 GAOR, 1st S., 1st Pt., 4th Ctee., 6th Mtg., Jan.25, 1946, p.20.

argued that a definition might be unnecessary: all member states could advance claims and the Assembly itself could, when approving agreements, consider whether 'States directly concerned' had been involved.⁷ This view, which was largely in accord with that of the United States, prevailed.⁸ A draft, which became Resolution 9(1), asked mandatory Powers to submit trusteeship agreements reached in 'concert with other States directly concerned', but did not indicate which states these might be.⁹ Australia's practical view of the concept emerged later in 1946 when the Secretary-General inquired of members what prospects there were of agreements being submitted. Australia replied that a New Guinea agreement had been prepared and published and was being discussed with New Zealand, the United

7 Ibid., pp.21-2.

8 It has been said that the United States originally was responsible for the phrase in question (Sady, op.cit., p.125), but China and France also used the phrase, or close approximations to it, in their initial proposals at San Francisco (UNCIO Docs., Vol.10, p.646).

9 Resolution 9(I), which also dealt with non-self-governing territories, was adopted by the Assembly unanimously (GAOR, 1st S., 1st Pt., 27th Pl.Mtg., Feb.9, 1946, p.376). Failure to settle the question of the phrase's meaning was partly responsible for the Soviet Union's boycott of the Trusteeship Council from its inauguration in 1947 until April, 1948 (see Christian Science Monitor and New York Herald Tribune, March 26, 1947 and Herald Tribune, April 26, 1948).

States, Britain and France, all friendly, western and administering Powers.¹⁰

The agreement which Australia submitted for New Guinea late in 1946 gave Australia a firmer hand in the territory even than she had had as a League mandatory Power. As before, she intended to administer New Guinea as 'an integral part of Australia'. In addition, there was explicit provision for union with Papua, and for fortification.¹¹ The view expressed in 1946 by W.M. Hughes, who had waived Australia's annexation claim in 1919 only on condition of an utterly permissive mandate, that 'this is a matter of life and death...our security can never be assured unless there is full control of these territories, which are the outer bastions of our defence'¹² seemed to colour every paragraph of the draft agreement. In the Fourth Committee, the Soviet Union condemned the agreement: states directly concerned had not been defined and consulted; administration of a territory

10 There would have been a case for consultation with the Philippines and, more particularly, China.

11 This does not conflict with earlier Australian policy to the degree that Harper and Sissons (*op.cit.*, p.183) seem to suggest. The Trusteeship Council was not constituted according to the formula which had been desired by Australia. And Australia, it was seen above, had made no bones about her determination to control New Guinea's future.

12 London Times, Jan. 19, 1946.

as 'an integral part' of the administering Power reduced it to the status of a colonial possession.¹³

Bailey defended the agreement strongly; the effects of World War II and the primitive state of the indigenes made such terms essential. He also made clear Australia's conception of authority and government, even under trusteeship:

A clear distinction should be drawn between the governmental functions of the administering authority and the advisory functions assigned by the Charter to the Trusteeship Council.

The administering authority was accountable to the United Nations for its administration, but the administration itself was the function of the administering Power. The role of the Trusteeship Council was that of supervisor and not that of administrator.¹⁴

In the Fourth Committee, a Soviet proposal to have the expression 'as an integral part' removed from the agreement was narrowly successful; so, too, was a Soviet proposal to have the agreement provide for revision, although the Soviet desire for revision after five years was denied in favour of a Chinese

¹³ GAOR, 1st S., 2nd Pt., 4th Ctee., 18th Mtg., Nov. 11, 1946, pp.91-2.

¹⁴ Ibid., p.95.

preference for ten years.¹⁵ Bailey, however, refused to accept these changes which, he said, 'could not promote the interests of the inhabitants of New Guinea',¹⁶ and the Fourth Committee, despite its earlier voting to the contrary, accepted the agreement as submitted.¹⁷ Bailey's only concession was to add an eighth article containing what was virtually an indigenes' bill of rights. This had been desired, in particular, by China and India.¹⁸ It may be doubted

15 Ibid., (23rd Mtg., Dec.9), pp.141, 147. The proposal to delete 'as an integral part', applying to several other draft agreements as well as to that for New Guinea, was carried 16-15-3. The review proposal was carried by 20-14-1 and the proposal that such a review should occur after ten years by 20-7-8. The Soviet Union also objected to the provisions for administrative union and fortification, but could not enlist a majority on these points.

16 Ibid., (26th Mtg., Dec.11), p.163. Bailey objected to revision on the ground that it would 'stamp the initial period, before revision, as a period of uncertainty and instability' (Ibid., 23rd Mtg., Dec.9, p.145).

17 Ibid., (26th Mtg., Dec.11), p.174. Despite Soviet objections, the agreement was accepted by the Assembly by a roll-call vote of 41-6-5 (Ibid., 62nd Pl.Mtg., Dec. 13, p.1287).

18 Bailey's accommodation was described at the time as a 'surprise declaration' (Herald Tribune, Dec.4, 1946).

if Australia was in any sense prepared really to negotiate an agreement. In August, 1946, J.B. Chifley had declared that his government was adamant in its demand to have 'complete and exclusive power in controlling the administration of New Guinea' and 'full powers of legislation, administration and jurisdiction'. That had been the position under the mandate, and the government was determined that it must continue. Australia's defence and the welfare of the natives demanded it, he said.¹⁹

Besides the question on how or under what terms a territory might be placed under trusteeship, there also arose the question of which territories should be placed within the system. Article 77 merely lists the three Yalta categories (League mandates, territories detached from World War II enemy states and territories voluntarily submitted), adding that 'it will be a matter for subsequent agreement as to which territories in the foregoing categories will be brought under the trusteeship system and upon what terms'.

¹⁹ CPD, Vol. 188, p.3853 (Aug.7, 1946). Chifley added that nothing but absolute control could be accepted by any Australian government.

Nothing is said about how this agreement might be reached or by whom.

In fact, the third category did not eventuate. It has been stated officially that Britain 'had at one time been prepared to place British Somaliland under trusteeship, subject to certain conditions and reservations...but since some Governments had not agreed to those conditions and reservations, the proposal had been withdrawn'.²⁰ And it seems that Australia may have considered the submission of Papua.²¹ During early meetings of the Assembly, some states seemed to assume that non-self-governing territories would be submitted. When this began to look unlikely, India in 1947 proposed a draft resolution by which the

20 GAOR, 4th Ctee., Part III, 7th Mtg., Nov.26, 1946, p.40.

21 Evidence for this is not strong. J.K. Murray, at the time administrator of Papua-New Guinea and presumably with some 'inside' knowledge, once argued that, judging by Australian activity at San Francisco and the subsequent Forde-Evatt Report (as above), 'Australia would have been willing to place Papua...under Trusteeship if there had been any likelihood of the lead being followed by other powers' (see J.K. Murray, The Provisional Administration of the Territory of Papua-New Guinea, Brisbane, 1949, p.18). An Australian cabinet minister of the time has told the writer that cabinet at some time prior to San Francisco expressly approved trusteeship for Papua, but there is no evidence to support his memory of this.

Assembly would assert a superior value for the trusteeship system over the provisions of Chapter XI and express a hope that Powers administering non-self-governing Territories would submit trusteeship agreements for them. This draft was adopted by the Fourth Committee but failed in a tie vote in the Assembly, Australia voting against the draft on each occasion.²²

The second category of territories eventually was brought into the system or otherwise dealt with to the satisfaction of most United Nations members.²³

22 GAOR, 2nd S., 4th Ctee., 44th Mtg., Oct. 14, 1947, p.92, and 106th Pl.Mtg., Nov. 1, p.667. The Fourth Committee vote was 25-23-3 and in the Assembly, where a two-thirds majority would have been required, the vote was 24-24-1. According to private diplomatic papers seen by the writer, the Australian delegation saw some value in the Indian proposal having been put and defeated: administering Powers in future would not be liable to accusations of ignoring United Nations wishes if they preferred to carry out their obligations under the terms of Chapter XI rather than the trusteeship system.

23 Under the terms of the Italian Peace Treaty, the disposition of Italian colonies was referred to the Assembly which recommended in 1949 that Libya be granted independence in 1952 after an interim United Nations administration, that Italian Somaliland be granted independence after ten years of administration by Italy under trusteeship, and that Eritrea be federated with Ethiopia.

The first category, comprising the League mandates, was, after initial hesitation in some quarters,²⁴ brought into the system, but with one exception: South-West Africa, which had been administered by South Africa under a League of Nations 'C' mandate.

The South-West Africa issue, which was to become a major colonial question engaging the attention of the United Nations annually thereafter, arose late in 1946 when the South African Prime Minister, J.C. Smuts, told the Fourth Committee that the inhabitants of South-West Africa had opted for union with South Africa; union was inevitable, he said.²⁵ Sixteen of the fifty-one United Nations members immediately declared their hostility, arguing that the charter imposed on South Africa either a legal or moral obligation to submit the territory to trusteeship. Subscribers to the latter view included France and the United States. Only Britain gave

²⁴ In particular, France and the United States.

²⁵ GAOR, 1st S., 2nd Pt., 4th Ctee., 14th Mtg., Nov. 4, 1946, p. 65. This rather clashed with an earlier undertaking by South Africa to consult territorial opinion and submit a subsequent decision 'to the General Assembly for judgement' (GAOR, 1st S., 1st Pt., 4th Ctee., 3rd Mtg., Jan. 22, 1946, p. 10).

South Africa outright support.²⁶ The Australian position was difficult; a fellow Commonwealth member was proposing a perhaps legally permissible course at odds with general opinion of the time. In the event, Commonwealth loyalty and support for the rights of the administering Power dictated the Australian response. Bailey, for Australia, largely ignored the substance of South Africa's absorption plan to attack the argument that submission of a trusteeship agreement was in any sense compulsory; 'Australia could not accept the compulsory theory of trusteeship...Article 77, especially paragraph 2 was decisive as to the optional character of trusteeship...'.²⁷ On the substance of the South African proposal, Evatt said later: 'We did not oppose it, but we could not support it'.²⁸ By a large majority, the Assembly adopted a resolution which declared the South African plan to be unacceptable and called for the submission of a trusteeship agreement.²⁹

26 For debates, see GAOR, 1st S., 2nd Pt., 4th Ctee., 14th-20th Mtgs., Nov. 4-14, 1946, pp. 65-114.

27 Ibid., (9th Mtg., Sub-Ctee. 2 of 4th Ctee., Nov. 28), pp. 52-3.

28 CPD, Vol. 190, p. 162 (Feb. 26, 1947).

29 Resolution 65(I) was adopted by an Assembly vote of 37-0-9, Australia abstaining (Ibid., 64th Pl. Mtg., Dec. 14, p. 1327).

At the next (1947) Assembly session, South Africa stated that, in deference to the Assembly's wishes, she would not proceed with incorporation but would maintain the status quo, continuing to observe the spirit of the League mandate and transmitting information on the territory annually.³⁰ In the ensuing debate, it was again argued that there was a legal obligation on South Africa to submit a trusteeship agreement or that, whatever the legal position, there was a moral obligation. The Australian response was energetically to defend South Africa. Evatt himself entered the debate to argue that South Africa had contributed well to the Allied cause and to the United Nations Organisation, that she had not apparently exploited South-West Africa, that her critics should look to their own territories, that there was no legal obligation to submit an agreement and it had not been intended at San Francisco that there should be. He stated that 'the system under which South-West Africa was administered mattered less than

30 GAOR, 2nd S., 4th Ctee., 31st Mtg., Sept.25, 1947, pp.3-4.

the way in which the Union Government governed the territory'.³¹ When the Fourth Committee nevertheless adopted an Indian draft resolution calling for the submission of a trusteeship agreement within the next year and a Polish amendment declaring it to be the 'clear intention of the Charter' for mandates to be submitted to trusteeship, Evatt again rose to champion South Africa. In the Assembly, he denounced the draft resolution as 'intended to injure and censure South Africa'; it was wrong to hammer away at Smuts, who was a leader of liberal thought; the South African Government had decided what it must do; censuring South Africa would not, anyway, help the natives of South-West Africa. He concluded:

There is an old saying... 'For forms of government, let fools contest; what'er is best administered is best'. I think South Africa can take its stand on that principle.³²

Evatt supported the application of the two-thirds rule

31 Ibid., (39th Mtg., Oct.8), p.59. Evatt's fervour was noted by one reporter who wrote of the American and Australian reactions: 'As Mr Dulles obviously regretted to point out, and Dr Evatt delighted to do, South Africa cannot legally be compelled...', Manchester Guardian, Oct.10, 1947).

32 GAOR, 2nd S., 104th Pl.Mtg., Nov.1, 1947, p.586. Evatt's was one of the longest speeches made. Evatt, of course, was willing enough to have Spain censured; here, he professed outrage at members censuring another member.

(it had not been invoked the previous year) and voted against both a Danish amendment deleting the time provision and the Polish contribution and, vainly, the draft resolution thus emasculated.³³

This resolution asked the Trusteeship Council to examine a report on South-West Africa already submitted by South Africa. In the Council, the Australian representative, Forsyth, sought constantly to shield South Africa. He objected to the Council inviting South Africa to send an expert witness for the standard Council interrogation because South Africa might be put 'in the difficult position of having to decline'.³⁴ During Council consideration of its own report back to the 1948 Assembly, Forsyth took extreme pains to have the report contain a minimum of conclusions and no recommendations in case, as he

33 Resolution 141(II) was adopted by an Assembly vote of 40-10-4 (Ibid., 105th Pl.Mtg., Nov.1, pp.650-1). Reasons suggested by his former associates for Evatt's extreme stand range from high personal regard for Smuts to 'old Commonwealth' solidarity.

34 TCOR, 2nd S., 1st Pt., 6th Mtg., Dec.1, 1947, p.122. Forsyth had his way in that the Secretariat, not the Council, sent a tactful invitation which was anyway not accepted - although written questions prepared by a Council sub-committee, which included Australia, were answered.

argued, an unfriendly tone prejudiced the ultimate submission of an agreement of even further reporting.³⁵

When the Assembly met in 1948, South Africa announced that she had turned back to a policy of 'close association and integration'. South-West Africa would be given six seats in South Africa's lower house and two in its senate; matters such as defence would be handled by South Africa. But this was not incorporation; there would be local self-government.³⁶ Australia did not participate in the heated discussions which followed, but she was consistent in voting against an attempt to have the Assembly endorse rather than merely note the Trusteeship Council's report, for an Assembly expression of regret that an agreement had

35 TCOR, 3rd S., 41st Mtg., Aug. 4, 1948, p. 532. The Council's report was still censorious. The absence of any political representation of indigenes was 'noted'; the expenditure of 10 per cent of the territory's budget on 90 per cent. of its inhabitants was 'observed'; that the 90 per cent held only 42 per cent of the land was 'observed'; a total absence of government educational facilities in indigenous areas was 'noted'.

36 GAOR, 3rd S., 1st Pt., 4th Ctee., 76th Mtg., Nov. 9, 1948, pp. 287-94. It is relevant to note that, earlier in the year, elections in South Africa had seen the defeat of Smuts' United Party and the accession to power of the less moderate Nationalist Party.

not yet been submitted as distinct from a reference to Assembly recommendations not having been implemented, against an attempt to have the Assembly ask South Africa not to alter South-West Africans' rights pending the submission of an agreement, and against an attempt to have the Assembly ask South Africa not to proceed with what amounted to integration and to agree to a visit to the territory by a Trusteeship Council-appointed commission.³⁷

Then, in 1949, when South Africa announced that she would not submit further information on the territory, events took a dramatic turn in that Cuba proposed that documents submitted by the Rev. Michael Scott, who was asking actually to appear before the Fourth Committee on behalf of South-West Africans, be circulated among members. Australia voted vainly against this, and against a decision to allow oral evidence to be heard from representatives of indigenes.³⁸ After Scott's speech to the Committee comprehensively criticising South Africa, Fourth Committee discussion

37 Ibid., (83rd Mtg., 84th Mtg., Nov.18-19), pp.371-6.

38 Australia abstained in a vote on acceptance of Scott's credentials and in another on the placing of documents mentioned in his speech in the Assembly records. See GAOR, 4th S., Annexes, pp.103-5.

centred mainly on two issues: the submission of reports by South Africa, and the reference of the South-West Africa issue to the International Court of Justice.³⁹ Proceedings on the former were based on an Indian draft. Australia voted with a majority against a Soviet amendment to have South Africa accused of having violated the charter and, unsuccessfully, voted against a Philippines amendment to have South Africa accused of repudiating past assurances. In a series of votes on paragraphs asking South Africa to resume reporting, Australia voted 'against' in each case.⁴⁰ In the final vote on a proposal to refer the question to the International Court for an opinion,⁴¹ Australia abstained.⁴²

39 Reference to the Court had been suggested in 1947 by the Netherlands, supported by Greece, but little note seemed taken of the suggestion at that point.

40 In the Assembly, where the draft of what became Resolution 337(IV) was adopted by a vote of 33-9-10, and where amendments greatly softened its tone, Australia was content to abstain (Ibid., 269th Pl.Mtg., Dec.6, p.536).

41 The Court was asked for opinions on the status of South-West Africa and the obligations of South Africa towards it, on the force of the mandate, on the applicability of the trusteeship system, and on competence to modify the territory's status.

42 Resolution 338(IV) was adopted by an Assembly vote of 40-7-4 (Ibid., p.537).

Evatt once described his emphatic defence of South Africa thus:

...an appeal for...a spirit of tolerance was made by Australia. Delegates were reminded that international morality begins at home... I denied that there was any legal obligation to place any territory under trusteeship; this was clearly stated at San Francisco...⁴³

An appeal for tolerance may have been appropriate; even the view that there was no legal obligation was acceptable to many members. But, unlike some of these members, which included western and administering states, Australia did not go on to urge South Africa to meet general United Nations opinion. Instead, she defended South Africa, saying virtually that competence of South African government outweighed the principle of trusteeship. This view was directly antagonistic to the anti-colonial attitude that metropolitan Powers were no longer free unilaterally to decide the fate of dependencies, that, as Evatt himself had said back in 1942, the United Nations must be the agency to effect any changes in the government or administration of peoples.⁴⁴ It has already been suggested that the

⁴³ Evatt Report, 1947, p.85.

⁴⁴ CPD, Vol. 172, p.83 (Sept.3, 1942).

involvement of Smuts and a tendency towards Commonwealth solidarity contribute towards an explanation of the Australian policy. Perhaps of more importance, was the simple domestic jurisdiction issue. South Africa was being told by an international body what it might or might not do with a contiguous dependency, and Australia also administered a virtually contiguous dependency, an administration the security of which she equated, as will be seen later in this work, with the preservation of her metropolitan territorial security. South Africa, it might also be remembered, was under attack at the same time for internal policy towards coloured inhabitants, especially Indians, and Australia might well have felt potentially vulnerable to similar attack on the situation of her aborigines.

Australian concern for the rights of the administering Power also showed itself on the question of petitions. As the Secretary-General, Trygve Lie, said when he opened the Trusteeship Council's first session in 1947, petitions, visiting missions and annual reports together comprised 'the backbone of the

system of international supervision'.⁴⁵ Of petitions, Article 87 of the charter said merely that the Trusteeship Council might 'accept petitions and examine them in consultation with the administering authority'. Australia's N.J.O. Makin, who was first to address the Council on the question, took up a fairly conservative position. He urged the allowance of oral petitions but only in support of written petitions, that the administering Power's comments on a petition should be received by the Council at the same time as, or before, the petition.⁴⁶ For the same reason, he was not happy that visiting United Nations missions should be treated as human letter boxes: the administering Power must be informed and able to comment.⁴⁷ On the question

45 TCOR, 1st S., 1st Mtg., March 26, 1947, p.4.

46 Ibid., (5th Mtg., March 31), pp.78-9. Makin's position at base was that of New Zealand's Sir Carl Berendsen: 'My thought is: let us not do anything to hamper the authority of the Administering Power unless and until we are convinced that it should properly be hampered'. (Ibid., 6th Mtg., April 1, p.118).

47 Ibid. (5th Mtg., March 31), p.89. Makin's regard for the rights of administering members was also evident when he objected to a provisional procedural rule referring to the Council's need to formulate a detailed and comprehensive questionnaire. This, he said, 'might be taken to imply that the Administering Authority would be inclined to conceal data if the Trusteeship Council did not find it out' (Ibid., 14th Mtg., April 11, p.343).

of circulating petitions among Council members before a Council session, the same consideration should apply; otherwise, there would be a time lag prejudicial to the administering Powers.⁴⁸ On the acceptance of anonymous petitions, Makin at first was favourably disposed; they would allow the emergence of information which might otherwise not be available. However, after a strong and hostile speech from the British representative, Makin announced that he had been 'impressed with the arguments advanced regarding the question of anonymous communications not being regarded in the sense of a petition...'.⁴⁹ Australia and her fellow administering Powers largely were successful in having their views written into the Council's procedural rules. Oral petitions would be allowed only 'in support or elaboration of a previously submitted written petition' (Rule 80). They might otherwise be permitted only in exceptional circumstances and only after the Council and the relevant administering Power had been informed of the subject matter.

⁴⁸ Ibid., (5th Mtg., March 31), p.94 and (6th Mtg., April 1), p.112.

⁴⁹ Ibid., (7th Mtg., April 2), pp.135,154.

II.

Just as Australia sought at the establishment of the trusteeship system to safeguard the rights of administering Powers so, in the operation of the system, she showed herself unwilling to tolerate interference by the United Nations in these Powers' decision-making in the administration of their trust territories. This was evident on the question of administrative unions.

The New Guinea agreement submitted by Australia and finally approved by the Assembly expressly provided for Australia's 'liberty to bring the Territory into a customs, fiscal or administrative union or federation with other dependent territories under its jurisdiction or control...'. In 1946, when the Assembly discussed the New Guinea agreement, the Soviet Union tried unsuccessfully to have this article deleted.⁵⁰ Late in 1947, Forsyth informed the Trusteeship Council that Australia intended to establish an administrative union between New Guinea and the contiguous non-self-governing territory of

⁵⁰ GAOR, 1st S., 2nd Pt., 4th Ctee., 23rd Mtg., Dec.9, 1946, p.142.

Papua, giving economy of administration as Australia's principal motive.⁵¹ Challenged by China on this score, he added another motive: it would be easier to recruit administration personnel for a larger service.⁵² Finally, he observed that 'the main reason is not one of these. The main reason is that the Territories are almost identical in character...there is a good prima facie case for not maintaining two separate administrations.'⁵³

Reaction to the announcement was unfriendly. China, for example, denied that there was a prima facie case at all; the territory of New Guinea could support itself separately. More to the point, she feared that separate reporting might become impossible and the attainment of the trusteeship system's objectives

51 TCOR, 2nd S., 1st Pt., 16th Mtg., Dec.15, 1947, p.519. Australia had toyed with the idea of union in the mandates period but seemed deterred by legal difficulties. When still a Justice of the High Court of Australia, Evatt, for example, could not indicate where sovereignty lay in respect of New Guinea (see H.V. Evatt, 'The British Cominions as Mandatories' in Australian and New Zealand Society of International Law, Proceedings, I. Melbourne, pp.27-54).

52 TCOR, 2nd S., 1st Pt., 16th Mtg., Dec.15, 1947, p.525

53 Ibid.

jeopardised.⁵⁴ Mexico thought it unlikely that officials serving in a single administration could work simultaneously under a trusteeship and a colonial policy.⁵⁵ Even the United States representative wondered if union could allow maintenance of the trust territory's separate identity and he suggested that Australia might let the Council examine the plans for union before their implementation.⁵⁶ Other administering Powers supported Australia.⁵⁷ Belgium and France objected, in particular, to the United States suggestion: the basic idea of trusteeship, they argued, was that the administering Power did what it thought best and reported on what it had done so that the Council might review the outcome.⁵⁸ The British representative, Sir Alan Burns, declared that 'the Council could not prejudge an issue before the Administering Authority had taken action'.⁵⁹

54 Ibid., pp.525-6.

55 Ibid., (17th Mtg., Dec.15), p.541.

56 Ibid., (16th Mtg., Dec.15), pp.529-30.

57 Britain, Belgium (to a less degree) and France (to still a less degree) themselves created unions of various sorts in Africa.

58 Ibid., pp.530-1.

59 TCOR, 2nd S., 2nd Pt., 33rd Mtg., March 8, 1948, pp.168-9.

When, in 1948, the Council continued its drawn-out examination of Australia's first report on New Guinea, the Soviet Union, which had now taken its seat on the Council, and the Philippines joined in the attack. The most effective critic, however, probably was the representative of the United States, a fellow administering Power. He was 'somewhat puzzled' by the union plan. He wished to know what features 'were possessed by political union which this administrative union did not possess. It provided for a common administrator for both Territories, a common legislature, a common judicial system, a customs union, common taxation, and allowed the administrator to change boundaries'.⁶⁰ Australia's expert witness, J.R. Halligan, scarcely attempted a rebuttal; he was content in the main to repeat that all these 'common services...were of a purely administrative nature'.⁶¹ The Trusteeship Council was not impressed and reported to the Assembly that it was 'not...entirely convinced that the proposed union between New Guinea and Papua

60 TCOR, 3rd S., 25th Mtg., July 15, 1948, p.304.

61 Ibid.

may not go so far as to compromise the preservation of the separate identity of the Trust Territory', and it suggested that Australia reconsider.⁶²

In 1948, when effects of the East-West conflict were very apparent in United Nations proceedings,⁶³ the Assembly adopted a resolution, based on a draft sponsored jointly by Cuba, India, the Philippines, Iraq and Venezuela in the Fourth Committee, and calling on the Trusteeship Council to investigate and report on all aspects of administrative unions.⁶⁴ Except for the application of the two-thirds rule, this resolution would have contained a great deal which had passed the Fourth Committee despite the objections of Australia and other administering Powers.

62 GAOR, 3rd S., Supplement No. 4, p.17. In a minority report, the Soviet Union refused to accept Australian assurances that absorption would not occur (Ibid., p.48).

63 The British Foreign Secretary, Ernest Bevin, for example, complained that 'the Trusteeship Council was in danger of degenerating into a platform for political propaganda...' (GAOR, 3rd S., 1st Pt., 144th Pl.Mtg., Sept.27, 1948, p.150).

64 Resolution 224(III) was adopted unanimously by the Assembly (Ibid., 160th Pl.Mtg., Nov.18, p.492).

The draft adopted by the Fourth Committee noted that political unions were precluded; that territories' identities should carefully be kept intact until indigenes could express their views; that, if union interfered with the submission of adequate separate information on trust territories, the Trusteeship Council should intervene and supervise the gathering of information. The Australian delegate Hood, who voted with unsuccessful minorities against these provisions in the Fourth Committee and with (given the two-thirds rule application) adequate minorities in the Assembly, argued that unions could not be considered in the abstract, that the Papua-New Guinea union would not interfere with the separate identity of New Guinea, and that the charter did not oblige administering Powers to discuss policy with the Council before its implementation.⁶⁵ On this last issue, that of prior consultation, it is worth noting Hood's statement in the Council in defence of Britain's right to implement her African Inter-Territorial Organisation plan without prior reference to the Council:

65 Ibid., 4th Ctee., 69th Mtg., Nov.2, p.207.

The representative of Australia considered that the proper role of the Trusteeship Council was that of review and criticism of measures taken...and not that of sharing in the administration of Trust Territories, and that the Council did not have the right to consider in advance or give directions in regard to measures contemplated...the Administering Authorities...were...not 'agents' of the Trusteeship Council.⁶⁶

Pursuant to Resolution 224(III), a committee of the Trusteeship Council examined the various administrative union schemes of administering Powers but did not make any specific recommendations. 'The question was too complex', as a Mexican representative, a member of the committee, said in the Council.⁶⁷ Mexico and the United States proposed a mild resolution to have the Council keep the question in mind during examinations of administering Powers' annual reports, and Australia succeeded in having this made even more innocuous in its wording.⁶⁸ However, a Fourth Committee sub-committee appointed to consider the Council's report, submitted a draft resolution whereby

66 GAOR, 3rd S., Supplement No.4, p.27.

67 TCOR, 5th S., 21st Mtg., July 15, 1949, p.268.

68 Ibid., pp.269-70, and (22nd Mtg., July 18), p.275.

the Assembly would ask the Council to continue its investigation, looking particularly into the desirability (1) of administering Powers consulting it before implementing unions,⁶⁹ (2) of consultation with indigenous elements before implementation, and (3) of preserving separate legislative and judicial bodies. Hood put the by now familiar Australian view that

The Administering Authorities were not acting on behalf of the United Nations but on behalf of the peoples of the Trust Territories; under the terms of the Charter and the Trusteeship Agreements, the General Assembly merely exercised supervisory functions. The Australian delegation would therefore oppose any suggestion that the Administering Authorities should be obliged to submit any plans in connexion with administrative unions to the Assembly.⁷⁰

It scarcely needs pointing out that throughout most of this period (1946-9), and later, issues were not necessarily treated on objective considerations. With perhaps some justification, Hood once complained of 'a tone of complaint and criticism directed against the Administering Powers' and of the existence

69 Australia, at this point, already had proceeded with implementation of the Papua-New Guinea union.

70 GAOR, 4th S., 4th Ctee., 107th Mtg., Oct.25, 1949, p.90. Resolution 326(IV) was adopted in the Assembly by a vote of 44-9-1 (Ibid., 240th Pl.Mtg., Nov.15, p.192). A roll-call vote was not requested in the Assembly, but in the Fourth Committee Australia voted 'against' in a vote of 38-9-1 (Ibid., 4th Ctee., 113th Mtg., Nov.1, p.117).

of a 'division between the Administering Powers and some of the non-Administering Powers...not the fault of the former'.⁷¹ However, objections to administrative unions need not be seen entirely in terms of Cold War propaganda or indiscriminating anti-colonialism. The administering Powers were resisting attempts to have the United Nations allowed any sort of supervisory role in non-self-governing territories and they were, except for a very small number of territories involved in World War I and II peace settlements, refusing to submit territories to the trusteeship system under which there was provision for supervision. Yet, even here in the small trusteeship system area, the anti-colonial Powers found the administering Powers merging some of the few trust territories with the more impregnable colonial territories. In the case of Papua-New Guinea, the trusteeship territory's seat of administration was outside the territory altogether. It was scarcely surprising that many Powers should have been suspicious of Australian intentions.

⁷¹ GAOR, 3rd S., 1st Pt., 4th Ctee., 72nd Mtg., Nov.5, 1948, p.252.

Australia's reaction to positive supervision taken to the point virtually of instruction, as well as to anti-colonial Powers' attempts to do in the Assembly what was difficult to achieve in the Trusteeship Council, may be gauged on two other issues: corporal punishment and the flying of the United Nations flag in trust territories. In 1949, after the Trusteeship Council apparently unavailingly had recommended the abolition of corporal punishment in trust territories (and especially in Africa and New Guinea), China and Cuba submitted a draft resolution in the Fourth Committee. This urged the abolition of judicial discrimination, the humane application of penal laws and the abolition of corporal punishment in trust territories. Australia did not approve of the Committee taking up a question which, Hood argued, was properly within the province of the Council and should be left there.⁷² He tried, too, to have a reference to New Guinea speak of a 'formal abolition'

⁷² GAOR, 4th S., 4th Ctee., 97th Mtg., Oct. 11, 1949, p. 39.

on the grounds that although the law in the territory still allowed corporal punishment it had not in fact been ordered since World War II.⁷³ In the Fourth Committee, Australia voted against the operative section of the draft in the company only of Britain and South Africa.⁷⁴ In the Assembly, however, Australia succeeded with her amendment and voted for the amended draft, although Britain still voted against it.⁷⁵

73 Ibid., p.40.

74 Ibid., (98th Mtg., Oct.12), p.46.

75 Resolution 323(IV) was adopted by an Assembly vote of 52-1-4 (Ibid., 240th Pl.Mtg., Nov.15, p.189). This turned out to be one of a number of resolutions ignored or only partly implemented by Australia, despite Evatt's dictum that 'each member should faithfully observe the recommendations and decision of United Nations bodies' (Herbert V. Evatt, The Task of Nations, New York, 1949, p.39). To anticipate a little, in 1950 the Assembly adopted Resolution 440(V), which again called for abolition, Australia abstaining in the Fourth Committee but voting 'for' in the Assembly vote of 55-0-2 (GAOR, 5th S., 4th Ctee., 172nd Mtg., Nov. 9, 1950, p.187, and 316th Pl.Mtg., Dec.2, p.549). At the 1951 session, a more forceful draft, which became Resolution 562(VI), was adopted by an Assembly vote of 48-0-4 - Australia abstained in the Fourth Committee; there was no roll-call vote in the Assembly (GAOR, 6th S., 4th Ctee., 244th Mtg., Jan.11, 1952, p.289, and 361st Pl.Mtg., Jan.18, p.350). The Australian delegate, B.C. Ballard, announced that some provisions for corporal punishment in New Guinea would be eliminated and others modified, but implied that there would not be total formal abolition.

The United Nations flag issue loomed large for a time.⁷⁶ It arose in 1949, when China, Costa Rica, Egypt, Liberia, Mexico and the Philippines submitted to the Fourth Committee a draft resolution whereby the Assembly would ask the Trusteeship Council to recommend to administering Powers that they fly the United Nations flag in trust territories. For the administering Powers, there were several objectionable elements in this proposal: the notion of flying a second emblem; the notion of the Assembly asking the Council to issue a directive; the notion of the Council issuing what amounted to an instruction. Britain, for example, began by arguing that the language of the draft was derogatory to the dignity of the Council but, when the British delegation failed to have it reworded so that the Council would be merely requested to 'study the possibility of inviting' the Powers to fly the United Nations flag, the ground was shifted somewhat and Britain argued that a second flag would suggest a second authority in each territory.⁷⁷ Hood, for

76 Given the set-backs suffered by the anti-colonial Powers, it was, as Johnson suggests, 'a symbolic gesture... born of a sense of frustration' (D.H.N. Johnson, 'Trusteeship: Theory and Practice' in Year Book of World Affairs, Vol. 5 (1951), p.236).

77 GAOR, 4th S., 4th Ctee., 96th and 97th Mtgs., Oct. 10-11, 1949, pp.34,37.

Australia, stated that he must vote against a proposal to have the Assembly suggest to the Council activity of the sort envisaged; he would not have opposed, he said, a request to the Council to study the matter and make what recommendations it wished.⁷⁸ Australia joined Britain, France and the Netherlands in a minority vote against the draft in the Fourth Committee but was content to abstain in the Assembly.⁷⁹

78 Ibid., (97th Mtg., Oct.11), p.36. Hood was slow to enter the discussion, perhaps because Evatt seems to have supported the flying of the United Nations flag in trust territories at a World Federation of United Nations Associations conference in Rome earlier in the year.

79 Resolution 325(IV) was adopted by an Assembly vote of 48-5-4 (Ibid., 240th Pl.Mtg., Nov.15, p.190). Again to anticipate, the flag issue petered out in 1950, when the Trusteeship Council ultimately adopted a mildly worded proposal to give effect to Resolution 325(IV). Australian representatives stressed that, whatever the decision of the Council, Australia 'could recognize no obligation to use the United Nations flag' (TCOR, 6th S., 76th Mtg., March 30, 1950, p.609) and that the flag would be flown in New Guinea only when circumstances on a given occasion were thought by the administration to be 'suitable' (TCOR, 7th S., 30th Mtg., July 21, 1950, p.267).

III.

Article 76 of the charter lists as one of the objectives of the trusteeship system the promotion of the 'political, economic, social, and educational advancement of the inhabitants of the trust territories, and their progressive development toward self-government or independence as may be appropriate...'. It has been suggested already that Australia was more inclined to stress extra-political advancement than political progress, to see the trusteeship system primarily as a guarantor of good government rather than as essentially providing the course for the territories' imminent transition to self-government or independence. So, when, at the first Assembly meetings early in 1946, even the United States delegate, John Foster Dulles, allied himself with the critics of colonialism to the extent of urging administering Powers to 'vitalize' in their dependencies the 'orderly processes for the attainment of their legitimate aspirations...',⁸⁰ Australia

⁸⁰ GAOR, 1st S., 1st Pt., 4th Ctee., 5th Mtg., Jan 24, 1946, p.15.

expressed sympathy with the Belgian delegate who had replied that there were other obligations than that of promoting self-government.⁸¹ Bailey argued that emphasis on the political aspects of trusteeship should not be 'exclusive of the social, economic and educational objectives'. Presumably with New Guinea in mind, he declared further that a distinction should anyway be drawn between relatively advanced societies and 'primitive peoples' whose greatest need was good and humane administration.⁸²

Again, in 1947, when China, Iraq and Mexico urged the Trusteeship Council to accept a draft resolution calling for full self-government for Western Samoa⁸³ as soon as possible, and increasing degrees of self-government in the meantime, Australia supported New Zealand which was prepared to accept only a much weaker draft. Forsyth, for Australia,

81 Ibid., (9th Mtg., Jan.29), p.30.

82 Ibid., p.32.

83 The Trusteeship Council's first special mission to a territory had gone to Western Samoa after receiving from Samoan chiefs in 1947 a petition asking for implementation of self-government.

opposed reference to 'self-government as soon as possible'; he preferred emphasis on a process of gradual development towards ultimate self-government.⁸⁴

Then, in 1948, when Poland submitted a draft resolution, amended by India, in the Fourth Committee calling for an effort to accelerate progress towards self-government in trust territories, Hood castigated it as unnecessary and composed of truisms, and joined other administering Powers in vain votes against it.⁸⁵

In 1949, when the Fourth Committee appointed a sub-committee to rationalise a number of draft resolutions on trusteeship, one resolution draft, based largely on Cuban and Czech proposals, again dealt with accelerated progress towards self-government or independence. Besides calling on the administering Powers to speed this progress, the draft also asked the Powers to report on how they proposed to achieve acceleration and the Trusteeship Council to report on the Powers' reports. In a tilt at administrative unions,

⁸⁴ TCOR, 2nd S., 1st Pt., 9th Mtg., Dec.4, 1947, pp.236-7.

⁸⁵ The Fourth Committee vote was 26-10-10 (GAOR, 3rd S., 1st Pt., 4th Ctee., 74th Mtg., Nov.8, 1948, p.286). This draft, which became Resolution 226(III), was adopted by the Assembly unanimously (Ibid., 160th Pl.Mtg., Nov.18, p.493).

there was also a paragraph proposing that seats of administration should be within trust territories' borders. The Australian delegate, R.A. Peachey, stated that, if the reference to seats of administration were retained, he would have to vote against the whole draft.⁸⁶ Despite the votes of Australia and other administering Powers and their supporters, this reference was retained, and Australia voted against the whole draft.⁸⁷ But Australia also voted against the provision for reporting on implementation plans, and it is highly likely that the survival of this, too, made for an Australian vote against the whole.⁸⁸

There emerged at the beginning of the trusteeship system's history, then, pressure on the administering Powers to achieve quickly the main political objectives

86 GAOR, 4th S., 4th Ctee., 100th Mtg., Oct.14, 1949, p.54.

87 Ibid. The Fourth Committee vote on the whole draft was 24-10-11. In the Assembly, the references to seats of administration and reporting on implementation plans failed to achieve two-thirds majorities, and the surviving drafts of what became Resolution 320(IV) was adopted by a vote of 51-0-2 (Ibid., 240th Pl.Mtg., Nov.15, p.188).

88 It has been seen, and it will be seen more particularly below, that Australia constantly opposed the anti-colonial Powers on implementation questions.

of trusteeship. No doubt with New Guinea in mind, Australia opposed this pressure. Forsyth, for example, stressed in the Trusteeship Council that little substantial political development should be expected in the territory in the near future.⁸⁹

Halligan asked the Council to keep in mind that 'the indigenous people were very primitive, and that the first step would be to improve their health and give them access to education and to participation in public life'.⁹⁰ In 1949, Hood made it clear that Australia and other administering Powers were the best judges of affairs in their trust territories, under the supervision of the Trusteeship Council:

It was consistent with the Trusteeship System that the Administering Authority of a Trust Territory should be not only permitted but should indeed be obliged to make its own decisions and to use its own judgment in regard to the government of that Territory...the United Nations...should assess the actions of a trustee State...⁹¹

89 TCOR, 2nd S., 1st Pt., 16th-17th Mtgs., Dec.15, 1947, pp.527,546.

90 TCOR, 3rd S., 24th Mtg., July 14, 1948, p.300.

91 GAOR, 4th S., 240th Pl.Mtg., Nov.15, 1949, p.185.

It was unwise, he said, for the Assembly to push the Council or address recommendations directly to the administering Powers.⁹²

Of the resolutions mentioned in preceding pages, Australia voted for five (three of them being adopted unanimously), against one and abstained on four.⁹³ Such figures, it may be stated yet again, present an incomplete picture; of the five resolutions supported by Australia, one simply asked for the submission of trusteeship agreements, two sought the abolition of corporal punishment, one asked for an examination by the Trusteeship Council of administrative unions, and one (greatly emasculated) sought accelerated progress in trust territories - all relatively harmless in their impact. Australia voted against the call in 1947 for a trusteeship agreement for South-West Africa, and abstained on three other resolutions dealing with that territory and on one to do with the flying of the United Nations flag. It is much more to the point

92 Ibid., p.184.

93 On two others, the Australian vote is unrecorded although, in the case of one, it is recorded that Australia abstained in Committee.

to note that Australia was uniformly hostile to all the more significant anti-colonial proposals which failed to be adopted. Thus, she voted against the Soviet attempt in 1946 to have parts of the New Guinea agreement re-written, the attempt by India in 1947 to have all dependencies submitted to the system, instructions to South Africa to maintain the status quo in South-West Africa, the sending of a United Nations mission to South-West Africa, the several proposals made in 1948 on administrative unions, and the reporting by administering Powers on their planned efforts to hasten progress in their territories. More of this pattern in the Australian response to anti-colonial activity in the context of the trusteeship system will emerge in the next chapter of this work. It is enough to stress here that in the early years of attempts to tighten the reins of United Nations supervision of trust territories, years of Labor Government rule in Australia, Australia argued a largely conservative case with consistency and vigour.

CHAPTER 6

THE

TRUSTEESHIP

SYSTEM

(PART II 1950 - 1963)

In the trusteeship system context, as in that of Chapter XI of the United Nations charter, the pre-1950 period saw the groundwork laid for what was to be a marked intensification in emphasis on decolonisation, leading to a comprehensive campaign for independence for dependent territories. The 'self-government or independence' issue came to overshadow all others. Other major issues, those involved in the rights of administering Powers and in the Assembly-Trusteeship Council relationship, continued to provide foci for conflict but increasingly in forms related almost exclusively to the question of independence. Before discussing the Australian response to the accelerated campaign for independence for trust territories, it is proposed first to glance briefly at several questions intimately linked to that campaign, and there will be a continued discussion of the South-West Africa issue which, in its long defiance of solution, serves as a useful additional illustration of the previously noted change in Australian policy at the end of the 1950s from intransigence to flexibility.

I.

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Three issues may be seen as related to attempts of anti-colonial Powers to strengthen the hand of the United Nations in the supervision of trust territories: indigenous participation, implementation of resolutions, and the dissemination of information about the United Nations and the trusteeship system in trust territories.

The question of how, if at all, the indigenes of trust territories might be brought into direct contact with United Nations bodies sharing in the operation of the trusteeship system arose in the early 1950s, just as a corresponding version of it did in relation to non-self-governing territories in the context of Chapter XI of the charter. Australia had little enough time for the notion in the latter context; in the former, her opposition was even more adamant and sternly expressed.

In 1951, Cuba, Ecuador, Egypt and India submitted a draft resolution to have the Assembly ask the Trusteeship Council to consider how the indigenous inhabitants of trust territories might be

associated with it in its work.¹ Australia opposed this on political and legal grounds. In political terms, there was the danger that association might mean representation, and indigenous representation would mean dual representation, and this, in turn, could mean public differences between indigenous representatives and administration representatives. The possibility of competing representation had to be considered because nothing should be done which, said Ballard, might 'even hypothetically, deprive the Powers to which the General Assembly itself had entrusted the administration of the Territories of some of their authority or lessen the confidence placed in them by the indigenous inhabitants'.²

1 It will be remembered that, also in 1951, a similar proposal was submitted in the Chapter XI context. However, this referred to the association of territories with the work of the Information Committee, not indigenous inhabitants, and Australia supported the proposal which was adopted by the Assembly in the form of Resolution 566(VI). When, in 1952, it was proposed that indigenes themselves be associated with the work of the committee, that is, when there was postulated a distinction between the government of territories and the governed and a desire was expressed for direct United Nations contact with the latter, Australia voted against Resolution 647(VII) by which the Assembly adopted the proposal.

2 GAOR, 6th S., 4th Ctee., 237th Mtg., Jan. 4, 1952, p.240.

In legal terms, the charter already provided machinery by which the views of indigenes might reach the Council; the draft resolution amounted to charter revision and must be opposed.³

Still, the draft was adopted by the Fourth Committee and the Assembly⁴ and, when the Council considered the question as requested by the Assembly, the Soviet Union immediately proposed non-voting representation for indigenes at Council sessions concerned with their territories. Forsyth's response was essentially legalistic: neither the charter nor the trusteeship agreements provided for such representation and 'the Council could not validly require or recommend something for which the Charter and the Agreements did not provide'.⁵ The upshot was that the Council adopted a mild proposal to the effect that it was hoped the administering Powers would find it appropriate to associate qualified

3 Ibid.

4 Resolution 554(VI) was adopted by an Assembly vote of 41-5-5 (Ibid., 361st Pl.Mtg., Jan.18, 1952, p.348). There was no roll-call in the Assembly; in the Fourth Committee, Australia abstained in a 33-4-4 vote (Ibid., 4th Ctee., 237th Mtg., Jan.4, p.242).

5 TCOR, 10th S., 389th Mtg., March 31, 1952, p.22.

indigenes with the Council's work by including them in their delegations or by any other means they might find acceptable. Australia approved of this and voted for it.⁶ In the Fourth Committee, however, a large group of anti-colonial Powers found this pallid and submitted a draft resolution whereby the Council would invite indigenes to speak, though not to vote, during examination and discussion of annual reports on their territories. Forsyth's reaction to this was strong: the draft was 'absurd, presumptuous and unconstitutional...the draft resolution should be studied and then destroyed'. Of the sponsors (Bolivia, Brazil, Burma, Ecuador, Egypt, El Salvador, Guatemala, Indonesia, Syria, Lebanon and Yugoslavia), he said that:

None of them was an experienced member of the Trusteeship Council. More than one of them represented a country which had never had a general election, a country governed by a dictatorship, or a country in which the communist faith enjoyed a wide measure of support...Did such countries really think they could instruct France, the United Kingdom, Belgium and the United States in regard to human rights, parliamentary practice, liberalism or methods of teaching self-government?⁷

6 TCOR, 11th S., 454th Mtg., July 23, 1952, p.12.

7 GAOR, 7th S., 4th Ctee., 296th Mtg., Dec.8, 1952, p.333. It might be noted that this statement is quoted with approval in Sir Alan Burns, In Defence of Colonies, London, 1957, p.104. Burns, it has already been mentioned, was a British representative on the Trusteeship Council.

The draft was subsequently toned down by United States amendments, which virtually revived the Trusteeship Council's proposal, and Australia abstained in the voting.⁸

Discussion continued during 1953 in the Council and in the Assembly. 'We think it is quite unnecessary...we wonder what there is to study...', said an Australian representative J.D. Petherbridge, commenting on the appointment of a Council committee to study the question.⁹ In 1954, Syria proposed in the Council that visiting missions be asked to take the initiative in seeking out indigenes and obtaining their views. Forsyth's reaction was to lecture the Syrian representative who had, he said, 'confused the separate roles of the Administering Authorities and the Trusteeship Council'. The task of the former was to achieve the objectives of Article 76 of the charter; the latter's was to supervise

8 The Fourth Committee adopted the draft by a vote of 25-1-24 (GAOR, 7th S., 4th Ctee., 299th Mtg., Dec. 9, 1952, p.353). The draft, which became Resolution 653(VII), was then adopted by the Assembly by a vote of 36-1-19 (Ibid., 410th Pl.Mtg., Dec.21, p.472).

9 TCOR, 12th S., 408th Mtg., July 14, 1953, p.319.

their performance. There was no instrument whereby the Council could 'impose its co-operation upon the Administering Authorities in their performance of their task'.¹⁰ The Syrian proposal was rejected in an even vote in the Council but was raised again in the Fourth Committee. There, the Australian delegate, Clarey, repeated that the Council's function was to supervise, not to administer or interfere in administration; further, 'it was...a matter of surprise and regret to the Australian delegation that the Assembly should be regarded as a kind of appellate organ...'.¹¹ However, a draft resolution incorporating the Syrian proposal was adopted by the Committee and the Assembly.¹² This issue usefully illustrated the importance to the administering Powers of their numerical strength on the Council and to the anti-colonial Powers of strength in the Assembly.

10 TCOR, 13th S., 522nd Mtg., March 23, 1954, p.322.

11 GAOR, 9th S., 4th Ctee., 444th Mtg., Nov.26, 1954, p.303.

12 The draft of what became Resolution 853(IX) was adopted by an Assembly vote of 48-4-4 (Ibid., 512th Pl.Mtg., Dec.14, p.499).

First, Syria was able to make good a Council defeat in the Assembly. But, second, the administering Powers were able to have the last word back in the Council. When, in 1955, anti-colonial representatives on the Council tried to have Resolution 853(IX) applied so that visiting missions to be sent to West Africa would be instructed to seek out indigenes' views, the administering Powers' representation was such as to allow them to force deadlocked votes and thus obstruct the application of the resolution.¹³

The question of the implementation of United Nations' instructions or recommendations as such arose in 1950. Anti-colonial Powers previously had shown concern about implementation so that, for example, Resolution 320(IV) had not only called for attempts to accelerate progress in trust territories towards self-government, but also called on administering Powers to report on how they proposed to fulfil the purpose of the resolution and called on the Trusteeship Council to report on the administering Powers' submissions.

13 TCOR, 16th S., 633rd Mtg., July 8, 1955, p.170, and 634th Mtg., July 8, p.176. An anti-colonialist move in 1953 on a related front, to have the United Nations station representatives in trust territories, failed by only one plenary vote to obtain a two-thirds majority; Australia voted 'against' (GAOR, 8th S., 471st Pl.Mtg., Dec.9, 1953, p.455).

But, in 1950, a draft resolution was submitted (the work of a number of members, but based mainly on a Cuba-Mexico draft) whereby the Assembly would ask the Secretary-General to list Assembly resolutions related to trusteeship, to report on measures taken by administering Powers to implement them, and, where applicable, to supply administering Powers' reasons for not having implemented them. The Australian response was to argue that it was beyond the Secretary-General's competence to ask for such information.¹⁴ Australia voted with a minority against the draft which was adopted by the Assembly.¹⁵

In 1951, the Assembly had before it the Secretary-General's report showing that not all resolutions had been implemented. As a result, Cuba submitted a draft to have the Assembly make a request directly to the administering Powers to implement speedily all relevant Assembly resolutions and ask the Trusteeship Council to report on implementation in the case of each trust territory. The Australian

¹⁴ GAOR, 5th S., 4th Ctee., 156th Mtg., Oct.23, 1950, p.81.

¹⁵ The draft of what became Resolution 436(V) was adopted by an Assembly vote of 33-11-12 (Ibid., 316th Pl.Mtg., Dec.2, p.549).

delegate, Ballard, allowed that the Assembly should be informed of what the administering Powers did or did not do in trust territories, but he argued that it was a misconception to suppose that an administering Power failed to discharge its obligations by not immediately conforming with Assembly resolutions:

...it was the Administering Authority which had the responsibility and the discretion in the final analysis, of deciding how far and when a recommendation of the General Assembly could best be implemented.¹⁶

The draft was greatly modified by United States amendments to the point where it did little more than note the fact that not all resolutions had been implemented and asked the Council to report on implementation, and Australia voted for it.¹⁷

The question of the dissemination of information about the United Nations and the trusteeship system among the indigenous inhabitants of trust territories ran something of a routine course in that it was raised by anti-colonial Powers, who persisted until finally they achieved their aims. The question was raised by China in the Trusteeship Council in 1948,

16 GAOR, 6th S., 4th Ctee., 245th Mtg., Jan.12, 1952, p.297.

17 The draft of what became Resolution 560(VI) was adopted by the Assembly without objection (Ibid., 361st Pl.Mtg., Jan.18, p.350).

when China could still be described as an anti-colonial Power, and when it was agreed that the administering Powers should provide a list of officials to whom information might be sent concerning the United Nations and the Trusteeship System. Australia did not object, although Forsyth stressed that this did not mean that Australia abrogated anything of her exclusive responsibility for education in her trust territory.¹⁸ In 1952, Syria sponsored a draft resolution in the Fourth Committee whereby the administering Powers would be asked to disseminate information as widely as possible in their territories, and again Australia did not object.¹⁹ In 1953, Australia opposed, though in mild terms, a Dominican Republic proposal that the Secretary-General institute a flow of information directly from his office to peoples of trust territories without necessarily referring first to administering Powers. Sir Douglas Copland told the

18 TCOR, 3rd S., 19th Mtg., July 7, 1948, p.229.

19 The draft of what became Resolution 556(VI) was adopted by the Assembly without discussion or a vote (GAOR, 6th S., 361st Pl.Mtg., Jan.18, 1952, p.349)-

Fourth Committee that the notion would be 'difficult to apply' and thought it preferable for the administering Powers to disseminate the information.²⁰

In 1958, the Assembly adopted a resolution urging the desirability of having United Nations information centres placed in or near trust territories and having the Secretary-General report on ways and means of doing so.²¹ Australia abstained on the grounds, which must have seemed somewhat obtuse, that her delegation 'was not convinced that the Fourth Committee was the proper place to determine that in the Trust Territories there was greater need for the dissemination of...information than in the metropolitan territories

20 GAOR, 8th S., 4th Ctee., 389th Mtg., Dec.3, 1953, p.501. The draft of what became Resolution 754(VIII) finally referred to a direct flow of information on the basis of trust Powers' suggestions or on the Secretary-General's 'own knowledge of appropriate information channels'. The draft was adopted by a vote of 52-1-5, Australia's vote not being recorded (Ibid., 471st Pl.Mtg., Dec.9, p.455).

21 The draft of what became Resolution 1276(XIII) was adopted by an Assembly vote of 67-1-10 (GAOR, 13th S., 783rd Pl.Mtg., Dec.5, 1958, p.455).

of Member States generally'.²² In 1959, when it was found that none of the administering Powers had shown interest, a widely sponsored draft resolution was submitted specifically naming Tanganyika, Ruanda-Urundi and New Guinea as places where information centres should be located, preferably staffed with indigenes. Australia again abstained, not, said the Australian delegate in the Fourth Committee, K.T. Kelly, because of the substance of the draft, but rather as a gesture of protest against comments on the administration of New Guinea made during the committee's discussions.²³ In 1960, when the Assembly adopted a somewhat harshly worded resolution to the effect that the Secretary-General proceed with the establishment of the centres, Australia declared that she was well able to disseminate the necessary information without assistance, and again abstained in the vote.²⁴ In 1961, Britain and

22 Ibid., 4th Ctee., 799th Mtg., Nov.13, p.302. There was no roll-call in plenary session - Australia's abstention was registered in a Fourth Committee vote of 61-3-9 (Ibid., p.299).

23 GAOR, 14th S., 4th Ctee., 953rd Mtg., Nov.16, 1959, p.405. The draft of what became Resolution 1410(XIV) was adopted by an Assembly vote of 67-0-13 (Ibid., 846th Pl.Mtg., Dec.5, p.632).

24 The draft of what became Resolution 1607(XV) was adopted by an Assembly vote of 78-0-9 (GAOR, 15th S., 994th Pl.Mtg., April 21, 1961, pp.457-8).

Belgium at last agreed to the establishment of centres in their two territories, but Australia did not announce agreement until the end of the year when the Assembly adopted a resolution which called for the establishment of a centre in New Guinea 'without further delay'.²⁵

The questions of implementation, indigenous participation and dissemination of information were significant in their illustration of the determination of anti-colonial Powers to see that trust territories, as much as and perhaps even more than non-self-governing territories, 'ceased to be the private preserve of their imperial owners'.²⁶ The implementation question arose from their efforts to build up pressure against the administering Powers and, as it were, to put teeth into resolutions which they were able to have the Assembly adopt; the indigenous participation and information dissemination issues reflected their determination to break down the old exclusive administering Power-dependency relationship and to have

25 Resolution 1644(XVI) was adopted by the Assembly without objection (GAOR, 16th S., 1047th Pl.Mtg., Nov. 6, 1961, p.562).

26 Rupert Emerson, From Empire to Nation, Cambridge (Mass.), 1960, p.5.

the world community deal with, and be known by, the inhabitants of trust territories. But these questions essentially were only peripheral to that of trust territories' attainment of self-government or independence.

The steadily expanding campaign of the 1950s for greater progress in the achievement of self-government or independence was not long in showing itself. Thus, in 1950, for example, the Trusteeship Council itself recommended that Australia 'quicken the pace' in New Guinea by giving indigenes a distinct national status, a greater share in suffrage, more village councils and an education system stressing preparation for 'representative government and eventual independence'.²⁷ In 1951, to take another example, Indonesia's delegation expressed regret at the slowness of political progress in the trust territories, noting somewhat ominously that 'the Administering Authorities...appeared to think that the system was destined to remain in force for a

27 GAOR, 5th S., Supplement No. 4, pp.123-5.

considerable time...'.²⁸ The shape of things to come also became apparent in 1951 when a group of anti-colonial Powers (in this case, Haiti, India, Lebanon, the Philippines and Yemen) submitted a draft resolution in the Fourth Committee to have the Assembly not only ask (as it had before) that administering Powers report to the Council on measures designed to promote self-government and on the way in which indigenes' wishes were taken into account, but also to ask the Powers to state when they expected their trust territories to become self-governing or independent - that is, to provide target dates.²⁹ The Australian delegate, B.C. Ballard, immediately supported a British attempt to have this target date provision deleted from the draft. Even the most conscientious estimates, he argued, could be no more than speculation.³⁰

28 GAOR, 6th S., 4th Ctee., 227th Mtg., Dec.14, 1951, p.168.

29 Expectations and target dates are not necessarily the same thing but, in this context, their meaning was taken to be virtually identical.

30 Ibid., 240th Mtg., Jan.9, p.262.

The British move failed and Australia voted with the administering Powers (except for the United States, which abstained) against the target date provision and against the draft as a whole which was, nevertheless, adopted by the committee and finally by the Assembly.³¹ A similar resolution was adopted again two years later, in 1953, but with the addition of a request to the Trusteeship Council to report on the trust Powers' activities in promoting political progress.³² Copland entered a reservation for Australia which, while meaning no disrespect for the Council or the Assembly, would not be able to provide target dates.³³

When the Assembly found at its next (1954) session that the Trusteeship Council had not reached

31 This draft of what became Resolution 558(VI) was adopted by an Assembly vote of 38-8-11 (Ibid., 361st Pl.Mtg., Jan.18, 1952, pp.349-50).

32 The draft of what became Resolution 752(VIII) was adopted by an Assembly vote of 46-9-5 (GAOR, 8th S., 471st Pl.Mtg., Dec.9, 1953, p.455). Australia's vote was not recorded.

33 Ibid., 4th Ctee., 389th Mtg., Dec.3, p.501.

any conclusions or made any recommendations on the matter,³⁴ a draft resolution was submitted whereby the Assembly would repeat its request to the Council, and ask in addition that the Council instruct members of visiting missions to report particularly on political progress. Because of this latter provision, and because of the repeated reference to target dates, Australia voted vainly against the draft in the committee and in the Assembly.³⁵ During 1955, the Council was still unable to reach agreed conclusions or make recommendations³⁶ and, at that year's Assembly session, the request that it do so was repeated yet

34 Australia's Forsyth virtually told the Trusteeship Council to put the notion of target dates from its mind - they would not be forthcoming (TCOR, 13th S., 517th Mtg., March 16, 1954, p.283).

35 The draft of what became Resolution 858(IX) was adopted by an Assembly vote of 41-8-5 (GAOR, 9th S., 512th Pl.Mtg., Dec.14, 1954, p.499). For some evidence of the Australian vote, see Parliament of the Commonwealth of Australia, Summary Report of the Australian Delegation to the Ninth Session of the United Nations General Assembly in New York, 21st September to 17th December, 1954, Canberra, 1955, p.54 (in CPP, 1954-5, Vol.II, p.1785sq.).

36 Largely at the insistence of the administering members, including Australia, the Council decided it could not apply its finally found procedure (that of adding its conclusions and recommendations to the notes on each territory in its reports to the Assembly) in time for the 1955 session.

again, and with Australia in the minority yet again.³⁷

For the 1956 Assembly session, the Council at last had conclusions and recommendations ready for submission: in each territory's case, including that of New Guinea, calling for self-government or independence target dates. In Canberra, Casey, Minister for External Affairs, expressed dismay.³⁸ More cause for dismay was to come, however, because in the Fourth Committee the Soviet Union submitted a draft resolution calculated to shock the administering Powers. Its content was for them objectionable enough; it called for independence or self-government

37 The draft of what became Resolution 946(X) was adopted by an Assembly vote of 43-11-9 (GAOR, 10th S., 557th Pl.Mtg., Dec.15, 1955, p.464).

38 Casey said that it was impracticable to set in advance a schedule for the time limits for steps of political advancement. In such advancement, especially of primitive people, human and psychological elements were all important (London Times, Aug.11, 1956). It is interesting to note that in an editorial on the same day, the Hindu expressed Indian disapproval of the Australian Council representative's description of target dates for New Guinea as nonsense. It said that 'it is one thing that "White" Australia should seek security; but this cannot be a reason for depriving the people of New Guinea of the inherent right to self-government', going on to mourn that Britain, which had shown a more enlightened attitude in Africa, should support Australia.

for a number of specified African trust territories within five years and for announcements of target dates for the rest. Its form was shocking in that it did not merely have the Assembly express its wishes through the Council, a practice anyway disagreeable to the Administering Powers, but went a step further and would have had the Assembly issuing recommendations to the administering Powers in its own right. More will be said of this aspect below. Australia objected strongly to it, but also to the substance of the draft. Hood described a target in respect of Nauru as 'illegal, impractical and unwise'.³⁹ Even when the Soviet Union responded to Syrian and Indian appeals to replace the time reference with the more open 'at an early date', Australia and the other administering Powers, and most of their western allies, voted in vain minorities against it.⁴⁰ Before the Assembly vote was taken, the Australian delegate, Walker, made a strong statement on Australia's position:

³⁹ GAOR, 11th S., 4th Ctee., 637th Mtg., Feb.15, 1957, p.431.

⁴⁰ Resolution 1064(XI) was adopted by an Assembly vote of 45-14-16 (Ibid., 661st Pl.Mtg., Feb.26, p.1227).

...if the Trusteeship Agreements designate us as the sole authority which shall exercise administration of the Territories concerned, they thereby place on our shoulders a heavy responsibility to determine in the last resort what can and what cannot be done in those Territories, and a responsibility to decide what course of action will benefit and what course will harm the interests of the people who, with the approval of the Assembly, are at present under our care. ...we do not interpret these obligations as being satisfied by the mere transfer of authority from ourselves to a few selected individuals in the Territories concerned, with the abandonment of the mass of the people to conditions which may be totally incompatible with the modern and essential democratic standards which are the proudest inheritance of our own country...Nor can we regard the provisions of Article 76 of the Charter as requiring us merely to construct in careless haste, whether by force or pretence, a superficial framework of self-government or independence which would at best be a fiction.⁴¹

Casey also declared that it would be irresponsible to give the people of Nauru and New Guinea 'half-baked promises and guesses' as to when they would be ready to handle their own affairs.⁴²

The administering Powers ignored Resolution 1064(XI) and, in 1957, the resolution was reaffirmed

⁴¹ Ibid., p.1125.

⁴² London Times, March 1, 1957.

by another which again also called on the Council to report on administering Powers' responses.⁴³ In 1958, the anti-colonial Powers renewed their attack with an eight-power joint resolution draft inviting the administering Powers to set 'early successive intermediate targets and dates in the fields of political, economic, social and educational development so as to create, as soon as possible, the pre-conditions for the attainment of self-government or independence'. The Australian delegate, Kelly, was now prepared to concede that Australia might well adopt tentative target dates but he emphasised that setting a target date did not guarantee its attainment; many factors lay beyond the control of the administration. But his attitude to the draft

43 Resolution 1207(XII) was adopted by an Assembly vote of 51-15-7 (GAOR, 12th S., 729th Pl.Mtg., Dec. 13, 1957, p.595). For evidence of the Australian vote, see Parliament of the Commonwealth of Australia, Summary Report of the Australian Delegation to the Twelfth Session of the United Nations General Assembly in New York, 17th September to 14th December, 1957, Canberra, 1959, p.49 (in CPP, 1959-60, Vol.IV).

resolution as such was strictly orthodox;

...the Trusteeship Agreement for the Territory of New Guinea clearly designated the Government of Australia as the sole authority which should exercise the administration of the territory. The draft resolution was intended to curtail the solemnly conferred rights of the Administering Authority...⁴⁴

Australia voted against the draft which was, however, adopted by the Assembly.⁴⁵ When, at the next (1959) session, a number of Powers co-sponsored a draft resolution very similar to the previous year's, except that it singled out Tanganyika and Ruanda-Urundi for 'near future' target dates, Kelly claimed that only the sensitive situation in Ruanda-Urundi made him vote against it.⁴⁶ If he was genuine in this, Australia presumably no longer objected very strongly

⁴⁴ GAOR, 13th S., 4th Ctee., 797th Mtg., Nov.12, 1958, p.287.

⁴⁵ Australia's vote was recorded in the Fourth Committee (Ibid., pp.288-9). Resolution 1274(XIII) was adopted by an Assembly vote of 57-18-2 (Ibid., 782nd Pl.Mtg., Dec.5, p.454).

⁴⁶ GAOR, 14th S., 4th Ctee., 954th Mtg., Nov.16, 1959, p.414. Kelly went out of his way to say that Australia 'deeply respected the attitudes of the sponsors of the draft resolution...'. The draft in question became Resolution 1413(XIV) by an Assembly vote of 52-15-8 (Ibid., 846th Pl.Mtg., Dec.5, p.632).

to the Assembly issuing recommendations directly to administering Powers over the head of the Trusteeship Council or to requests for target dates as such.

It was as if the Burmese delegate, U Tin Maung, was right in his 'firm conviction that the Administering Authorities could see the wisdom of abandoning their obstinate refusal to read the writing on the wall'.⁴⁷

The following year, 1960, was, of course, dominated by the Declaration of Granting Independence to Colonial Countries and Peoples, to which reference already has been made and which applied to trust territories as much as to non-self-governing territories. It has been remarked, too, that this was a year which saw a noticeable softening in Australia's attitude; policy did not change dramatically, but its expression did. Thus, before that year's Assembly session, the Australian Minister for Territories, Mr Paul Hasluck, said that Australia was now prepared to give immediate and realistic target dates for educational, social and

⁴⁷ Ibid., 4th Ctee., 954th Mtg., Nov. 16, p. 407.

economic advancement, adding though that 'in political advancement we would rather take each step too soon than too late, but we see no kindness in making human beings walk over cliffs in the dark'.⁴⁸ Early in the session, the Prime Minister, R.G. Menzies,⁴⁹ certainly declared that:

Nobody who knows anything about these Territories and their indigenous people can doubt for a moment that for us in Australia to abandon our responsibilities forthwith would be an almost criminal act.⁵⁰

But he also affirmed that 'we regard ourselves as having a duty to produce as soon as is practicable an opportunity for complete self-determination for the people of Papua and New Guinea'.⁵¹ The tone of Plimsoll's⁵² speech on the Declaration itself was

48 London Times, June 28, 1960.

49 At the time, Menzies was still also Minister for External Affairs, a portfolio he had held since the retirement of Casey earlier in the year. Sir Garfield Barwick, the next holder, was in the delegation, but as Attorney-General.

50 GAOR, 15th S., 888th Pl.Mtg., Oct.5, 1960, p.435.

51 Ibid.

52 Then Permanent Representative to the United Nations, Mr (since Sir) James Plimsoll later was appointed High Commissioner to India and is now Secretary of the Department of External Affairs.

one reflecting patience, conciliation, almost gentleness.⁵³ He professed to find some of its wording objectionable and abstained in the vote, as has already been described.⁵⁴

The Declaration tended to consolidate the decline in importance of the trusteeship system. In a sense, this decline was inevitable in that British Togoland already had left the system, in the year of the Declaration Somaliland proceeded to independence according to plan, and the French Cameroons and Togoland that year achieved self-government. In 1961, it was clear that trusteeship in regard to Tanganyika, Ruanda-Urundi, Western Samoa and the British Cameroons had only months to run. This left only Australia's Nauru and New Guinea and the United States' Pacific

53 Ibid., 933rd Pl.Mtg., Dec.2, pp.1090-3).

54 It was observed at the time that the group with which Australia saw fit to abstain 'includes many of the most controversial countries in the Assembly. Except for Britain and Australia, they have all been under very severe attack on charges of deprivation of human freedom - and even the two Commonwealth countries have not been wholly immune from such charges' (London Daily Telegraph, Dec.23, 1960). The same might have been said of the Declaration's supporters, but the latter included many western friends of Australia and many with admirable social and political records.

Islands. Indeed, the Soviet Union's view was that the trusteeship system, 'a variant of the colonial regime, should be buried along with the rest of the obsolete colonial system'. On the other hand, the Soviet Union has continued to find the Trusteeship Council a convenient forum in which to lead criticism of Australia's administration.⁵⁵

In 1961, when the Special Committee of Seventeen was established (with Australian support and membership) to prosecute the Declaration, the Assembly virtually reduced the status of the Trusteeship Council to parity with that of the Information Committee, placing both at the disposal of the Special Committee of Seventeen. In the event, the Information Committee became manifestly redundant, and it was wound up in 1963. The same might have happened, one suspects, with the Trusteeship Council except for the formidable

⁵⁵ Perhaps to fill the gap left by Afro-Asian concentration on Africa, communist representatives have been particularly critical of Australia's performance as a trust Power. Generally, the communist claim has been of inadequate indigenous representation, preservation of tribalism, and economic exploitation. See, e.g., Soviet News, March 20, 1951.

fact that its existence is written into the charter. It also had the right to send visiting missions to territories - a practice, certainly, of the Committee of Twenty-Four, but only by the courtesy of Assembly members. The Declaration's inclusion of trust territories within its scope bore logical fruit in 1964 when both the Trusteeship Council and the Committee of Twenty-Four considered Australian policy in New Guinea. Since 1960-1, it has scarcely been possible to speak of Australian attitudes on political progress in trust territories as such, but only in her own and the one other. In this very limited sphere, her attitudes have been generally unchanged, but she has shown a much greater tendency than formerly to bend before the anti-colonial wind, to argue her case in a conciliatory and diplomatic way, to make concessions to United Nations opinion.⁵⁶

Throughout the 1950s, however, Australia generally defended the position she had taken up in the 1940s: it was the right of the administering Powers to administer their trust territories as they saw fit,

⁵⁶ More will be said of Australia's attitudes as a trust Power in Chapter 10 of this work.

subject only to their undertakings, given in signing the United Nations charter and the trusteeship agreements, to achieve certain objectives, and to the fact that an international organ existed to supervise their performance. The crux of the conflict between the administering Powers and their anti-colonial critics lay essentially in what properly was involved in the function of supervision. For Australia, as for most of her administering colleagues for most of the period, supervision meant no more than a literal accountability: performance had publicly to be justified if questioned. This, of course, was what the mandates system had encompassed. The trusteeship system erected by the charter added little to this except that sources of information available to the supervising organ were widened.

What if the supervising organ found fault? In the mandates system, the supervising organ, the Permanent Mandates Commission, said what it thought should not have happened in territories and what it wished to see happen. In that the League Council, to which the Commission reported, did little more than formally receive the Commission's reports, the only

pressure on the administering Powers to conform with the Commission's wishes comprised the possibility of adverse publicity.⁵⁷ In the case of the trusteeship system more was involved because there now existed in the international community a large number of states with an interest of one sort or another in seeing that a heavier form of pressure was exerted on administering Powers. In the Permanent Mandates Commission, the League Council and even the League Assembly, there were few, if any, members who felt it their business to seek to hasten the loosening, at least in the case of 'B' and 'C' mandates, of ties between mandates and mandatories. They sought rather to obtain improved and more humane standards of administration within the indefinite continuation of those ties. In the Trusteeship Council and the General Assembly, on the other hand, there were many who did try to hasten the loosening of ties between trust

57 The deterrent value of adverse publicity could be based on more than ordinary reputation considerations. Australia, for example, constantly feared that bad publicity for her administration of New Guinea could help the cause of German groups agitating for the return of what had been their colony. See Hudson, op.cit., pp.43-4.

territories and trust Powers. Many also felt a responsibility to seek improved and more humane standards of administration (at times, perhaps, with doubtful credentials)⁵⁸ but, unlike their League forbears, at whatever cost to the authority of trust Powers - that authority anyway being in their view temporary and United Nations-given.

The difference between the assumptions of League members and many United Nations members was reflected in two ways. In the first place, the Trusteeship Council (or at least very often the non-administering half of it), much more than the Mandates Commission, expected the administering Powers to rectify alleged faults and, more, to make the Council a co-operator in planning and implementing policy. This was a function which Australia would not allow the Council. As Forsyth told the Council in 1952:

58 Too much, of course, can be made of this. Statements like that of Hancock - 'Some of the orators represent sovereign States whose standards of welfare compare ill with those of adjacent colonies...' (op.cit., p.17) - seem to reflect pique at criticism.

It was not the function of the Trusteeship Council to govern the Trust Territory; while it could make suggestions, recommendations or criticisms, the sole authority responsible for deciding whether any action should or should not be taken in the Trust Territory was the Administering Authority, to whom that responsibility was delegated not by the Trusteeship Council but by an international treaty between the Administering Authority and the United Nations.⁵⁹

In the second place, pressure on administering authorities was no longer restricted to the pressure of publicity exerted by the supervisory organ to which the administering Powers had to account. The anti-colonial Powers used the Assembly and its Fourth Committee as a source of further pressure in the form of publicity and as a source of another sort, the Assembly resolution which carried with it at least the appearance of majority world opinion. These pressures were exerted directly on the administering Powers and indirectly through the Trusteeship Council. Australia objected to both forms. As Hood said in 1956 of a Soviet Union attempt to have the Assembly

⁵⁹ TCOR, 10th S., 400th Mtg., March 18, 1952, p.118. Perhaps to stretch a point, it was a little ironical that in this context Australia should place a relationship with the United Nations as a whole over her relationship with the Council. In other contexts, she was inclined strongly to underline a priority relationship with the Council over the Assembly where the United Nations as a whole was represented.

specify self-government or independence target dates for trust territories, it:

...would constitute a clear directive to the Administering Authority which had no justification in either the Charter or the Trusteeship Agreements.

The effect... would be to go over the heads of the Administering Authorities... thus violating the legal rights conferred on them by the Trusteeship Agreements and the Charter...⁶⁰

Australia did not allow the Assembly, any more than the Council, the right to tell the administering Power what to do.

Similarly, Australia objected to the Assembly exerting pressure through the Council by treating it virtually as a subject organ.⁶¹ As always, there was political motivation. As Casey complained in 1952, the Fourth Committee could be an unpleasant place for administering Powers.⁶² But Australia was not on

60 GAOR, 11th S., 4th Ctee., 637th Mtg., Feb.15, 1957, p.431.

61 Australian restrictions on the freedom of the Assembly could take an extreme form. In 1953, Copland voted in the Fourth Committee against the draft of what became Resolution 746(VIII) because it recommended that the Secretary-General consider increasing secretariat recruitment from non-self-governing territories, a recommendation which would read as an instruction and abridge the Secretary-General's freedom (GAOR, 8th S., 4th Ctee., 342nd Mtg., Oct.23, 1953, pp.170-1).

62 GAOR, 7th S., 384th Pl.Mtg., Oct.20, 1952, p.107.

strong legal grounds in seeking to have the Council removed from Assembly interference. Article 87 of the charter describes the Council as being under the Assembly's authority, and it was to the Assembly that, in theory, the administering Powers reported. Most trusteeship agreements, moreover, spoke of the administering Power co-operating with the Assembly and the Council.⁶³ The Australian case tended to be obscurantist. Hood, for example, told the Council in 1950 that it was not advisable to 'probe too deeply into the question of the constitutional relationship between the General Assembly and itself. It was proper for the former to take an interest in trust territories, just as it was proper for the Council to take that legitimate interest into account. But it was for the Council to take its own decisions.'⁶⁴ Or, as Forsyth said in the Fourth Committee two years

⁶³ The New Guinea agreement, however, referred only to the Council.

⁶⁴ TCOR, 6th S., 8th Mtg., Jan.27, 1950, p.62.

later, 'it might be better...to deal only with questions of principle in the Committee'.⁶⁵ Many other members, and often enough a majority of them, have felt as the Philippines delegate did in 1950 when, after stressing the role of the Assembly in the operation of the trusteeship system, he declared that his delegation 'welcomed the opportunity given to the general Assembly and the Fourth Committee...of making recommendations to the Council and the Administering Authorities'.⁶⁶ To sum up, it may safely be said that throughout the 1940s and 1950s, the 'hey-day' of the trusteeship system, Australia consistently reacted with hostility to the intention and forms of anti-colonial Powers' attempts to spur on the process of decolonisation in trust territories.

65 GAOR, 7th S., 4th Ctee., 285th Mtg., Nov.28, 1952, p.257. In 1950, it might be noted, Australia voted with a sufficient minority (under the two-thirds rule) to have deleted from the draft of what became Resolution 433(V) a paragraph stating that the Trusteeship Council was bound to so order its procedures as to assist the Assembly in carrying out its functions (GAOR, 5th S., 316th Pl.Mtg., Dec.2, 1950, p.548).

66 GAOR, 5th S., 4th Ctee., 147th Mtg., Oct.9, 1950, p.19.

III.

The South-West Africa question, which continued to engage the United Nations each year, illustrates very clearly the pattern already noted in Australian policy and activity on colonial questions generally: a strong conservatism throughout the 1950s giving way to flexibility in the 1960s. In this case, Australia during the 1950s continued, as she had done in the 1940s, to seek to save South Africa from heavy pressure to co-operate with the United Nations, but from 1961 switched her policy utterly and supported extremely harsh condemnations of the republic.

Under the terms of Resolution 338(IV), the International Court of Justice was asked in 1949 for an advisory opinion on questions relating to the status of South-West Africa. The Court's opinion, handed down in mid-1950, was that the territory was still under mandate, that the United Nations was qualified to exercise the function of supervision of the mandate previously exercised by the League, that South Africa could not unilaterally modify the mandate status of the territory, that nevertheless South Africa was not obliged to submit a trusteeship agreement,

and that the 'normal' means by which the territory's status might be modified would be by submission of a trusteeship agreement.⁶⁷ The Court's views were of some comfort to the anti-colonial Powers which, late in 1950, submitted draft resolutions to give them effect. Australia gave them a slightly more hostile reception even than Britain. Thus, Australia voted in the Fourth Committee against a draft by which the Assembly would ask South Africa to submit outstanding reports and transmit petitions according to League usage, and establish a commission of ten experts to be nominated by governments and to fulfil the function of the League's Mandates Commission.⁶⁸ She voted against an unsuccessful Soviet Union proposal to have South African activity regarding the territory noted as 'a violation of the Charter'.⁶⁹ And she voted against a draft repeating previous requests that the territory be placed under the trusteeship system

67 See I.C.J. Reports 1950, p.128sq.

68 GAOR, 5th S., 4th Ctee., 196th Mtg., Dec.4, 1950, p.367.

69 Ibid., 198th Mtg., Dec.5, p.378.

because, said D.O. Hay, it was unfair that the draft's preamble should mention the Court's view that the normal way of modifying the territory's status was by submission of an agreement but without mentioning the Court's view that submission was not legally obligatory.⁷⁰ The first of these drafts was abandoned in the Assembly which adopted instead a milder resolution under which a five-man committee would be established to negotiate with South Africa and in the meantime to receive reports and petitions on the territory. Britain supported this, but Australia abstained.⁷¹ The third draft was adopted as recommended by the Fourth Committee, Australia again voting against it.⁷²

In 1951, South Africa told the Assembly's committee that she was prepared to negotiate only with Britain, France and the United States, the surviving Principal and Allied Powers which had awarded her the mandate in 1919. The committee countered this with

⁷⁰ Ibid., pp.375,379.

⁷¹ Resolution 449A(V) was adopted by an Assembly vote of 45-6-5 (Ibid., 322nd Pl.Mtg., Dec.13, p.629).

⁷² Resolution 449B(V) was adopted by an Assembly vote of 30-10-16 (Ibid., pp.631-2).

a proposal that South Africa deal with a 15-man Assembly committee with the same powers as the Mandates Commission, but South Africa refused to entertain this. Late in 1951, the Assembly adopted a resolution whereby South Africa was solemnly asked to reconsider her position and resume negotiations with a reconstituted Assembly committee.⁷³ Australia abstained on this in part at least because, said A.H. Tange, its expression appeared to imply that South Africa would evade its obligations and thus prejudiced the chances of negotiations.⁷⁴ Australia also abstained on a draft which again called for the submission of a trusteeship agreement on the grounds that it also would prejudice the success of negotiations.⁷⁵ In 1951, Australia voted vainly against a proposal in the Fourth Committee to allow an oral hearing so that the Rev. Michael Scott might again appear on behalf of inhabitants of South-

73 Resolution 570A(VI) was adopted by an Assembly vote of 45-5-8 (GAOR, 6th S., 362nd Pl.Mtg., Jan.19, 1952, p.375).

74 Ibid., 4th Ctee., 224th Mtg., Dec.11, 1951, p.150.

75 Resolution 570B(VI) was adopted by an Assembly vote of 36-0-22 (Ibid., 362nd Pl.Mtg., Jan.19, 1952, p.375).

West Africa. Tange argued that, according to the Court's opinion, Mandates Commission procedure should be followed, and this had not provided for oral hearings.⁷⁶

In 1952, Australia voted for a draft resolution whereby the Assembly gave its committee a further year in which to negotiate with South Africa.⁷⁷ In 1953, when the committee yet again reported failure to conclude an agreement, the Assembly adopted a resolution in which it virtually censured South Africa and established a seven-member Committee on South-West Africa. This committee was authorised to negotiate with South Africa if possible, but also to examine whatever information was available on the territory, to examine reports and petitions which might reach it and to prepare a procedure for the future. Loomes stated that Australia's abstention in voting on the resolution was due to its provision for examination by the committee of available information. Given

⁷⁶ Ibid., 4th Ctee., 204th Mtg., Nov.16, 1951, p.18.

⁷⁷ Resolution 651(VII) was adopted by an Assembly vote of 45-2-8 (GAOR, 7th S., 409th Pl.Mtg., Dec.20, 1952, p.458). Australia's abstention was recorded in the Fourth Committee (Ibid., 4th Ctee., 308th Mtg., Dec.16, p.423).

South Africa's current refusal to co-operate, this information could only be unofficial, and unofficial information had not been allowed for under Mandates Commission procedures which were those relevant to the case of South-West Africa.⁷⁸ Australia also abstained on a resolution which once again called for submission of a trusteeship agreement. Not only was South Africa not bound legally to submit - Australia's customary argument - but it was damaging, said Loomes, to the United Nations' prestige repeatedly to adopt the same resolution.⁷⁹

In 1954, when the Committee on South-West Africa reported adversely on conditions in the territory, and in 1955, the anti-colonial Powers turned again to the Court in an effort further to reinforce their case against South Africa. South Africa objected to having the United Nations as successor to the League

78 GAOR, 8th S., 4th Ctee., 364th Mtg., Nov.12, 1953, p.314. Resolution 749A(VIII) was adopted by an Assembly vote of 46-1-12 (Ibid., 460th Pl.Mtg., Nov. 28, p.325).

79 Ibid., 4th Ctee., 364th Mtg., Nov.12, p.314. Resolution 749B(VIII) was adopted by an Assembly vote of 47-1-11 (Ibid., 460th Pl.Mtg., Nov.28, p.325).

in supervising the mandate on the grounds that a two-thirds majority was sufficient to carry an important proposal in the United Nations' Assembly whereas League procedure had required unanimity. In 1954, therefore, the Assembly adopted a resolution whereby the International Court of Justice was asked for an opinion on the matter. Australia abstained in the vote; the United States and New Zealand were among the resolution's supporters.⁸⁰ In 1955, the anti-colonial Powers succeeded in having the Assembly adopt a resolution whereby it asked the Court for an opinion on whether it could legally empower the Committee on South-West Africa to hear oral petitioners.⁸¹ In the Fourth Committee, the Australian delegate, J.M. McMillan, made a speech which came oddly from a delegation which so often had taken legal stands against the anti-colonial Powers:

80 Resolution 904(IX) was adopted by an Assembly vote of 25-11-21 (GAOR, 9th S., 501st Pl.Mtg., Nov.23, 1954, p.326).

81 Resolution 942(X) was adopted by an Assembly vote of 32-5-19 (GAOR, 10th S., 550th Pl.Mtg., Dec.3, 1955, p.399).

The basic objective of both parties in the dispute should be the promotion of the interests of the inhabitants of South West Africa. However, in the effort to consolidate its legal position, the United Nations appeared to some extent to have lost sight of that objective. The Australian delegation was not convinced that the United Nations could make any useful progress towards that objective without the full co-operation of the South African Government. It did not consider co-operation had been or would be encouraged by the multiplication of advisory opinions, the insistence upon a trusteeship agreement, or the reiteration of criticisms the validity of which was often in doubt.⁸²

Australia again abstained.⁸³ (In both instances, the Court handed down an advisory opinion favourable to the anti-colonial Powers. In the Court's view, application of the two-thirds rule in the Assembly on questions related to petitions and reports regarding South-West Africa was not inconsistent with its 1950 opinion on the status of the territory, and nor would be the granting of oral hearings to petitioners by the Assembly's Committee on South-West Africa.)⁸⁴

82 Ibid., 4th Ctee., 499th Mtg., Nov.7, p.178.

83 See Parliament of the Commonwealth of Australia, Summary Report of the Australian Delegation, United Nations General Assembly, Tenth Session, 22nd September to 20th December, 1955, New York, Canberra, 1956, p.49 - in CPP, 1956-7, Vol.III.

84 See I.C.J. Reports 1955, p.66sq. and I.C.J. Reports 1956, p.23sq.

Australia continued to support South Africa against the anti-colonial members. In 1956, for example, she was again arguing that it was undignified to persist with resolutions requesting the submission of a trusteeship agreement which South Africa was not legally required to submit.⁸⁵ In 1957, Australia supported an Assembly decision to appoint a good offices commission to confer with South Africa.⁸⁶ However, she objected to a draft resolution which criticised conditions in South-West Africa and asked the Committee on South-West Africa to consider the possibility of referring to the International Court of Justice the question of whether some administrative acts in the territory were compatible with the League Covenant,

⁸⁵ GAOR, 11th S., 4th Ctee., 583rd Mtg., Dec.21, 1956, p.170.

⁸⁶ This commission was established under Resolution 1143(XII) which was adopted by an Assembly vote of 50-10-20 (GAOR, 12th S., 709th Pl.Mtg., Oct.25, 1957, p.370).

the Mandate and the United Nations charter.⁸⁷

The good offices commission was unsuccessful, South Africa still refusing to accept the United Nations as a second party to an agreement on the territory. At the 1958 Assembly session, there was again dissension over a hearing extended to the Rev. Michael Scott. There was a difference of opinion even within the western group on whether, if Scott were heard, he should be heard with reference to the report of the good offices commission or to the Committee on South-West Africa. The United States and Canada, for example, approved hearing him on the latter. Australia voted vainly against hearing him on either,⁸⁸ and expressed a degree of sympathy for the South African delegation which refused to remain

87 Resolution 1142(XII) was adopted by an Assembly vote of 55-3-17 (Ibid., p.369). For evidence of a vote 'against' in the Fourth Committee and an abstention in plenary session, see Parliament of the Commonwealth of Australia, Summary Report of the Australian Delegation, United Nations General Assembly, Twelfth Session, New York, 17th September to 14th December, 1957, Canberra, 1958, p.55 - in CPP, 1959-60, Vol.IV. The Australian argument was the familiar one that to pass the draft resolution would be to prejudice the chances of the good offices commission (GAOR, 12th S., 709 th Pl.Mtg., Oct.25, 1957, p.372).

88 GAOR, 13th S., 4th Ctee., 747th Mtg., Sept.30, 1958, pp.24-5.

in the Fourth Committee for and after Scott's appearance. Cyril Chambers said his delegation 'regretted...the attitude of those delegations who precluded the possibility of a diplomatic and political solution of the problem...'.⁸⁹ Similarly, in 1959, Australia abstained in voting on yet another resolution calling for the submission of a trusteeship agreement⁹⁰ and, in the company only of Britain, Portugal and South Africa, against a resolution whereby the Assembly drew the attention of members to the possibility of individually referring to the International Court of Justice any dispute they might have with South Africa over interpretation and application of the mandate.⁹¹

Signs of a change in policy appeared in 1960 when Australia was content to abstain in voting on a

89 Ibid., 761st Mtg., Oct.15, p.83.

90 Resolution 1359(XIV) was adopted by an Assembly vote of 56-1-13 (GAOR, 14th S., 838th Pl.Mtg., Nov.17, 1959, p.557).

91 Resolution 1361(XIV) was adopted by an Assembly vote of 55-4-16 (Ibid.). For evidence of the Australian vote on these two resolutions, see Parliament of the Commonwealth of Australia, Report of the Australian Delegation, United Nations General Assembly, Fourteenth Regular Session, New York, 15th September to 12 th December, 1959, Canberra, 1960, p.54 - in CPP, 1960-1, Vol. IV.

resolution which deplored South African policy in the territory, especially the application of apartheid, and asked the Committee on South-West Africa to proceed to the territory for an on-the-spot examination of the situation there.⁹² Australia also abstained on a resolution which noted terrorisation of the territory's indigenes and armed action against them by the South African Government, and called the attention of the Security Council to a situation which could endanger international peace;⁹³ on another which appealed to members to bring influence to bear to have South Africa implement Assembly resolutions;⁹⁴ on another which commended Ethiopia and Liberia for their initiative in referring a private dispute with South Africa over the mandate to the court;⁹⁵ and on

92 Resolution 1568(XV) was adopted by an Assembly vote of 78-0-15 (GAOR, 15th S., 954th Pl.Mtg., Dec. 18, 1960, p.1388).

93 Resolution 1596(XV) was adopted by an Assembly vote of 83-0-9 (Ibid., 979th Pl.Mtg., April 7, 1961, p.239).

94 Resolution 1593(XV) was adopted by an Assembly vote of 74-0-9 (Ibid., 963rd Pl.Mtg., March 16, 1961, p.16).

95 Resolution 1565(XV) was adopted by an Assembly vote of 86-0-6 (Ibid., 954th Pl.Mtg., Dec.18, 1960, p.1387).

another which urged South Africa to cease the imprisonment and deportation of Africans in the territory.⁹⁶ And Australia voted for a resolution which considered conditions in the territory unsatisfactory and called on United Nations agencies to assist and on South Africa to co-operate with them.⁹⁷

In 1961, it was manifest that Australia had indeed switched her policy.⁹⁸ Although Britain, Belgium, France and Spain abstained, Australia voted in the Fourth Committee for a draft resolution which referred to South Africa's 'ruthless intensification of the policy of apartheid' and 'oppressing the indigenous people', declared that South Africa had 'persistently

96 Resolution 1564(XV) was adopted by an Assembly vote of 84-0-7 (Ibid.) Australia's abstention was recorded in the Fourth Committee (Ibid., 4th Ctee., 1063rd Mtg., Nov.24, 1960, p.373).

97 Resolution 1566(XV) was adopted by the Assembly without objection (Ibid., 954th Pl.Mtg., Dec.18, 1960, p.1387). Australia voted 'for' in a Fourth Committee roll-call (Ibid., 4th Ctee., 1076th Mtg., Dec.6, 1960, p.458).

98 A similar switch in Australia's position on human rights questions involving South Africa has been noted (see Gordon Greenwood, 'Australian Foreign Policy in Action' in Greenwood and Harper, op.cit., p.51).

failed in its international obligations in administering the Territory', established a seven-member United Nations Special Committee for South-West Africa which would visit the territory and set in motion processes whereby the territory could achieve independence, and called the attention of the Security Council to the situation.⁹⁹ The Australian delegate, L.R. McIntyre, admittedly, was not happy with all the provisions of the draft resolution and in fact abstained in the voting on it in plenary session¹⁰⁰ but, besides voting for it in the Committee, he expressly approved its condemnation of apartheid and its emphasis on self-determination and applauded the sincerity of its sponsors.¹⁰¹ Australia voted for

99 GAOR, 16th S., 4th Ctee., 1247th Mtg., Dec.13, 1961, p.588.

100 Resolution 1702(XVI) was adopted by an Assembly vote of 90-1-4 (Ibid., 1083rd Pl.Mtg., Dec.19, p.1106). McIntyre explained to the Assembly that Australia had abstained in plenary session because her 'for' vote in the Fourth Committee had assumed that the Committee would also adopt an associated Swedish draft. This would have had appointed a committee, agreeable to the Assembly and South Africa, to examine conditions in South-West Africa and report to the Assembly and South Africa. It was rejected by a large margin.

101 Ibid., 4th Ctee., 1246th Mtg., Dec.12, p.576.

another resolution in which South Africa was accused of deliberately depriving the territory's indigenes of access to complete secondary and higher education, and which authorised the establishment of a training scheme for them.¹⁰²

If 1961 saw Australia supporting conditionally a draft resolution almost every sentence of which formerly would have been utterly objectionable to her, 1962 saw the consummation of the policy transformation. McIntyre told the Fourth Committee that:

The Government and the people of Australia deplored the practice of racial discrimination, in South West Africa as elsewhere, and further considered that South Africa should have followed the example of other Mandatory Powers and have placed South West Africa under the Trusteeship System... There was also a clear moral obligation on the part of South Africa to promote the Territory's advancement towards self-determination and to put an end to all discriminatory policies... South Africa should grant exit permits to students... The continued failure of South Africa to acknowledge its obligations or to heed world opinion could not but have explosive consequences.

...

...the United Nations should seek to avail itself of all possible channels to bring the pressure of world opinion to bear upon the South African Government.¹⁰³

102 Resolution 1705(XVI) was adopted by an Assembly vote of 94-0-1 (Ibid., 1083rd Pl.Mtg., Dec.19, p.1106).

103 GAOR, 17th S., 4th Ctee., 1387th Mtg., Nov.16, 1962, p.388 (author's underlining).

Australia then voted for a resolution which condemned (McIntyre would have preferred that it 'deplored') South Africa's refusal to co-operate with the United Nations, instructed the Secretary-General to establish a United Nations presence in the territory, and urged members to take account of some of their fellow members' feelings about the supply of arms to South Africa.¹⁰⁴ In 1963, it was significant that Australia was content to abstain (Britain and the United States were among those to vote 'against') in voting on a resolution which included a call for an arms embargo on South Africa.¹⁰⁵ Australia voted for another resolution (Britain abstained) which further condemned South Africa and asked the Security Council to consider the critical situation in South-West Africa.¹⁰⁶

104 Ibid., 1194th Pl.Mtg., Dec.14, p.1146. Resolution 1805(XVII) was adopted by a vote of 98-0-1.

105 Resolution 1899(XVIII) was adopted by an Assembly vote of 84-6-17 (GAOR, 18th S., 1257th Pl.Mtg., Nov. 13, 1963, p.4).

106 Resolution 1979(XVIII) was adopted by an Assembly vote of 89-2-3 (Ibid., 1284th Pl.Mtg., Dec.17, p.2).

It is impossible at this stage to state precisely why Australia switched from a fairly constant tendency to shield South Africa to a willingness to join her critics in the Assembly. A vital difference between Australian-South African relations before and after 1961, when Australia first actively supported Assembly resolutions inimical to South Africa, was that South Africa left the Commonwealth of Nations early in 1961.¹⁰⁷ A simple view would be that Australia then felt at liberty to vote and speak as only feelings of Commonwealth solidarity previously had prevented her. This lacks conviction in that it was apparent already in 1960 that Australia was not untouched by the growing anti-colonial consensus in the Assembly. Thus, she abstained in 1960 in voting on Resolution 1565(XV), a draft essentially consequential to Resolution 1361(XIV) against which she had voted the year before.¹⁰⁸ Voting

107 More accurately, South Africa did not apply for continued membership. It had become customary for a state assuming republican status, as South Africa had just done, to seek other members' approval to its remaining in the Commonwealth. Because of the degree of criticism of her racial policies received at the 1961 Prime Ministers' Conference, South Africa did not persist with her initial application.

108 Resolution 1361(XIV) drew the attention of members to the possibility of taking legal action against South Africa. Resolution 1565(XV) commended Ethiopia and Liberia for having done so.

figures given in footnotes on preceding pages show how Assembly minorities were shrinking on this and other colonial questions in 1959 and 1960. And, on many questions besides that of South-West Africa, Australia in 1961 and 1962 left the company of the colonial intransigents who were reduced to Portugal and South Africa and, less often, Britain and Spain. An explanation based on South Africa's departure from the Commonwealth also lacks conviction in that, before and after 1961, Australia's voting at times was at odds with that of Britain, even when British interests were involved, and very often different from that of other 'old' Commonwealth members.

A probably effective factor was the considerable obloquy which had fallen on South Africa as a result of the Sharpeville and Langa incidents of 1960. This showed itself on the question of racial conflict in South Africa in Special Political Committee activity. Explaining in the Australian parliament what 'some regard as a switch in policy by Australia' whereby Australia had abstained in the Committee in voting in 1959 on what became Resolution 1375(XIV) but voted in 1961 for what became Resolution 1598(XV), each comprising a condemnation of South Africa and a call

to change her racial policies, Menzies referred to 'the events that happened and were happening...'.¹⁰⁹ Speaking of Sharpeville, he said he had been 'horrified by the dreadful events'. He then declared his hostility to apartheid, because it would 'end in the most frightful disaster', and to South Africa's refusal, when still in the Commonwealth, to establish regular diplomatic contact with Afro-Asian Commonwealth states. He made clear in his speech that Smuts' support for segregated social development had been one thing, but that policy which led to a Sharpeville was another.

Voting on the South-West Africa issue did not arouse the same interest in the Australian parliament as that on apartheid. But it would seem likely that similar considerations would have prevailed. That is, it would seem likely that South African internal policy had reached a point where Australia could no longer easily support her, remembering that apartheid was being applied in South-West Africa. South Africa's departure from the Commonwealth may then have made Australia's change easier to make,

¹⁰⁹ CPD, H. of R. Vol. 30, p.651sq. (April 11, 1961).

especially as Britain had given a lead on the apartheid question in the Special Political Committee.¹¹⁰ But Sharpeville or not, and Commonwealth solidarity or not, it remains that at about the same time Australia switched policy on other colonial questions.¹¹¹ All that might reasonably be supposed is that, without a Sharpeville and without a Commonwealth break, Australia may have been a little slower to leave South Africa's side.

110 The evidence for Britain giving a lead in the Committee was brought to the author's attention by Dr T.B. Millar. Menzies (Ibid.) implicitly denied that the Australian delegate had said one thing and, after hearing the British delegate, had done another. According to Menzies, the Australian delegate left the decision to Canberra where 'I consulted my senior colleagues'.

111 Menzies (Ibid.) somewhat dubiously claimed that Australia felt free to criticise South African policy in the Assembly but not at a Prime Minister's Conference.

CHAPTER 7

COLONIAL

THREATS TO

PEACE

(PART I INDONESIA

AND WEST IRIAN)

In preceding chapters, attention has been restricted to the attempts of anti-colonial Powers to apply decolonialist pressure on administering Powers by the use of machinery provided for in, or erected under, either Chapter XI or Chapters XII and XIII of the United Nations charter.¹ However, there have been a number of notable instances of anti-colonial activity which have been made to involve the United Nations but not primarily, if at all, within the context of these chapters of the charter. They have comprised instances of a member or members of the United Nations drawing the attention of the Security Council or the Assembly to events in a territory under the political control of another member. In the early years of the United Nations and sporadically since, this reference tended to be to the Security Council - as in the case of Indonesia; in the early and mid-1950s, reference tended to be to the Assembly and its First Committee - as in the case of the North African territories under French control;² in the

1 Since 1960, there has been use of machinery erected under the Declaration of Colonilaism, but the Declaration itself was framed in terms jointly of Chapters XI, XII and XIII, and this activity has already been discussed.

2 This reached such proportions that one observer wrote that 'the main colonial issues of the United Nations are channelled to the First Committee...' (Benson, op.cit., p.238).

late 1950s, reference to the Assembly tended to involve rather the Special Political Committee - as in the case of Oman. Characteristically in these instances, there has been a claim on one side that events in the area constituted a threat of some degree to peace consequent to a member's attempts to thwart the just aspirations to a full exercise of self-determination of the area's inhabitants. On the other side, there has, as a rule, been a denial of these claims and an assertion that the United Nations in any case lacked competence in a matter which was within the domestic jurisdiction of a member. This was the setting for the reference of the Indonesian, West Irian, Moroccan, Tunisian, Algerian and Oman questions to the Council or Assembly by Powers interested in the removal of western authority from the respective areas. There has been besides the question of Goa, a case of an anti-colonialist and forcefully decolonialist Power being cited for violating the peace.

Australian activity on these seven questions will be examined in succeeding pages. There have been other colonial questions raised in the United Nations, but not within the scope of this work. In the case of

Cyprus, for example, three of the five principal actors have been European, so that colonialism in this case has been of the intra-group sort mentioned earlier.³ The Tibetan question, too, even if it were judged to involve a form of colonialism, was set in an intra-group context and not in the context of the alienation of European authority. The Palestine question, undeniably colonialist in many of its aspects, came to the United Nations not as representing a customary conflict between indigenous nationalism and a European intruder, but as a conflict between two local groups, quasi-indigenous Jews and indigenous Arabs. The Indo-Chinese question, which involved anti-colonialist fundamentals (an indigenous Asian attempt to throw off European authority) and constituted at least as significant a threat to peace as the

3 There is, too, the point that 'although strictly speaking Cyprus is a colony, this problem does not pose the classical question that arises in colonies as to whether the people of the territory have reached the point of being able to make decisions for themselves... this is a question of the exercise of self-determination by an ethnic minority group...' (Benjamin Rivlin, 'Self-Determination and Dependent Areas' in International Conciliation, No. 501 (Jan., 1955), p.261).

Indonesian or Algerian conflicts, did not come before the United Nations at all.⁴

In examination of the seven questions to be dealt with in this and the following chapter, it will be seen that the Australian response to the courses taken by anti-colonial Powers broadly was of a pattern with her response to anti-colonialist activity in the contexts of Chapters XI, and XII and XIII, of the charter: at least until 1960, support for western administering Powers and opposition to the anti-colonial Powers. There was one major exception: the Indonesian question. Here, Australia openly, energetically and effectively took the part of indigenous Asian rebels against a European administering Power. Until the 1960s, in which she has joined the anti-

4 The factors advanced by Goodrich and Simons (Leland M. Goodrich and Anne P. Simons, The United Nations and the Maintenance of International Peace and Security, Washington, 1955, pp.59-60), the French veto in the Security Council, the alliance issue, and the manifest communist involvement in the conflict, go some way towards explaining why the conflict was not referred to the United Nations. In the earlier years of the conflict, when it was still the practice to refer such questions to the Security Council, France, certainly, could have blocked action. In the later years, when it became the practice to refer them to the Assembly, the effective government of China, clearly an interested party, was not represented. And communist involvement may well have been an inhibitor. Still, it remains a curiosity that conflict on such a scale between a European colonial Power and Asians in Asia did not lead someone at least to try to raise the question.

colonial Powers in public hostility towards South Africa and Portugal, the Indonesian independence question alone evoked an Australian response substantially injurious to the cause of a metropolitan Power and contributory to the decolonisation process.

THE INDONESIAN QUESTION

I.

Conflict between nationalist Republican forces and Allied (mainly British and Indian) forces sent to Java to organise the surrender and evacuation of Japanese troops and to maintain order pending the return of Netherlands East Indies authorities was brought to the attention of the Security Council in January, 1946, by the Ukrainian delegation. The Ukraine complained that British and British-employed Japanese troops were assaulting Indonesian nationalists in a situation which constituted a threat to international peace and security, and asked that a commission be established to determine the facts.⁵ A member of the Council, Australia denied that peace

⁵ SCOR, 1st Yr., 1st Ser., 12th Mtg., Feb. 7, 1946, pp. 174-8.

was threatened or that an inquiry was necessary although, should there be an inquiry, Australian geographical proximity demanded her participation.⁶ The Ukrainian and an associated Egyptian proposal failed to enlist sufficient support in the Council, and the question was dropped.⁷

During succeeding months in 1946, Indonesian Republican and Netherlands representatives pursued negotiations leading to the signing of the Linggadjati Agreement in March, 1947. Subsequent discussions on outstanding points (return of Dutch property, lifting of a Dutch naval blockade, Dutch sponsoring of separatist movements etc.) reached an impasse. The Netherlands withdrew from the talks and, in July, 1947, launched what became known as the first police action.⁸ Ten days later, India and Australia reported the matter to the Security Council. The Australian letter asked the Council to 'take immediate action to restore international peace and security' and to

6 Ibid., 16th Mtg., Feb.11, p.234.

7 Ibid., 18th Mtg., Feb.13, pp.258,263.

8 The Netherlands itself used the term 'police action'.

'call upon the Governments of the Netherlands and the Republic of Indonesia to cease hostilities forthwith and to commence arbitration...'.⁹ The Council took up the Australian communication, which had the support of India.¹⁰ Australia submitted a draft resolution in the terms of her letter. The Netherlands claimed domestic jurisdiction, and was supported in varying degrees by Britain, France and Belgium; other Council members supported Australia. The Soviet Union expressed doubts about arbitration and the United States about references to particular charter articles in the Australian draft but, as amended by Poland to have the two sides keep the Council informed, it was adopted by the Council.¹¹

9 SCOR, 2nd Yr., Supplement No.16, Annex 40, p.149.

10 India's reference to the Council had been in terms of Chapter VI of the charter (Pacific Settlement of Disputes) and Australia's in terms of the much more forceful Chapter VII (Action with Respect to Threats to the Peace, Breaches of the Peace, and Acts of Aggression). India was not a member of the Council and, given the success of the Australian move, her communication was not considered.

11 SCOR, 2nd Yr., 173rd Mtg., Aug.1, 1947, pp.1702-3.

With a ceasefire call effected, Australia then turned to the organisation of a source of information on the local political situation and of arbitration machinery. The Australian representative, W.R. Hodgson, in discussion on a source of information, at first suggested a report by a Secretariat official or a Council-appointed commission.¹² Finally, he submitted a draft resolution calling for the establishment of a commission to act for the Council, but without reference to its composition (whether Council members or not) except to note United States and Australian offers of good offices.¹³ However, because the Netherlands was opposed to a Council commission, Australia then co-sponsored with China a proposal stated by the Netherlands to be acceptable whereby the diplomatic representatives in Batavia (the

12 Ibid., 178th Mtg., Aug.7, p.1853.

13 The United States offer, accepted by the Netherlands, was made in the Security Council on August 1. The Australian offer was made by the Prime Minister, J.B. Chifley, in Canberra on August 7: '...the Australian Government...would be prepared to act jointly with the United States Government in a capacity of mediator and arbitrator' (see Current Notes, Vol.18, p.469- August, 1947).

Netherlands administration's capital, later renamed Jakarta) of governments on the Security Council would report on the situation.¹⁴ The Soviet Union and Poland, not having representatives in Batavia, formally proposed a commission of Council members to supervise implementation of the cease fire and Australia, apparently still preferring this (her own initial suggestion), voted with them - though vainly in that France used her veto.¹⁵ The Australian-Chinese proposal for a consuls' report was then adopted.¹⁶

With a source of information established, Australia tried to have the Council approve a form of arbitration whereby the Netherlands and the Republic of Indonesia would each nominate a Power, with the Council nominating a third to make up a three-man commission. The Soviet Union and Poland felt that this would tend to by-pass the Council; the United States preferred to keep the direct Council role to a minimum.

14 SCOR, 2nd Yr., 193rd Mtg., Aug.22, 1947, pp.2173-4.

15 Ibid., 194th Mtg., Aug.25, p.2200.

16 Ibid.

The Australian proposal was defeated, and the Council adopted instead a United States proposal for a commission of three to be comprised of a nominee of each of the disputing parties and a third appointed by the nominees.¹⁷ The Netherlands nominated Belgium to this Good Offices Committee, the Indonesian Republicans nominated Australia, and Belgium and Australia invited the United States to join them.¹⁸

When the consular commission submitted an interim report in the following month, Evatt successfully urged that the Good Offices Committee begin work. He was less successful in trying to have the Council issue instructions to the conflicting parties. Australia had disapproved of attempts by Netherlands forces in preceding weeks to advance their front line level with spearheads established at the time of the ceasefire. Australia proposed in the Council that Netherlands and Republican forces withdraw to positions at least five kilometres behind their positions of August 1.¹⁹ The Soviet Union proposed

17 Ibid., p.2209

18 Ibid., 206th Mtg., Oct.1, p.2481.

19 Ibid., 210th Mtg., Oct. 11, p.2555.

more rigorously that the forces of each side withdraw to positions held at the beginning of the police action in July.²⁰ Australia supported the Soviet suggestion and, when this was defeated, accepted a Soviet amendment to her own draft so that it called for a withdrawal of twenty-five instead of five kilometres. This, too, was defeated and the Council adopted a United States draft which merely asked for a Netherlands-Republic conference on the effective implementation of the ceasefire and for the Good Offices Committee to assist.²¹ The result was the Renville Agreement signed in January, 1948.

After 1947, Australia was no longer a member of the Council, but she continued to play an active role as an interested party in Council discussions and as a member of the Good Offices Committee in working out the Indonesian independence problem. It is not proposed here to repeat a narrative of events

20 Ibid., 211th Mtg., Oct. 14, p. 2579.

21 Ibid., 217th Mtg., Oct. 31, pp. 2698, 2700 and 219th Mtg., Nov. 1, p. 2750.

available elsewhere.²² Australia's principal contributions were her national's share in the Critchley-DuBois proposals;²³ her outspoken denunciation of the Netherlands following the launching of the second 'police action' in December, 1948;²⁴ her request in company with India in the following March for Assembly consideration of the Indonesian question;²⁵ and joining with interested regional Powers in a conference

22 See. e.g., J. Foster Collins 'The United Nations and Indonesia' in International Conciliation, No.459 (March, 1950); Alastair M. Taylor, Indonesian Independence and the United Nations, London, 1960; and Current Notes, Vol.19, pp.460-76 (August, 1948) and Vol. 20, pp. 173-86 (February, 1949).

23 After the signing of the Renville Agreement, T. Critchley replaced R.C. Kirby as Australian member of the Good Offices Committee. DuBois was the United States member. Their proposals for a political settlement involving a high degree of self-determination and a transfer of sovereignty were unacceptable to the Netherlands.

24 See SCOR, 3rd Yr., 390th Mtg., Dec.23, 1948, pp.5-14.

25 The question was then referred to the Ad Hoc Political Committee which adopted an Australia-India joint draft whereby hope was expressed for current Netherlands-Republic negotiations and further consideration was postponed for a year. This draft, which became Resolution 247(III), was adopted by an Assembly vote of 43-6-3 (GAOR, 3rd S., 208th Pl.Mtg., May11, 1949, p.348.

at New Delhi in 1949. Finally, with India, she sponsored Indonesia's admission to the United Nations in September, 1950.²⁶

The relevance of the brief summary of events given in preceding pages lies in its illustration of Australia's persistent activity against the proclaimed interests of a western, administering Power. As the Netherlands representative told the Council late in 1948:

I fully understand the interest which countries like Australia, India, the Philippines and other adjacent territories take in the solution of the Indonesian question. But this does not entitle the Security Council to intervene in what was and still is an internal conflict within the limits of the Kingdom of the Netherlands.²⁷

The Netherlands from the beginning claimed that the Indonesian question fell exclusively within her domestic

26 GAOR, 5th S., 289th Pl.Mtg., Sept.28, 1950, p.176.

27 SCOR, 3rd Yr., 388th Mtg., Dec.22, 1948, p.27. The Netherlands representative went on to make some capital from the publication of a book (Workshop of Security, Melbourne, 1948) by Mr Paul Hasluck, formerly a member of Australian delegations at the United Nations, at the time a university lecturer, later Minister for Territories and for a short time Minister for Defence and now (1966) Minister for External Affairs. He quoted the book to the effect that Hasluck did not feel that international concern over a matter took it outside the domestic jurisdiction of a state or that the Security Council should have dealt with the Indonesian question without first establishing its own competence.

jurisdiction; Australia argued the opposite and in a number of ways, it has been seen, sought to have the Council override the Netherlands claim. For Australia, the Council had competence and the Republic had separate international status and was not submerged in the identity of the Netherlands.²⁸ However, the part played by Australia was not limited to acts of reference and the submission of resolutions. Her delegates, it would not be exaggerating to say, at times verbally flayed the Netherlands and her supporters, not merely on broad issues of jurisdiction but on a variety of practical details reflecting on their good faith.

II.

Signs that Australia might be more than a disinterested peace-maker were not slow to emerge. Within a week of the Security Council's call for a ceasefire during the first police action of 1947, Australia complained that the ceasefire call had been held up by Netherlands officials in Batavia for a day

²⁸ See, e.g., SCOR, 3rd Yr., 390th Mtg., Dec.23, 1948, p.6.

and a half before being sent on to the Republic.²⁹ Again, after the submission of the consular commission's interim report in September, 1947, Hodgson made it clear that Australia doubted the good faith of some of the consuls involved.³⁰ The interim report, he said, was unintelligible and unsatisfactory and delays had occurred in its submission, adding that Australia's representative in Batavia had used a stronger word than 'delays'.³¹

When the Netherlands forces launched their second police action late in 1948, the Australian and Belgian members of the Good Offices Committee were in Kaliurang, near Jogjakarta. The Australian deputy representative, T.W. Cutts, with the American member, H. Merle Cochran, reported to the Security Council from Batavia that Netherlands forces were keeping Committee members and staff incommunicado in Kaliurang and accused the Netherlands of having (a) broken the terms of the Renville Agreement in

29 SCOR, 2nd Yr., 174th Mtg., Aug.4, 1947, p.1718.

30 Ibid., 209th Mtg., Oct.9, p.2544.

31 Ibid.

their repudiation of it; (b) acted precipitately without the Republicans having given cause for apprehension or alarm; (c) prepared for a military offensive some time earlier; (d) failed adequately to explore possibilities for negotiation under Committee auspices; (e) failed to negotiate with the Republicans in that Netherlands-Republic talks for months had taken the form of Netherlands demands for 'the complete surrender of the Republic to the Netherlands position on all important issues; and (f) violated the Renville Agreement in resuming military operations.³²

Referring to the second police action in the Security Council, Hodgson declared that, in that the Netherlands had violated a solemn undertaking, 'we thus have the first clear-cut deliberate violation of the Charter by a Member'. He continued:

We are told this is 'police action'. Do police issue military operation orders, military supply orders, military communications orders? do they impose a military censorship, employ tanks, employ heavy artillery, employ paratroops and have combined chiefs-of-staff to carry out detailed military, air and naval operations? ...this operation must have been initiated weeks ago.³³

32 SCOR, 3rd Yr., Supplement for December, 1948, pp.287-8.

33 SCOR, 3rd Yr., 390th Mtg., Dec.23, 1948, p.11.

Hodgson argued that it was anomalous to call on both sides to observe a ceasefire: it would be sufficient to call on the Netherlands to observe it.³⁴

Australian support for the Republic was as marked as her antipathy towards the Netherlands. After conclusion of the Linggadjati Agreement, Australia recognised the de facto authority of the Republic and sought trading contacts, and offered the planned interim federal government of Indonesia advice and assistance in the fields of trade, finance, communications and economic rehabilitation and development.³⁵ After the first police action, Australia vigorously supported the admission of Republican spokesmen to Security Council discussions.³⁶ At the same time, Australia opposed a Belgian move to have the question of the Council's competence in the matter referred to the International Court of Justice. The Australian view

³⁴ Ibid., p.13.

³⁵ Current Notes, Vol. 18, p.411 (June-July, 1947).

³⁶ Australia clashed verbally with Belgium on this question (SCOR, 2nd yr., 181st Mtg., Aug.12, 1947, p.1930). Australia clashed too with Britain on the admission of the Philippines, Australia favouring and Britain opposing (Ibid., 178th Mtg., Aug.7, pp.1838-9).

was that, whatever the legal niceties, an appeal to the Court would be slow in yielding an opinion and the need here was to meet an urgent political situation.³⁷ In voting on this, Australia parted company with Britain, Belgium, France and the United States.³⁸ In a bitter statement in the Council after the launching of the second police action in 1948, Hodgson likened Belgium to Pontius Pilate in having wanted to refer the matter to the Court.³⁹

The bias of Australia and other Powers seemed to appear in the working of the consular commission. The report submitted by the commission in October 1947, was manifestly pro-Netherlands. There was reference to an influential class of Indonesians who were almost all nationalists seeking some form of independence, but these, according to the report, comprised only five per cent of the population; there was little hatred of the Dutch, it said, and their assistance in running the country was acknowledged

37 Ibid., 195th Mtg., Aug.26, pp.2216-7.

38 Ibid., p.2224.

39 SCOR, 3rd Yr., 390th Mtg., Dec.23, 1948, p.6.

as essential.⁴⁰ Appendices to the report, however, contained a number of separate reports by various consuls on field trips, and in these may be seen conflicts glossed over in the final report.

Thus, Eaton (Australia) and Raux (France) went to Jogjakarta, where they found civilian morale 'quite high' and the feeling of Indonesian officials towards the Dutch one of 'hatred'.⁴¹ The British and American officials, on the other hand, found Republican enthusiasm in Jogjakarta engineered, restricted and amounting to no more than 'war fever'.⁴² In East Java, Eaton and Raux found universal hatred of the Dutch in Republican territory and, in Netherlands-held territory, Eaton and Lambert (Britain) found that Indonesian officials wanted the Dutch to leave, and looked to Jogjakarta.⁴³ Belgian and Chinese

40 SCOR, 2nd Yr., Special Supplement No.4, p.23.

41 Ibid., p.26.

42 Ibid., p.51.

43 Ibid., pp.29,38. The general conclusion of Eaton and Raux on East Java was that 'Indonesian officials so far encountered are intensely bitter against the Dutch police action, and their present attitude is fanatically anti-Dutch' (Ibid., p.31).

consuls, on the other hand, found in Dutch-held East Java that Indonesian officials disapproved of the Republic's 'detrimental attitude towards the country...'.⁴⁴ Eaton, Raux and Lambert went to Sumatra, where they found the Chinese population better off under the Republic than under the Dutch and, in a kindly written report, noted that the 'spirit of independence is strong...'.⁴⁵ The American consul went to West Java, where 'not a sign of hatred was seen...'. Admittedly, 'all were nationalists at heart, but the intelligent ones favour the United States of Indonesia instead of the Republic of Java and Sumatra'.⁴⁶ In effect, when an Australian official was involved, a report was likely to be favourable to the Republic rather than to the Netherlands; where an Australian was not involved, a report was likely to be pro-Netherlands.

Australia, too, constantly expressed fears that tardiness in reaching a settlement would injure the Republican cause. Just as she opposed reference to the Court on grounds of time, Australia opposed a British suggestion in August, 1947, that the consular

⁴⁴ Ibid., p.46.

⁴⁵ Ibid., p.64.

⁴⁶ Ibid., p.69.

commission should establish a line of demarcation between the opposing forces because this would take too long to organise. In mid-1948, a year of lengthy and largely fruitless Netherlands-Republic discussions, Hood declared in the Council that:

...it is easy to see how some of us have formed the conclusion already that the net result of these trends and the conduct of negotiations in the hands of the Netherlands authorities has been to drive the Republic more and more into a position of relatively inferior strength and status vis-a-vis the Netherlands representation in that area.⁴⁷

Late in 1948, Hodgson urged the Council to act with speed:

We are...inclined to the view that each day which passes without effective action being taken by the Security Council leads to a further prejudicing of the position of the Republic - if not a practical elimination of it.⁴⁸

Opposing a move at one stage for an adjournment to allow Council members time to study the issue, he said:

47 SCOR, 3rd Yr., 326th Mtg., June 23, 1948, p.31.

48 Ibid., 393rd Mtg., Dec.27, p.17.

...we shall be presented not only by a fait accompli but by a complete liquidation of the Republic.⁴⁹

It was scarcely surprising that, in September, 1950, when Australia and India co-sponsored the admission of Indonesia to the United Nations in the General Assembly ('our very dear neighbour', was how the Australian delegate, Officer, described the new state),⁵⁰ the Indonesian delegate, Lambertus Palar, said:

We are deeply grateful to the governments and peoples of India and Australia, supported by the Philippines, Pakistan and Burma, who have taken up our case in the United Nations by bringing it first before the Security Council and, later, before the General Assembly, and have carried it through thick and thin until the ultimate goal was achieved.⁵¹

III.

Evatt declared as late as February, 1949, that Australian policy did not seek the removal of the Dutch from South-East Asia. The Opposition's claim

49 Ibid., 396th Mtg., Dec.29, p.42. Australia's international support for the Republic involved forums other than the Council and the General Assembly. In 1948, for example, Australia co-sponsored a move to have the Republic admitted as an associate member of ECAFE, a move which was opposed by the Netherlands and the United States and coolly received by Britain and France (see L.P. Singh, ECAFE and India, Unpublished Ph.D. thesis, Australian National University, Canberra, 1964, p.54).

50 GAOR, 5th S., 289th Pl.Mtg., Sept.28, 1950, p.177.

51 Ibid., p.184.

to the contrary was a ridiculous canard, he said, noting Australian approval of a Netherlands-Indonesian Union.⁵² Further, he said: 'I entirely repudiate the idea that this Government has any thought whatever that Australia should interfere with the interests of European countries...in the Pacific'.⁵³ However, it remains that on the Indonesian question Australia did,

52 The Opposition's hostility to the Government's course was partly emotional and partly power-based. On the emotional side, there was aversion to the radicalism of some Republican leaders and to their alleged history of collaboration with Japan. Sukarno was 'the man who visited Japan to pay his tribute to the Japanese people during the war'. Tan Malakka was, in Menzies' words, 'that other rabble-rouser'. Of the Republic's leaders, he said that their 'only claim to history is that they collaborated with the Japanese...'. (CPD, Vol.186, p.8 - March 6, 1946). Again, Sukarno was 'the man who led the feeling against the British and Americans...' (Ibid.) and it is unlikely that the loyalist-minded Opposition found edifying the spectacle of the Communist (Ukrainian) attacks on Britain in the Security Council. On the power side, Menzies even then was concerned with the need for powerful friends. He feared that the application of self-determination in the East Indies might justify the eviction of Australia from New Guinea and Britain from India, Burma and Malaya. 'When we have, in this absurd frenzy, cleared our powerful friends out of places that are vital to us, we in Australia will know all about isolation' (Ibid., p.9).

53 CPD, Vol.102, p.475 (Feb.17, 1949).

in fact, interfere with the interests of a European Power by insisting on United Nations intervention in a metropolitan-colony conflict against the wishes of the metropolitan Power and by showing a constant solicitude for the cause of the colonial rebels.

Given the inaccessibility of official documentary material, it is not possible to say definitively why Australia took up this position, which generally was inconsistent with positions taken up on other colonial questions at the United Nations. A number of factors, however, may be noted. There was, for example, the feeling among Labor Government members and their supporters that, of all colonialists, the Dutch were the least defensible. Chifley expressed this feeling in 1946 when defending waterside workers refusing to load Netherlands ships destined for Indonesian ports. He said that a body of Australian opinion had not been happy with the nature of the pre-war Dutch administration in the Indies, an administration which had 'required a good deal of reformation'. This feeling, he said, 'ran very deeply through the whole trade union movement... not...merely...among a few Communists'.⁵⁴ On a more

⁵⁴ CPD, Vol. 186, p.16 (March 6, 1946).

general level, there was the influence of Labor attitudes towards colonialism as such. Harper and Sissons state quite simply that: 'Labour's general views about imperialism...furnish the key to Labour policy in this case'.⁵⁵ Certainly, Chifley once said that 'the policy of this country is that every other country should be free to choose its own form of government'.⁵⁶ And Labor back-benchers, like K.E. Beazley, welcomed what they saw as a peasant revolt.⁵⁷ However, given the Labor Government's tepid, and sometimes hostile, attitude towards self-determination in some other dependencies, it would seem unwise to go beyond the view of Partridge that Labor policy in this case was 'consistent with' the ideology of the Labor movement or Wolfsohn's view that support for self-determination was 'in accordance with' socialist belief.⁵⁸ Inherited ideological attitudes,

55 Harper and Sissons, op.cit., p.297.

56 CPD, Vol. 193, p.241 (Sept.25, 1947).

57 CPD, Vol. 189, p.168 (Nov.13, 1946).

58 P.H. Partridge, 'Depression and War' in Gordon Greenwood, ed., Australia A Political and Social History, Sydney, 1955, p.402, and H. Wolfsohn, 'Foreign Policy' in A.F. Davies and Geoffrey Serle, eds., Policies for Progress, Melbourne, 1954, p.167.

then, may have contributed to Government policy in this case, but they do not comprise a sufficient explanation: if they were effective in this case, why were they not in the case, for example, of South-West Africa?

It has been suggested that the Labor Government saw that nationalist success was inevitable and, especially in view of its immigration policy then being enforced with some notoriety, felt it only politic to espouse the nationalist cause.⁵⁹ Related to this,

⁵⁹ Partridge, op.cit., p.402, and Taylor, op.cit., pp.375-6. If this was a Labor Government assumption, at least one observer thought it mistaken. Referring particularly to Calwell's rigorous interpretation of 'White Australia' as Minister for Immigration, Friedmann wrote: 'Every act of expulsion hits the headlines, in the United States and all over the Far East. The Australian Foreign Minister has been a foremost champion of the movement for Asian independence. He has offended the Dutch by his emphatic support of the Indonesians; he has sent official delegates to Mr Nehru's Pan-Asian conferences. But the effect of these gestures is more than nullified by the psychological effect of Australian's handling of her own colour problems. Nations struggling for independence and recognition are always particularly sensitive to matters touching national prestige. And even if it is a common experience for nations to be eloquent in the defence of oppressed peoples under another nation's rule...the contrast between Australia's championship of the underdog elsewhere and her own handling of the relatively few coloured people under her jurisdiction has been the subject of particularly bitter comment...' (W. Friedmann, 'A Foreign Policy for Australia' in World Affairs, Vol. 4, No. 1 - Jan., 1950 - p.80).

FitzGerald has suggested that the Australian Government wished to earn the kudos which otherwise would certainly have gone to India alone.⁶⁰ Acceptance of the inevitable and a preference for being on the winning side may have been relevant factors, but they do not seem to have had marked relevance to government policy on other colonial questions. Why should they have been relevant in the Indonesian case? Evatt himself once gave the prevention of bloodshed as 'the purpose of our intervention...There has been no other purpose from first to last...The whole area might have been convulsed with senseless and useless slaughter'.⁶¹ But on other occasions, it will be seen below, he offered other explanations of a perhaps less idealistic and more persuasive sort.

If the factors just mentioned at best only reinforced the Labor Government's policy decisions, what were likely to have been the major factors basically responsible for those decisions? Four might be suggested.

60 C.P. FitzGerald, 'Australia and Asia' in Greenwood and Harper (1950-55), op.cit., p.202.

61 CPD, Vol. 201, p.82 (Feb. 9, 1949).

First, there was Evatt's immense faith in, and attachment to, the United Nations as an instrument for bolstering international morality and security. In terms of morality, he was himself active in seeking a degree of interference in the affairs of Spain, not a United Nations member but clearly a sovereign state, and of Hungary after the Mindszenty trial. In terms of security, some of his cabinet colleagues seem to have had rather less faith in the United Nations than Evatt, but the climate of opinion in the party strongly favoured any moves to remove conflict from a 'dirty war' context to the cleaner context of collective, distant, international resolution. That this was a colonial war and a war involving the Dutch may have made Australian initiatives in seeking such a removal even more likely, but they were likely anyway in a matter so geographically proximate to the Australian sphere of interest.

This leads to the second point: the orthodox regional goal of friendly relations with neighbouring states. During World War II, Evatt assumed that this goal would be realised by means of regional arrangements with returning colonial Powers covering security and

co-operation in colonial administration.⁶² Thus, he assumed the return of the Netherlands to the East Indies and co-operation with them along these lines.⁶³ Even when an apparently viable Republican administration had emerged, he still thought in 1946 that Australia had 'a vital interest in the preservation of the war-time friendship with the Dutch in relation to the Netherlands East Indies'. But the new entity could not be ignored and he added that 'at the same time, it is important to do everything possible to establish good relations with the Indonesian and other dependent peoples...'.⁶⁴ This attitude, pro-Dutch and Pro-Indonesian continued until the first

62 In an article published in the Sydney Daily Telegraph in August, 1943, Evatt spoke of 'a great South-west Pacific zone of security'. His assumptions about the continuing dependent status of much of the area were apparent when he added that 'in its establishment, Australia must act with such colonial Powers as Holland, France and Portugal, as well as with the United States and Great Britain, which will have important interests in contiguous parts of the zone' (Evatt, Foreign Policy of Australia, op.cit., p.132).

63 CPD, Vol. 179, p.235 (July 19, 1944).

64 CPD, Vol. 186, p.201 (March 13, 1946).

police action in mid-1947.⁶⁵ However, even in the months before the first police action, events in other parts of Asia, especially perhaps the British withdrawal and the evident strength of anti-French feeling in Indo-China, modified the general lines of Australian policy. Early in 1947, Evatt spoke of Australia's interest in the results of colonial emancipation in Asia and her need, as the European Powers withdrew, to enter the councils of the new Asia.⁶⁶ On another occasion, he urged Australians to regard Asian nationalism 'realistically and with understanding'.⁶⁷ Chifley, too, argued for the acceptability of Asian nationalism which, especially in India and Indonesia, he said, was a genuine phenomenon and not merely a manifestation of Communism.⁶⁸ In a statement issued

65 As Albinski has said, the first police action jarred Australian Government hopes for a peaceful solution and thereafter the Labor Government was clearly pro-Indonesian (Henry S. Albinski, 'Australia and the Dutch New Guinea Dispute' in International Journal, Vol.XVI (1961), No. 4 (Autumn), p.360). Chifley and Evatt persistently denied bias, but Australian actions spoke rather louder than their words.

66 CPD, Vol. 190, p.164 (Feb.26, 1946).

67 CPD, Vol.197, p.1170 (March 26, 1947).

68 CPD, Vol. 193, p.242 (Sept. 25, 1947).

to mark the opening in January, 1949, of the New Delhi conference on the Indonesian question, Evatt stated that:

Geographically, Australia is closely linked with South-East Asia. Those who are devoted to Australia's welfare will desire to live in the closest harmony with these new neighbour nations three of which, India, Pakistan and Ceylon, are new and very important members of the British Commonwealth of Nations. In other parts of South-East Asia, such as Indonesia, newer nations are coming into existence and the transition should be smooth and orderly.⁶⁹

It was significant that in the same statement he said with reference to Asian nationalism movements that 'these progressive trends cannot be arrested'.⁷⁰ After the conference, he expressed satisfaction in it having 'undoubtedly strengthened the practical co-operation between...Australia, India, New Zealand, Pakistan and Ceylon'.⁷¹ The Australian Government, then, wanted to involve Australia in Asian and Pacific affairs as a Pacific and something of an Asian Power. When Asia was dependent, this meant involvement with the colonial Powers; when Asia was no longer dependent, this meant involvement with new independent Powers.

69 Current Notes, Vol. 20, p.112 (January, 1949).

70 Ibid.

71 Ibid., p.113.

Third, there was a desire to have politically stable an area with which Australia assumed developing trade links, especially perhaps in the matter of oil. It has been noted that Australia showed interest in promoting trade with the Indies area even while post-Linggadjati negotiations were still in progress, and in promoting conditions favourable to trade with a United States of Indonesia. As Chifley said laconically early in 1946, '70,000,000 Indonesians might be very good customers...this country would be as likely to get trade from the Indonesians as from the Dutch'.⁷²

Fourth, and perhaps most important, there was the defence consideration. Australia had been shocked by the ease with which the umbrella of dependencies to the north had succumbed to Japanese invasion; indigenous opposition had been limited and the administering authorities had been defeated or considerably distracted in Europe. With this experience,

⁷² CPD, Vol. 186, p.19 (March 6, 1946). Australia's imports from the Netherlands East Indies in 1939-40 had amounted to £9,829,274 and exports to the colony had amounted to £2,040,491 - respectively 8.2 and 1.5 per cent (approximately) of Australia's total imports and exports for the year. Oil products comprised three-quarters of the imports. See Commonwealth Bureau of Census and Statistics, Overseas Trade and Customs and Excise Revenue 1939-40, Bulletin No. 37, Canberra, pp.708-10, 606.

it was not illogical for the Australian Government to suppose that a unified, nationalist state straddling the approaches to Australia from the Asian mainland might be more useful to Australia in security terms than a divided, oppressed and wasted state.⁷³ It should be remembered, too, that fear of communism (often exaggerated by the Opposition and played down by the Government) was widespread and there was, it seems, some concern that, if Australia did not intervene to help obtain a satisfactory settlement to the Indonesian conflict, other forces might intervene and obtain a settlement unsatisfactory to Australia. As Chifley, by then Opposition leader, said in 1950 in justification of his Labor Government's policy:

We realized that a revolutionary tendency, which might finally lead to the development of communism in that country, would constitute a grave danger to Australia.⁷⁴

He also said on the same occasion that:

The Labour Government realized that 80,000,000 Indonesians could not consent to be governed by 10,000,000 Europeans whose sole interest in Indonesia was to extract from that country as much wealth as they could get and to give in return as little as possible.⁷⁵

73 This argument was expressed almost in so many words by Beazley in 1946 (CPD, Vol.189, p.169 - Nov.13, 1946). Its relevance has been noted by Harper and Sissons (Op.cit., pp.159-60), Taylor (op.cit., p.375), Wolfsohn (op.cit., p.167) and FitzGerald (op.cit., p.202).

74 CPD, Vol.206, p.1176 (March 23, 1950).

75 Ibid., p.1175.

The Labor Government, it may be supposed, adopted policies on the Indonesian question thought likely to serve the national security interests of Australia. The Dutch were in an impossible situation, militarily and morally; it was in Australia's economic and strategic interest to support the decolonialist forces. As Hodgson said in the Security Council in 1948, the Indonesian situation 'causes strife and strikes and turmoil; it causes a loss of vital war materials...; it causes the loss of trade and commerce; it gives cause for the growth of extremist forces to take charge in areas vital to our well-being'.⁷⁶ This, as it happened, was the one significant occasion when an Australian government's view of the national interest dictated such support. In questions within the contexts of Chapter XI and Chapters XII and XIII of the United Nations charter and in the West Irian and other major decolonialist questions, the Australian view as a rule was, and largely continued to be, during the 1950s, that Australia's security interests demanded conservative opposition to the decolonisation process.

76 SCOR, 3rd Yr., 390th Mtg., Dec.23, 1948, p.14.

WEST IRIAN

The question of West Irian (or Netherlands New Guinea or West New Guinea) was throughout the series of negotiations between Dutch and Republican representatives in the late 1940s a subsidiary and largely quiescent aspect of the general Indonesian independence question. The Netherlands insisted that the New Guinea territory, though for a long time administered from Batavia, had not been an integral part of the Netherlands East Indies, government of which was to pass to indigenous elements; the Republicans claimed, on the contrary, that the New Guinea territory was an integral part of the Netherlands East Indies as described in the Linggadjati and Renville agreements and that, in any case, western New Guinea had ancient connections with the archipelago. Only as the final 1949 round table conference at the Hague (between Netherlands and Indonesian representatives briefed to negotiate a transfer of authority to a United States of Indonesia) approached did the West Irian question emerge as a likely obstacle to a successful outcome.

Because the West Irian question was slow to emerge as a vital issue, it is not easy to state confidently the Australian Labor Government's attitude on it. During the Hague Round Table conference, Critchley, the Australian member of the United Nations Commission on Indonesia (the Good Offices Committee renamed), which was a party to the conference, suggested that either the territory be placed under United Nations trusteeship or that the whole question be held over for subsequent negotiation.⁷⁷ The latter course finally was taken. While the conference was in progress, Evatt was asked in the federal parliament in Canberra to comment on the question. He said merely that this was a matter to be settled primarily by the Indonesians and the Dutch. Australia's interest was only in a peaceful settlement. Whatever the outcome, whether the Dutch remained in New Guinea or were succeeded by Indonesians, he anticipated, he said, a continuing close co-operation between authorities in western and eastern (Australian) New Guinea.⁷⁸

77 Taylor, op.cit., pp.238-9.

78 CPD, Vol. 204, p.1120 (Oct. 7, 1949).

From this, it would be gathered that the Labor Government did not actively support Dutch retention of the territory or object to its cession to Indonesia.⁷⁹ On the other hand, there is Taylor's recollection that Australia at no time showed a desire for a change in sovereignty over the territory,⁸⁰ and there was contemporary journalistic comment ascribing significance to the fact that Critchley apparently had not sought to persuade the Netherlands to surrender to Indonesian demands

79 This view is supported by the memory of a senior member of the Australian Labor cabinet who, in conversation with the author, has said that the cabinet as a whole was genuinely neutral.

80 Taylor, op.cit., p.442.

even when the New Guinea question threatened the success of the Hague conference.⁸¹

There was, moreover, a hiatus in Australian politics at an important point in the history of the West Irian dispute. In October, 1949, before the Hague conference's conclusion, federal parliament in Canberra was dissolved for a December election which

81 AAP report in Sydney Morning Herald, Jan.31, 1950. One scholar in the field has argued that there is evidence to support the view that the 'Labor Government considered it to be in Australia's interest for Dutch authority to be...retained in West New Guinea' (Margaret Haupt, Australian Policy and the Emergence of the West Irian Dispute 1946 to 1950, Seminar Paper, Department of International Relations, Australian National University, Canberra, Oct.25, 1965, p.13). But the only public evidence offered to support this view is Australia's acceptance in 1946 of West New Guinea as a participant in the South Pacific Commission, and a claim by Evatt in 1950 that this acceptance had involved an Australian decision that West New Guinea was a Pacific and not a South-East Asian entity. In that Miss Haupt admits that it was the Netherlands which raised the issue in 1946 and insisted on West New Guinea being the only part of the Indies to be involved in the Commission, with Australia called on merely to accept the Netherlands' condition of membership, and given that (as will be seen below) Evatt's view in Opposition in 1950 utterly contradicted those he had espoused in office on this question, this evidence is scarcely compelling.

resulted in defeat for the Labor Government and the accession to office of a Liberal-Country Party coalition led by Menzies. Parliament did not re-assemble until March, 1950. In the meantime, the Hague conference had seen sovereignty passed to the United States of Indonesia, and, in January, 1950, two startling statements had emanated from Indonesia. The first, made by President Sukarno, declared positively that Netherlands New Guinea would be within the United States of Indonesia by the end of the year, and seemed to suggest that Indonesian success was being guaranteed regardless of diplomatic arrangements made at the Hague.⁸² The second, made by Yamin, a leading member of the Indonesian negotiating team at the Hague, declared that the new Indonesian state would be incomplete not merely until Netherlands New Guinea had joined, but until Australian New Guinea, Portuguese Timor and British North Borneo had joined.⁸³ The Indonesian Information Ministry was quick to announce that Yamin had spoken personally and not

82 Sydney Morning Herald, Jan.3, 1950.

83 Ibid., Jan.31, 1950.

officially, and that Indonesia had no designs on Australian New Guinea, but the effect of his statement was considerable.⁸⁴

The new Government, predictably, emphatically denied Indonesia's right to West New Guinea; surprisingly, it was supported by the Labor Opposition. When parliament met in March, Evatt reversed his position of the previous October. Now he declared that Netherlands New Guinea belonged to the Pacific, not to Asian Indonesia (he was no longer publicly neutral about the dispute as such), and that no change should be allowed in the status of Netherlands New Guinea without Australia's consent (it was no longer a matter domestic to the Netherlands and Indonesia).⁸⁵ He was supported by many of his colleagues.⁸⁶ Only Chifley,

84 Ibid., Feb. 1, 1950.

85 CPD, Vol. 206, p.918 (March 16, 1950).

86 Especially by A.A. Calwell, E.J. Ward (formerly Minister for Territories) and W. Bourke. Bourke revived a suggestion made earlier in the Labor cabinet by Calwell that Australia should buy West New Guinea. As late as 1958, a Sydney periodical, the Observer, was suggesting the same thing. In response, the Manchester Guardian (April 28, 1958) commented in a leader: 'How any educated person can think that in these days it is possible cheerfully to buy and sell territories and their inhabitants passes understanding'. (Direct evidence of Calwell having made his suggestion in cabinet came to the author verbally from two members of the cabinet).

now Opposition leader, was prepared still to say that the West New Guinea question was for the Dutch and Indonesians to settle, possibly with United Nations assistance.⁸⁷ Given the extraordinarily hostile tone of some leading Labor members, especially Calwell,⁸⁸ in reference to Indonesia, it is difficult to say whether the new attitude followed directly from the careless Indonesian reference to Australian New Guinea or whether Labor members felt free in Opposition to express personal views very candidly.

In 1950, then, there was in Australia almost universal political antipathy towards the Indonesian claim⁸⁹ and, at the same time, general support for

87 CPD, Vol. 206, p.1176 (March 23, 1950).

88 Calwell's vituperation surpassed that of Menzies in 1946. For Calwell, Sukarno was now a 'traitorous and dangerous character' ruling 'the ramshackle Indonesian Republic'; he wanted Australia to announce that she would not countenance cession of the territory to Indonesia; he declared that Australia should seek allies among ethnic colleagues (CPD, Vol. 208, pp.3893-4 June 7, 1950).

89 It has been commented that this 'unexpected support from the Australians, hitherto the most vehement Western critics of Netherlands policy in Indonesia, was regarded by many Dutch as evidence that world public opinion was belatedly turning in their favour, and their resolve has tended to harden accordingly' (Charles A. Fisher, 'West New Guinea in its Regional Setting' in Year Book of World Affairs, Vol. 6 (1952), p.203).

the view that a vital constitutional change in a neighbouring territory was Australia's business. Thus, P.C. (since Sir Percy) Spender, the new Minister for External Affairs, declared that:

...should discussions between the Netherlands and Indonesia tend towards any arrangement which would alter the status of western New Guinea, the matter is no longer one merely for those two parties.
 ...the territory is naturally integrated with the rest of New Guinea and other adjacent island territories which experience has shown to be strategically vital to our defence...
 It would...be...unreasonable that any change of status for the territory should occur which disregards the interests of the indigenous population and those of Australia.⁹⁰

Evatt fully supported the Government's view that the Indonesian claim was spurious, and he agreed that:

It is clear that the unanimous wish of the Australian people and of the Parliament is that any change in the status of Dutch New Guinea should be a change of which Australia approves.⁹¹

The West New Guinea dispute remained domestic to the Netherlands-Indonesian Union until 1954, when Indonesia sought to have the United Nations General Assembly consider the West Irian question on the

90 CPD, Vol. 208, p.3973 (June 8, 1950).

91 Ibid., p.3975.

grounds that it posed a latent threat to peace and regional security. When the Assembly referred the issue to its First Committee, R.G. Casey, who had succeeded Spender as Minister for External Affairs, condemned Indonesia on every conceivable ground: it was unwise to allow an issue to become emotionally charged by shouting about it from roof-tops; accession of Dutch New Guinea to Indonesia would not be to the benefit of the territory's Papuan inhabitants; apart from 'echoes from Djakarta', there was not an anti-Dutch movement among the Papuans; this was not a threat to peace, although the distance between wishing to see a threat to peace and actually stimulating disorder and tension was short. Australia, he promised, would contest the issue vigorously.⁹² The Indonesian delegation leader, Sunario, professed to be surprised at the tone of Casey's speech: it was much less moderate than that of the Netherlands representative, and Indonesia was in conflict with the Netherlands, not with Australia. 'We cannot understand why the Australian delegation is so concerned, even violent.

92 GAOR, 9th S., 479th Pl.Mtg., Sept.27, 1954, p.76.

over this matter', he said. Disputing a claim by Casey that Dutch New Guineans were ethnically distinct from Indonesians, he pointed out that Indonesia as it already existed comprised a number of ethnically distinct groups, but this had not stopped Australia from being 'one of our earliest and warmest supporters in our struggle for independence....'.⁹³ Menon, of India, suggested that Casey's speech showed an unawareness that 'there is a new Asia'.⁹⁴ Syria protested that it was 'misleading and...unfair' to dismiss the Indonesian claim as 'a territorial grab'; for Indonesia, this was an issue of colonialism.⁹⁵

In the First Committee, Spender made it clear that Australia's experience of threatened invasion via New Guinea strongly influenced Australian policy

93 Ibid., 484th Pl.Mtg., Sept.30, p.124.

94 Ibid., 492nd Pl.Mtg., Oct. 6, p.227.

95 Ibid., 507th Pl.Mtg., Dec.10, p.458.

on the West Irian question.⁹⁶ He denied Indonesia's legal and political arguments and, more to the point, he denied the competence of the Assembly to discuss the question and the wisdom of the Assembly in urging renewed negotiations (a draft resolution had been submitted to this effect) between a party determined to maintain sovereignty and another determined to accept only a transfer of sovereignty.⁹⁷ Australia voted against the draft, which was adopted by the Committee but defeated by an application of the two-thirds rule in the Assembly.⁹⁸

In the following year, 1955, fourteen other Powers joined Indonesia in having the West Irian question placed on the agenda of the Assembly.

96 Liberia's comment on this was that 'it might mean that Australia viewed every Asian neighbour as a threat and every occupation of territory by Europeans as a safeguard' (Ibid., 1st Ctee., 729th Mtg., Nov. 26, p.413).

97 Ibid., 727th-733rd Mtgs., Nov.24, 29, pp.399-402, 440-2.

98 Ibid., 509th Pl.Mtg., Dec.10, p.461. The draft as a whole was not put to the vote, each of three paragraphs having been rejected in turn by votes of 34-21-5, 34-23-3 and 33-23-4 - simple but not two-thirds majorities. Australia voted against in each case, even though one referred merely to the goodwill of the parties and another hoped for persistence in negotiation.

Spender vainly opposed this, claiming that as long as Indonesia demanded Dutch New Guinea the dispute could not be settled by negotiation, and that the United Nations should not be used for the prosecution of territorial claims.⁹⁹ The First Committee was told of pending Netherlands-Indonesia discussions and thus considered only an innocuous draft expressing hopes for a successful outcome. This was adopted by the Committee and the Assembly.¹⁰⁰ Again in 1956, Australia tried unsuccessfully to prevent the Afro-Asian group having the question placed on the Assembly's agenda. The Australian view, put by Casey, was that there was no threat to peace; the aims of the disputing parties were irreconcilable; this was not a remnant of the colonial problem.¹⁰¹ In the First Committee, Spender repeated the now familiar Australian arguments against a draft resolution calling for a United Nations good offices committee to assist in negotiating a settlement: given Indonesia's policy, a settlement could only mean surrender by the Netherlands; if

99 GAOR, 10th S., 532nd Pl.Mtg., Oct.3, 1955, pp.228-9..

100 Resolution 915(X) was adopted by the Assembly without objection (Ibid., 559th Pl.Mtg., Dec.16, p.488).

101 GAOR, 11th S., 578th Pl.Mtg., Nov.15, 1956, p. 45.

Indonesia's was a political case, the Assembly was not the place for satisfying territorial ambitions; if Indonesia's case was legal, she should take up a Netherlands offer to submit the case to the International Court of Justice; this was a case of would-be Asian colonialism. However, even more than formerly, he stressed the security factor:

...Indonesia was seeking...that the United Nations should assist it in the furtherance of its aims...

...Australia had a cardinal interest in the whole area of New Guinea and its future... New Guinea represented the very key to Australia's defence and so Australia could never stand idly by when a question affecting the future of the island of New Guinea was before the United Nations.¹⁰²

This tended to throw doubt on the good faith with which Australia was advancing arguments against the Indonesian case. As the Indonesian delegate could immediately reply, Australia evidently put her own defence interest before principles of self-determination and social advancement.¹⁰³ India's Menon condemned Australia's defence consideration as 'imperialistic'.¹⁰⁴ The degree to which Australia had involved herself

102 Ibid., 1st Ctee., 858th Mtg., Feb.25, 1957, p.285.

103 Ibid., p.303.

104 Ibid., 862nd Mtg., Feb.27, p.311.

as a protagonist in the dispute was reflected in an Ecuador delegate's (scarcely valid) comment that 'confronted by two States as affluent as the Netherlands and Australia, Indonesia might well fear that it might not obtain full respect for its rights', in the International Court.¹⁰⁵ The draft resolution was adopted by the Committee, but failed to achieve a two-thirds majority in the Assembly.¹⁰⁶

Afro-Asian members yet again had the question placed on the Assembly's agenda in 1957 when they submitted a draft resolution whereby the Secretary-General would be asked to offer his assistance in negotiations. The Indonesian delegate added little to preceding years' arguments, except to make the curious admission that the application of self-determination would 'be tantamount to accepting the disintegration of the Indonesian national State'.¹⁰⁷ There were, too, ominous notes in an Indonesian warning

105 Ibid., 861st Mtg., Feb.27, p.305.

106 The Assembly vote was 40-25-13, Australia voting against (Ibid., 664th Pl.Mtg., Feb.28, p.1263).

107 GAOR, 12th S., 1st Ctee., 905th Mtg., Nov.20, 1957, p.199.

that a continuing political dispute was dangerous in a sensitive area like South-East Asia and that 'the patience of the Indonesian people was not inexhaustible'.¹⁰⁸ Ceylon appealed directly to Australia to put aside security considerations and not to deny Indonesia her due.¹⁰⁹ The Soviet delegate declared that 'Australia clearly preferred to have a "colonial buffer" between independent Indonesia...and the colony of Papua and the Trust Territory of New Guinea...'.¹¹⁰ Even Ireland appreciated how 'wounding the presence of the Netherlands in New Guinea must be to Indonesian national sentiment...'.¹¹¹ The Australian response was energetic. The Australian delegate, Walker, hit back at the Soviet Union, 'that well-known defender of the self-determination of peoples'. Indonesia's refusal to submit to litigation, he said, showed that her argument was purely political; it was apparent, he added, that many delegations did not accept the Indonesian reasoning but voted for

108 Ibid., p.200.

109 Ibid., 906th Mtg., Nov.20, p.206.

110 Ibid., p.207.

111 Ibid., 911th Mtg., Nov.26, p.241.

draft resolutions implying support for emotional reasons.¹¹² Australia voted against the draft, which was adopted by the Committee but again failed to obtain a sufficient majority in the Assembly.¹¹³

The question was not raised again until 1961, when the Netherlands took the initiative. Recalling the previous year's Declaration on Colonialism, the Netherlands submitted a draft resolution whereby the Assembly would establish a commission to investigate the early implementation of the Declaration by means of a plebiscite in Netherlands New Guinea to be supervised by the United Nations. Indonesia, of course, opposed the draft as a tactical blow to her claims to the territory.¹¹⁴ Australia's response was notable in that, perhaps because there was no reason to think the territory's indigenes would opt

112 Ibid., 907th Mtg., Nov.21, pp.209-11.

113 Ibid., 724th Pl.Mtg., Nov.29, p.547.

114 GAOR, 16th S., 1016th Pl.Mtg., Sept.26, 1961, p.108. There had been a considerable recent development in indigenous political self-consciousness almost certainly unfavourable to the Indonesian cause: see Justus M. van der Kroef, 'The West New Guinea Problem' in World Today, Vol. 17 (1961), No. 10 (Oct.), p.489sq., and Paul W. van der Veur, 'Political Awakening in West New Guinea' in Pacific Affairs, Vol.XXXVI (1963), No. 1 (Spring), p.54sq.

for integration with Indonesia, she approved an exercise of self-determination even if the result were to be integration. Plimsoll said:

If the people of West New Guinea, by a genuine act of self-determination, choose to join Indonesia, Australia will not oppose this. Again, if the people of West New Guinea choose some other form of Government, Australia would want the Territory to be in full friendship and co-operation with Indonesia...

But the essence of our approach is that the solution should be one which the people of the territory themselves want.¹¹⁵

Two other draft resolutions were submitted: a nine-Power draft calling for continued bilateral negotiations (its sponsors argued that other parties, even the United Nations, could not be involved without tending to negate what they believed to be Indonesian sovereignty over West New Guinea); and a thirteen-Power (all African members of the French community) draft calling for continued bilateral negotiations, but also, if negotiations remained fruitless, for a United Nations commission to investigate conditions in the territory and the possibility of a temporary international administration. In separate votes, Australia voted for a paragraph in the thirteen-Power draft affirming

115 GAOR, 16th S., 1065th Pl.Mtg., Nov.27, 1961, p.852.

that a solution must be based on the principle of self-determination and, when this was defeated, for the draft as amended. This, too, was defeated.¹¹⁶ Australia voted against the nine-Power draft, which was also defeated.¹¹⁷ The Netherlands withdrew her draft, claiming that the vote on the thirteen-Power draft was sufficient indication that she was moving in the right direction. Again, then, nothing concrete emerged from the Assembly's consideration of the question; on the other hand, the Netherlands had foreshadowed a willingness to leave the territory and the possibility of an interim international administration had been mooted.

These two developments had effect in 1962, when the Netherlands and Indonesia finally concluded an agreement whereby West New Guinea would be transferred initially to United Nations and, by May, 1963, to Indonesian administration. The territory's inhabitants would be given an opportunity to express their wishes as to their political future by the end of 1969.

When the Assembly met, its only task was to approve a

116 The Assembly vote was 53-41-9 (Ibid., 1066th Pl. Mtg., Nov. 27, p. 875).

117 The Assembly vote was 41-40-21 (Ibid., p. 876).

joint Netherlands-Indonesian draft resolution along these lines. Australia's delegation leader, Barwick, then Minister for External Affairs, welcomed the arrangement and voted for the draft.¹¹⁸ Since then, an Indonesian administration has followed an interim United Nations administration, but it seems unlikely that the envisaged exercise of self-determination will occur.¹¹⁹

On the West Irian question, as with many other components of the overall colonial question, Australia in the 1950s was a conservative upholder of the apparent legal rights of a European administering Power, of sovereignty and domestic jurisdiction. Where formerly she had denied the competence of the United Nations even to discuss the question, however, Australia in the 1960s was prepared now to allow the United Nations actively to intervene; where formerly she had attacked vehemently Indonesia's claims, she now denied

118 Resolution 1752(XVII) was adopted by an Assembly vote of 89-0-14 (GAOR, 17th S., 1127th Pl.Mtg., Sept. 21, 1962, pp.52-3).

119 President Sukarno was reported in 1965 as saying that Indonesian national consciousness in West Irian made a plebiscite 'superfluous' (Straits Times, May 26, 1965) and Papuan separatist leaders were arrested (Indonesian Herald, May 25, 1965). The Australian Government, however, still professed to believe that Indonesia would carry out what Hasluck called an 'act of ascertainment' (Age, Aug.27, 1965).

ever having disputed them;¹²⁰ where formerly she had maintained that her security was involved in the denial of West New Guinea to Indonesia, she now appeared to accept the possibility of a transfer of sovereignty. An easing in the rigidity of her position, of course, was made possible, if not inevitable,¹²¹ by a change in the policy of the administering Power concerned. The interest shown by the United States in the achievement of a solution may have influenced Australia. It is possible, too, that the Australian Government regarded an exercise of self-determination as sufficient guarantee that the territory would not pass to Indonesia.¹²² It

120 'The Australian Government has never entered into discussion of the merits or demerits of the respective claims in the dispute which developed between Indonesia and the Netherlands as to the sovereignty or administration of the Territory', said Barwick (GAOR, 17th S., 1127th Pl.Mtg., Sept.21, 1962, p.54).

121 One observer thought that 'a situation might well be imagined when Australia would present a more whole-hearted opposition to a transfer of authority in New Guinea than would Holland itself' (R.F. Wall, 'Asia and the Far East' in G. Barraclough, ed., Survey of International Affairs, London, 1964, p.272).

122 Fourteen states, members of the African French Community, abstained in voting on Resolution 1752(XVII) precisely because they felt that the principle of self-determination was not sufficiently explicit in it and because the exercise of self-determination provided for was to be organised by Indonesia, a state interested in the outcome.

is also possible that she concluded that the issue could not be allowed to drag on in the face of Indonesian persistence and threats of direct action.¹²³ It remains that throughout most of the history of the West Irian dispute, Australia opposed decolonisation in respect of the New Guinea territory in the sense that she opposed attempts to have European authority removed under duress. There were several reasons for this. In the 1950s, Australian governments generally were unwilling to accommodate apparent encroachments on the domestic jurisdictions of United Nations members by other members or the organisation itself. In the case of West New Guinea, there were two additional local factors: views on the political future of the whole island of New Guinea, and Australian defence considerations.

There was a strand in Australian thinking about New Guinea to the effect that a way should be left open for possible political union of the island. Australia had merged the administration of her colony of Papua with that of her contiguous trust territory

123 Marine and air landings were reported to the Security Council during 1962.

and, from 1953, discussed with the Dutch at ministerial and official levels the possibility of recognising in their administrations the 'ethnological and geographical affinity' of the island's people.¹²⁴

Discussing an Australian-Netherlands statement issued late in 1957 as a declaration of jointly held general administrative principles, Casey said:

The declaration does not represent a decision that New Guinea will necessarily become a political unit at some time in the future. That is a question for the future and will be primarily for the inhabitants of New Guinea themselves. But, in the view of the Dutch and Australian Governments, we should not conduct our respective administrations in a manner which will rule out the possibility of such a choice later on. The choices that we hope will be open to the inhabitants of New Guinea will be many. A single political unit for the whole island is one of them.¹²⁵

There has already been reference to continuing Australian concern about the effect of events in New Guinea on Australian security. This concern was not limited to the Government; indeed, it is possible that the Government felt public opinion, moulded during World War II and even earlier, to be such as to make

¹²⁴ Current Notes, Vol. 28, p.882 (Nov., 1957).

¹²⁵ CPD, Vol. H. of R. 17, p.2921 (Dec. 5, 1957).

opposition to the Indonesian case electorally advisable. When the Indonesian Foreign Minister, Dr Subandrio, visited Australia in 1959, the Labor Opposition attacked the Government very strongly for having made too great a concession to Indonesia. A joint Subandrio-Casey statement said no more than that Australia, while recognising Netherlands sovereignty and the principle of self-determination, would not oppose any Indonesian-Netherlands agreement on West New Guinea provided it were reached by 'peaceful processes and in accordance with internationally accepted principles...'.¹²⁶

Despite denials by Casey and Menzies, both of whom felt obliged to defend the Government at length in parliament, Evatt, then leader of the Opposition, saw in the joint statement a form of pressure on the Netherlands to hand West New Guinea to Indonesia. He opposed this on the grounds that the inhabitants of West New Guinea should have preserved for them their right to a free exercise of self-determination, but also on traditional defence grounds:

¹²⁶ Current Notes, Vol.30, p.82 (Feb., 1959).

We, on this side, will do our best to be on friendly terms with Indonesia...but we have a duty also to see, primarily, that the interests of the native peoples are protected... We have also to watch Australia's defence. I do not care a fig for those people who say that the question of Australian defence is not inseparably bound up with New Guinea, whatever particular changes in weapons take place. That fact is obvious...We must watch our defence...¹²⁷

Even more perhaps than the Government, the Labor Opposition seemed unwilling to see Australia share a land frontier with Indonesia. United States interest in a settlement, sympathy in the United Nations for Indonesia, Indonesian persistence and threats of direct action, and Netherlands unwillingness to prolong the conflict further left Australia with little choice but to accept the transfer of the administration of West New Guinea to Indonesia. But it is unlikely that the Australian acceptance was as happy as the Government's public statements in 1962 suggested.

127 CPD, Vol. H. of R. 22, p.200 (Feb.24, 1959).

CHAPTER 8

COLONIAL

THREATS TO

PEACE

(PART II MOROCCO

TUNISIA ALGERIA

OMAN GOA)

MOROCCO

The Moroccan question was first brought to the attention of the United Nations in 1951, when Egypt, supported by other Arab states, sought to have it considered by the Assembly. Their argument was that the 1912 Treaty of Fez between France and Morocco had subjected Morocco to protectorate status in a way contrary to the purposes and principles of the United Nations charter, and that conflict in Morocco threatened international peace. Australia joined France and her supporters, opposing inclusion of the Moroccan question on the Assembly's agenda and voting with a majority to that end.¹

In 1952, the Arab states, supported now by Asian members, succeeded in having the Moroccan question placed on the Assembly's agenda. In subsequent First Committee discussions, the French view was that the Treaty of Fez had been concluded between two sovereign states, providing for French handling of Morocco's foreign relations and French co-operation

¹ The Assembly approved rejection of inclusion of the question by its General Committee by a vote of 28-23-7 (GAOR, 6th S., 354th Pl.Mtg., Dec.13, 1951, p.269).

and initiatives in internal reforms. The Arab case essentially was that Morocco had been forced into dependent status as a result of French political and military offensives and by permission of other European Powers dividing Africa into tributary or colonial areas. Australia supported the French claim that the United Nations had no competence in the matter.² The First Committee adopted a joint Latin American draft resolution whereby the Assembly called for a negotiated settlement and referred to self-government. In the Assembly, Australia voted for an amendment so that the reference to self-government was deleted and mention was made merely of 'developing free political institutions', but then abstained in voting on the draft as amended.³

In 1953, the Security Council refused an Arab request to consider the question as a matter of urgency, and the question was again considered by the Assembly.

2 GAOR, 7th S., 1st Ctee., 549th Mtg., Dec.15, 1952, p.294.

3 Resolution 612(VII) was adopted by an Assembly vote of 45-3-11 (Ibid., 407th Pl.Mtg., Dec.19, p. 426). In effect, Australia voted to soften the impact of an anyway unacceptable resolution.

Australia claimed that the issue fell within the domestic jurisdiction of France and voted in the First Committee against a Bolivian draft resolution amended by India, Burma and Indonesia so as to affirm the right of Moroccans to self-determination.⁴ This draft was adopted by the Committee but failed to achieve a two-thirds majority in the Assembly.⁵ The question was discussed again in 1954, although only briefly in view of an announcement that talks were to be held between France and Morocco. Australia abstained in voting on a resolution which did little more than postpone consideration of the item.⁶ This was not, said Forsyth in the Assembly, because of any lack of confidence in France but as an indication of Australia's

4 GAOR, 8th S., 1st Ctee., 640th Mtg., Oct.19, 1953, p.78.

5 A preambular paragraph recognising Moroccans' right to self-determination was adopted by an Assembly vote of 37-13-9, Australia voting 'against'. However, the draft's only operative paragraph, a call for a reduction in tension and free political institutions, was defeated 32-22-5 (Australia 'against') and the draft as such was considered defeated. (Ibid., 455th Pl.Mtg., Nov.3, p.266).

6 Resolution 812(IX) was adopted by an Assembly vote of 55-0-4 (GAOR, 9th S., 514th Pl.Mtg., Dec.17, 1954, p.537).

view that the United Nations did not have competence even to discuss the matter.⁷ In 1955, Australia abstained even on a resolution co-sponsored by thirty-one members welcoming a French-Moroccan statement that talks had been arranged to negotiate the full independence of Morocco.⁸ Spender 'applauded the motives of the sponsors...Nevertheless, because the General Assembly was not competent to deal with the matter, he had been unable to give the draft resolution his support'.⁹ In 1956, Morocco achieved independence and was admitted to the United Nations.

TUNISIA

The Tunisian question was comprised of elements basically similar to those involved in the Moroccan issue, and it ran a similar course at the United Nations. The Australian contribution, too, basically was the same: a legalistic defence of the French interest.

Pakistan, then a member of the Security Council, took the initiative in 1952 in bringing before the Council

7 Ibid., pp.537-8.

8 Current Notes, Vol. 26, p.829 (December, 1955). Resolution 911(X) was adopted by an Assembly vote of 51-0-5 (GAOR, 10th S., 550th Pl.Mtg., Dec.3, 1955, p.389).

9 Ibid., 1st Ctee., 797th Mtg., Nov.28, p.211.

a complaint from the Tunisian Prime Minister to the effect that the French-Tunisian Treaty of Bardo of 1881, which had left domestic sovereignty with the Bey, had been subverted by a process of French colonisation and direct administration of the territory.¹⁰ Conflict between Tunisians seeking autonomy and French officials seeking continuing French participation in Tunisian political affairs could, it was argued, prejudice friendly relations between nations based on respect for equal rights and self-determination as described in Article 1(2) of the United Nations charter. With Britain siding with France and the United States abstaining, the Council decided against discussing the question.¹¹ A number of Arab and Asian states then tried to have a special Assembly session convened, but they received inadequate support.¹² The question finally was placed on the agenda of the ordinary 1952 Assembly session and referred to the First Committee, where France refused to participate in discussions.

10 France, it might be noted, reported on Tunisia as a non-self-governing territory under Article 73e of the charter.

11 SCOR, 7th Yr., 576th Mtg., April 14, 1952, p.27.

12 Twenty-three states approved a special session, but twenty-seven (including Australia) opposed it.

Proposals by Pakistan that France reconsider her non-participation and that the Bey of Tunis be invited to appoint a representative to take part in debates were defeated, Australia voting against both.¹³

Discussion centred on two draft resolutions:

(1) a thirteen-Power Arab-Asian draft which referred to self-determination and the rights of small Powers, described the Tunisian situation as a threat to peace, noted that force should not be employed, urged France to grant civil liberties in Tunisia, and had the Assembly establish a good offices committee to assist in French-Tunisian negotiations; and (2) an eleven-Power Latin American draft along similar lines but in much more conciliatory language and without provision for United Nations activity. Australia voted against the first, which was defeated, and against two unsuccessful Indian amendments to the second (the first would have withdrawn an expression of confidence in France, the other would have asked the Assembly president to assist the parties

13 In a slightly complex procedure, the first proposal was defeated in a vote of 2-21-34 and the second in a vote of 24-26-7 (GAOR, 7th S., 1st Ctee., 542nd Mtg., Dec.10, 1952, pp.236-7).

at his discretion), abstaining on the second as a whole.¹⁴

The Australian position put by Spender was that:

...his delegation's regard for the principle of self-government and the tradition of liberty should not divert its attention from the preliminary problem of the competence of the Assembly to deal with the Tunisian question...The argument which based a claim on competence on a theoretical threat to international peace was...irrelevant, because no one really believed that there was any threat to peace, and even if there were one the General Assembly could not intervene, because paragraph 7 of Article 2 gave competence...to the Security Council.

...

...it should be pointed out that the domestic jurisdiction of a State was not restricted to matters in the metropolitan area...the sovereignty of Tunisia was not complete.¹⁵

He concluded by stating that France's only obligation in United Nations terms was that of submitting reports under Chapter XI of the charter.¹⁶

14 The vote on the thirteen-Power draft was 24-27-7; the votes on the Indian amendments were 21-31-6 and 20-31-7; the votes on the eleven-Power draft was 45-3-10 (Ibid., 546th Mtg., Dec.12, pp.270-1). This last, which became Resolution 611(VII), was adopted by an Assembly vote of 44-3-8 (Ibid., 404th Pl.Mtg., Dec.17, p.382). Australia again abstained (see Parliament of the Commonwealth of Australia, Summary Report of the Australian Delegation at the United Nations General Assembly, Seventh Session, New York, October-December, 1952, Canberra, 1953, p.18 - in CPP, 1951-2-3, Vol.II).

15 GAOR, 7th S., 1st Ctee., 545th Mtg., Dec.11, 1952, p.259.

16 With what might have seemed in the circumstances to be mock piety, he observed that Australia had tried at San Francisco to have provision made for United Nations supervision of non-self-governing territories, of which Tunisia was one, but had failed.

A similar discussion occurred again in the following year, 1953, when the First Committee adopted another, more forceful draft resolution which included a reference to full sovereignty and independence for Tunisians. Despite the adoption of amendments softening its tone, it failed to achieve a two-thirds majority in the Assembly, Australia voting against it.¹⁷ In 1954, when France announced plans to confer with Tunisian as well as with Moroccan representatives, a resolution postponing consideration was adopted by the Assembly.¹⁸ As in voting on the similar Resolution 812(IX) in respect of Morocco, Australia abstained 'because a vote in favour might have conceded the competence of the United Nations to discuss these questions which Australia regards as being of French domestic concern'.¹⁹ In 1956, Tunisia became independent and a member of the United Nations.

17 The Assembly vote was 31-18-10 (GAOR, 8th S., 457th Pl.Mtg., Nov.11, 1953, p.293).

18 Resolution 813(IX) was adopted by an Assembly vote of 56-0-3 (GAOR, 9th S., 514th Pl.Mtg., Dec.17, 1954, p.538).

19 Current Notes, Vol.25, p.826 (December, 1954).

ALGERIA

The Algerian question, arising from conflict in an area proximate to Morocco and Tunisia and involving the same European Power, differed from the Moroccan and Tunisian questions in that much more blood flowed in its working out and in that it had much greater repercussions in French politics. Moreover, whereas France recognised the separate identity of Morocco and Tunisia as non-self-governing territories, she claimed that Algeria was, by conquest, an integral part of the metropolitan state. Even more than on the Moroccan and Tunisian questions, then, United Nations intervention in the Algerian question, whether by discussion or demand, would, in the French view, encroach on her domestic jurisdiction. Australia publicly shared her view.

The Algerian question was first raised in 1955, when Arab and Asian members sought its inclusion on the agenda for that year's Assembly session. The General Committee ruled against its inclusion, but the Assembly reversed that ruling (Australia voting vainly for the General Committee's decision to be upheld)

and referred the question to the First Committee.²⁰

There, however, India noted France's refusal to participate in discussions and successfully urged that consideration of the question be set aside for that session.

In 1956, when Arab and Asian members again had the question placed on the Assembly's agenda, France agreed to participate in First Committee proceedings. Australian delegates did not address the Committee but voted mainly in the French interest on three draft resolutions. The first, sponsored by Arab and Asian members, referred to a disturbance to international harmony, asked France to cater for the Algerian desire for self-determination, invited French and Algerians to negotiate a ceasefire and a peaceful settlement and asked the Secretary-General to assist in such negotiations. Australia voted vainly with a minority against a preambular paragraph referring to the right of Algerians to self-determination, but with a small majority against the operative paragraph asking for French respect for that right.²¹

20 GAOR, 10th S., 530th Pl.Mtg., Sept.30, 1955. p.196.

21 The vote on the preambular paragraph was 36-27-14 and on the operative paragraph 33-34-9 (GAOR, 11th S., 1st Ctee., 846th Mtg., Feb.13, 1957, p.208).

The call for negotiations was also defeated and the draft was dropped. The second draft, sponsored by 'western' Asian states, hoped that Algerians would negotiate rather than fight and that the French and Algerians would find a solution. This was adopted by the Committee, although Australia voted against it.²² The third, sponsored by Italy and Latin American states, merely hoped that a peaceful and democratic solution would be found. This time Australia voted with a majority for the draft.²³ In the Assembly, the sponsors of the two drafts adopted by the Committee presented a joint draft resolution close to the wording of the Italian-Latin American draft, that is, it said nothing about principles involved and addressed none of the parties involved. This was adopted by the Assembly, Australia supporting it.²⁴

In 1957, when the question again reached the First Committee, France's opponents were markedly more hostile. It was suggested in the Committee that French

22 The vote was 37-27-13 (Ibid., p.212).

23 The vote was 41-33-3 (Ibid., pp.210-11).

24 Ibid., 654th Pl.Mtg., Feb.15, p.1105. Britain was the only state, apart from France which did not vote at all, not to vote for the draft of what became Resolution 1012(XI) but she later 'rectified' her vote to give unanimity.

intransigence and denial of the competence of the United Nations, together with an insistence on a rebel ceasefire as a prerequisite for negotiations, justified a military solution.²⁵ During this discussion, the Australian delegate, Walker, stated his government's policy on the issue. He declared first that the whole matter fell within French domestic jurisdiction.

Second:

Certain delegations used the United Nations as a propaganda forum, not merely for the purpose of gaining general sympathy for the rebels - which certainly constituted intervention in French domestic affairs - but also in order to encourage resort to violence.

Third, Assembly discussion had 'crystallised' the position of the Algerian rebels who would find it difficult during negotiations subsequently to abandon a position which had received the support of a large part of the Arab world. Finally, the question was very complex and there was no point in the Assembly's issuing instructions: the relevant authority was France.²⁶ Australia's proclaimed motives in supporting France, then, were legal and political. In First Committee

²⁵ See, e.g., the Syrian view: GAOR, 12th S., 1st Ctee., 915th Mtg., Nov.30, 1957, p.265.

²⁶ Ibid., 924th Mtg., Dec.5, p.328.

voting on a seventeen-Power draft resolution, Australia voted successfully for western amendments deleting a reference in the draft to self-determination and softening the tone of its call for negotiations, and then for the draft which, thus emasculated, was defeated in a deadlocked vote.²⁷ The Committee's failure to provide an acceptable draft was made good in plenary session by a fifteen-Power draft expressing concern, welcoming recent Tunisian and Moroccan offers of good offices and hoping for a negotiated solution. This was adopted unanimously.²⁸

In 1958, when France again refused to participate in discussion of the question, the First Committee adopted a draft resolution sponsored by seventeen Afro-Asian states and stronger than previous drafts in that it recognised Algeria's right to independence and urged negotiations with a so-called provisional Algerian government, which was not recognised by France and other western Powers. Australia voted

27 The vote was 37-37-6 (Ibid., 926th Mtg., Dec.6, p.342).

28 This draft became Resolution 1184(XII) (Ibid., 726th Pl.Mtg., Dec.10, p.568).

with a minority against it in the Committee and in the Assembly where, however, the minority was sufficient under the two-thirds rule to defeat it.²⁹ France was also absent in 1959 when the First Committee adopted an Afro-Asian draft calling for negotiations and a cease-fire.³⁰ This draft was not put to the Assembly, preference being given to a more mildly worded Pakistan-sponsored draft which, nevertheless, failed to achieve a majority. Australia voted against both drafts as being superfluous.³¹

In 1960, when France refused to discuss the question even in plenary session, the First Committee adopted a draft which recognised the right of Algeria

29 In the Committee, the vote was 32-18-30 (GAOR., 13th S., 1st Ctee., 1023rd Mtg., Dec.13, 1958, p.383) and in the Assembly 35-18-28 (Ibid., 792nd Pl.Mtg., Dec.13, p.627).

30 The vote was 38-26-17, Australia voting 'against' (GAOR, 14th S., 1st Ctee., 1078th Mtg., Dec.7, 1959, p.277).

31 The vote was 39-22-20 (Ibid., 856th Pl.Mtg., Dec.12, p.747). Plimsoll said that 'in view of the fact that we do not think there should be any resolution, we feel that the best course would be for the Australian delegation to abstain on votes on any parts of resolutions...' (Ibid., p.743). After abstaining in voting on parts of the draft, however, Australia voted against the whole.

to self-determination and independence, recognised a United Nations responsibility to contribute towards a just implementation of this right, and called for a referendum in Algeria supervised by the United Nations. In a characteristically conciliatory speech, Plimsoll opposed the draft, not on legal grounds of United Nations incompetence to intervene, but entirely on utilitarian political grounds. France would not tolerate a referendum conducted by the United Nations, so it was better not to try to effect it; de Gaulle, anyway, should be given a further opportunity to find a solution, he said.³² Australia voted against the draft in the Committee.³³ In the Assembly, where the reference to a referendum was deleted, Australia was content to abstain even though the draft still affirmed a United Nations responsibility in respect of the implementation of the Algerian right to self-determination.³⁴ In 1961, the First Committee adopted a draft which

32 GAOR, 15th S., 1st Ctee., 1133rd Mtg., Dec.15, 1960, pp.267-8.

33 The vote was 47-20-28 (Ibid., p.276).

34 Resolution 1573(XV) was adopted by an Assembly vote of 63-8-27 (Ibid., 956th Pl.Mtg., Dec.19, 1960, pp.1429-30).

called for renewed negotiations on the implementation of Algerian self-determination, and referred as well to independence and to the provisional Algerian government. Again, Australia's objections were political: more than two parties were involved, the reference to the provisional government was objectionable to France, the draft resolution could achieve nothing.³⁵ Still, the draft was adopted by the Committee and by the Assembly despite heavy voting abstentions, including Australia's.³⁶ The following year, 1962, Algeria attained independence and United Nations membership.

OMAN

The question of Oman came before the Security Council in 1957 very largely as a political issue involving alleged aggression by a state (Britain) against what was alleged to be another state (Oman); by 1963, it was being discussed in the General Assembly's Fourth Committee as a colonial problem. Whether the placing of the question in a colonial context can in

³⁵ GAOR, 16th S., 1st Ctee., 1227th Mtg., Dec.19, 1961, p.344.

³⁶ Resolution 1724(XVI) was adopted by an Assembly vote of 62-0-38. (Ibid., 1085th Pl.Mtg., Dec.20, p.1141).

fact be justified is difficult to decide.³⁷ It remains that such a placing was effected in the United Nations and this is considered sufficient, given also the involvement of a European Power in a non-European society, to make it relevant to this work.

The claim of eleven Arab states in asking the Security Council in 1957 to consider British aggression against Oman was that Oman comprised an independent sovereign state and was not, as Britain argued, part of the dominions of the Sultan of Muscat and Oman. In their view, Britain's motivation for seeking

37 Formal relations between Britain and the Sultanate, dating from 1798, are governed largely by treaties of 1891 and 1951. The 1891 agreement, like its 1951 successor, is certainly on the surface 'a foreign treaty with a sovereign state' (Report by a Chatham House Study Group, British Interests in the Mediterranean and Middle East, London, 1958, p.31). But they are scarcely equal treaties: by the 1891 agreement, e.g., the Sultan of Muscat and Oman agreed not to dispose of territory except to Britain, and the 1951 treaty allowed extra-territorial jurisdiction to Britain in the Sultanate. In the 1950s, there were British officials in the Sultanate's administration and British officers under contract in the Sultan's armed forces (Sir Reader Bullard, ed., The Middle East, London, 1958, p.144), and although 'Muscat is not a British protectorate...British mediation or intervention in the affairs of the Sultanate has been accepted for more than a century...' (J.B. Kelly, 'The Legal and Historical Basis of the British in the Persian Gulf' in St Antony's Papers, No. 4 (1958), p.139).

to subdue a rebellion in Oman against the Sultan's encroachments was greed for oil lately discovered there. Britain argued that, on the contrary, she was helping a friendly state put down rebellion in a part of the state which sought secession only to avoid sharing oil revenues with the state at large. Australia, at the time a member of the Council, opposed placing the question on its agenda and voted with a majority (the United States abstaining) to that effect. The Australian position was that there had been no threat to international peace as claimed by the Arab states, that Oman was not an independent state, and that the Sultanate was independent of Britain.³⁸

In 1960, Arab states asked the Assembly to consider British aggression, which, they said, threatened peace and security in the Middle East. The question was placed on the agenda and referred to the Special Political Committee. In the Committee, fourteen states submitted a draft resolution which referred to the Declaration on Colonialism, recognised the right of Oman to self-determination and independence,

³⁸ GAOR, 13th S., Supplement No.2, p.60.

called for a withdrawal of foreign forces and invited the parties involved to seek a settlement. The draft was not put to a vote, but it was re-submitted during the next (1961) Assembly session. Australia voted against it in the Special Political Committee, which adopted it, and in the Assembly, where it was rejected under the two-thirds rule.³⁹ In the Committee, Australia also voted vainly against a proposal that Omani representatives be granted a hearing.⁴⁰ Hood said that:

To grant the hearing would be to create a precedent whereby dissident elements in a certain part of a country which was under the recognized authority of that country's Government could claim the right to have individuals participate in United Nations debates on their behalf.⁴¹

Again in 1962, the Oman question was placed on the Assembly's agenda and was again referred to the Special Political Committee where a draft resolution similar to that adopted by the Committee in 1961 was submitted. Again, Australia voted with a minority

39 The plenary vote was 33-21-37 (GAOR, 16th S., 1078th Pl.Mtg., Dec.14, 1961, p.1029).

40 The vote was 40-26-23 (Ibid., Sp.Pol.Ctee., 299th Mtg., Nov.27, p.199).

41 Ibid., p.197.

against it.⁴² Australia also voted in a small minority against granting a hearing to Prince Talib of Oman.⁴³ In the Assembly, where Britain announced that the Sultan of Muscat and Oman had agreed to invite a representative of the Secretary-General to visit his country, the three operative paragraphs of the draft were rejected, Australia voting against each of them.⁴⁴

It was apparent during Committee discussions in 1962 that increasing emphasis was being placed on the colonial aspect of the Oman question. Britain was said to be colonialist either because she was responsible for armed aggression against a small, independent state or because, even if Oman was not independent, intervention at the request of a submissive ruler was implicitly condemned by the 1960 Declaration on Colonialism. This trend continued in 1963 when the Oman question was again placed on the Assembly's agenda but was referred to the Fourth rather than to the First or Special Political Committees. In the Fourth Committee,

42 The vote was 41-18-36 (GAOR, 17th S., Sp.Pol.Ctee., 357th Mtg., Nov.28, 1962, pp.164-5).

43 The vote was 51-9-26 (Ibid., 351st Mtg., Nov.19, p.130).

44 The votes were 36-25-38, 40-26-31 and 44-23-30 (Ibid., 1191st Pl.Mtg., Dec.11, pp.1100-1).

emphasis almost exclusively was placed on the colonial aspect. As the Syrian delegate said:

The colonial nature of the question had not been stressed at first because the overriding concern of those who had brought the question before the United Nations had been to put an early end to the British armed aggression which was endangering Oman's independence and territorial integrity and threatening international peace and security. The United Kingdom aggression had since assumed the aspect of an armed presence and had become a constant factor in the life of Oman; the question should therefore be considered in⁴⁵ the wider context of British colonialism.

The United Arab Republic's argument was slightly different: the British presence had always been colonialist. Of the Arabian Peninsula, he said:

'Some parts were under direct United Kingdom administration...Other parts were controlled under the name of protectorates or through pseudo-legal agreements imposed by the United Kingdom during the nineteenth century'.⁴⁶ The British response was again to claim that relations between Britain and the Sultanate were those of two sovereign Powers. It was also stated that the Arab states had failed to convince the Assembly

⁴⁵ GAOR, 18th S., 4th Ctee., 1499th Mtg., Dec.3, 1963, p.459.

⁴⁶ Ibid., 1498th Mtg., Dec.3, p.454.

and were now seeking success by labelling the question 'colonial'.⁴⁷ The notable feature of the Australian response was that it was not unequivocally pro-British. Where Britain found the situation clear, McCarthy, for Australia, found it 'difficult to form a judgement...'. He agreed that a colonial issue did not exist 'despite some dubious aspects of the situation...over the last two centuries'.⁴⁸ But in voting in the Fourth Committee on a Brazilian draft, which expressed concern with the Oman situation and established a five-man ad hoc committee to examine the problem, Australia abstained, even though Britain still denied the right of the United Nations to take any action with regard to a matter domestic to a sovereign state.⁴⁹ In the Assembly, Australia went further and voted for the draft despite British persistence with a vote 'against' and the decision of France, the United States, Portugal and Afghanistan to persist with abstentions.⁵⁰

47 Ibid., 1499th Mtg., Dec.3, p.463.

48 Ibid., 1502nd Mtg., Dec.5, p.489.

49 The vote was 95-1-7 (Ibid., 1507th Mtg., Dec.9, p.531).

50 Resolution 1948(XVIII) was adopted by an Assembly vote of 96-1-4 (Ibid., 1277th Pl.Mtg., Dec.11, 1963, p.2).

GOA

The Goan question had a peculiar aspect in that it involved military conquest by an anti-colonial state of the dependent Asian territories of a European Power.⁵¹ It did not take the form basically of conflict between dissident internal elements, supported by external sympathisers, against the administering Power. Integration was the aim, as in the West Irian and Mauritanian issues,⁵² and not autonomy for the dependencies. It was, certainly, a decolonisation issue in the sense in which the term is used in this work, though it is of peripheral importance to this work because, while it was taken to the United Nations, it was taken to the Security Council at a time when Australia was not a member and did not seek the status of an interested party and because it was dealt with by the

51 Portugal, of course, claimed that they were provinces of the metropolitan state; the United Nations on the other hand regarded them as non-self-governing territories within the scope of Chapter XI of the charter.

52 The Mauritanian question arose late in 1960 when Morocco claimed that Mauritania, not a contiguous territory and about to achieve independence, ought to have been integrated with her and not given separate status. Indonesia, drawing a parallel with the West Irian case, and other Moslem states supported Morocco, but many others, including African members of the French community, were hostile to what some saw as Arab expansionism and the Assembly took no action.

United Nations rather after the event.

Briefly, Portugal reported to the Security Council in early and mid-December 1961, that Indian troops were massing on India's frontiers with the contiguous Portuguese territories of Goa, Damao and Diu. India replied with a similar charge, but claiming that Portuguese armed forces were actually inside Indian territory. India invaded the territories on December 18. On that day, the Security Council met Portugal's request for a meeting and considered two draft resolutions: the first, sponsored by Ceylon, Liberia and the United Arab Republic, rejected Portugal's complaint of aggression, described the Portuguese control of the territories as a threat to peace and called on Portugal to co-operate in the liquidation of its administration; the second, sponsored by France, Turkey, Britain and the United States, deplored India's use of force and called for a ceasefire and the withdrawal of Indian forces. The first failed to achieve majority support; the second was subject to the Soviet Union's veto. The following day, Portuguese

forces in the territories surrendered to Indian forces.⁵³

The official Australian comment was critical, but restrained. Menzies, Minister for External Affairs as well as Prime Minister, said that:

...he recognised that Indian public opinion felt strongly about the dispute, which was of long standing. However, it was the responsibility of nations to seek their objectives through legal processes or by peaceful negotiations in accordance with the United Nations Charter. Under the Charter, all members had expressly undertaken to refrain from the threat or use of force in their international relations except in self-defence...⁵⁴

In effect, Menzies denied the Indian claims that this was a colonial question, that in view of the 1960 Declaration on Colonialism Portugal had no right to exercise authority on the sub-continent, and that she had reacted justifiably to provocation. On the other hand, India's feelings in the matter were recognised and Portugal was not explicitly defended. Australia seems to have been the only western state subsequently to recognise Indian sovereignty over Goa.⁵⁵

53 See GAOR, 17th S., Supplement No.1, pp.71-2.

54 Current Notes, Vol. 32, pp.15-16 (December, 1961).

55 In April, 1964, Plimsoll, then High Commissioner to India, visited Goa which he described publicly as 'this part of India'.

The Australian response to the involvement of the United Nations in these questions was consistent with the pattern of her response to other aspects of the decolonisation process indicated in earlier chapters: in the 1950s, constant support on legal and sometimes political grounds for the administering Power under attack; after 1960, a readier accommodation of Assembly unconcern about legal technicalities and apparent acceptance of the dominance of political considerations. This, however, is not necessarily to say that the pattern here applied for the same reasons that it applied in the contexts of Chapter XI of the charter and the trusteeship system. In the latter categories, certainly, there was a marked change in Australian policy at the end of the 1950s due, doubtless, to estimates of the national interest (that is, no matter how convinced Australia might have been about the legal rectitude of her position, there could come a point when it was manifestly unwise to try to be one of only two or three Powers 'in step'). In the 'threats to peace' category, there was a distinctive feature. For, while the Moroccan and

Tunisian questions arose and were settled in what might be called the heyday of Australian and western conservatism on colonial issues, the West Irian, Algerian and Oman questions ran through to the post-1960 years when not only did Australian policy generally tend to soften but the policies of the more immediately involved administering Powers also softened. Had the Netherlands and France remained intransigent, it is possible that Australia would, at least for a longer period, have continued to support them.⁵⁶ The Netherlands and France, after all, had not become quite as isolated as Britain, Portugal and South Africa had become in the Chapter XI context. Australia still had (though she tended to stop saying so with her former emphasis) a close interest in West Irian, and France was a colleague in military and socio-political regional organisations.⁵⁷

56 It has been seen that Australia continued fully to support the British position on Oman until 1963.

57 Specifically, SEATO and the South Pacific Commission. One cannot be certain of the effects of such ties, as United States conflict with NATO allies and British and Australian conflict with Commonwealth partners have shown.

CHAPTER 9

JURIDICAL

OBJECTIONS

The United Nations charter negotiated at San Francisco in 1945 was a document of compromise. In its colonial aspects, it represented a compromise between Powers seeking to conserve their jurisdiction over dependent territories and Powers seeking to open dependent territories to international activity designed ultimately to lessen or terminate their dependence. In general, the compromise favoured the administering Powers. The posited ends of Chapters XI, XII and XIII of the charter were radical but their achievement largely was left to the administering Powers. Anti-colonial Powers defeated at San Francisco or joining the United Nations subsequently could then pursue their objectives within the restricting provisions of the charter, or they could seek to amend it. Charter amendment under Articles 108 and 109 was in practical terms impossible (amendment needed the approval of two-thirds of the United Nations and all permanent members of the Security Council, the latter including three administrators of dependencies). The result was a situation of conflict.

Given a situation in which her national interests and policies constantly were under attack by what came

to be a majority of states, Australia had only perhaps three courses open to her: (1) to join the attackers (as Denmark, for example, and, to a less extent, the United States did on occasion); (2) to engage in political battle with the attackers; or (3) to deny the legal right of the attackers to be pursuing an offensive at all.

For by far the most part of the period under review, Australia followed the second and third courses. The second course scarcely needs further illustration. Repeatedly, Australian delegations pleaded the special nature of problems faced in Papua and New Guinea and sought to dispute the case of anti-colonial Powers on grounds of fact. She asserted her own good intentions and doubted the motives and qualifications of her opponents. And, for the most part, she defended the colonial interests of her fellow administering Powers as well as her own. In 1951, for example, Casey defended colonialism, argued for the good intentions of the administering Powers and, typically, attacked the Soviet Union:

For generations past the advanced countries have been bringing their knowledge and technical skill to these poor areas...it is not sufficiently recognized that this process has been an integral aspect of what it has become customary to decry as 'colonialism'.

...

The western world...had been prepared, while relinquishing the political control of the nineteenth century, to provide in ever-increasing measure...skill and material resources...

...

What part...has been played by the Soviet Union? So far from helping the peoples of the less-developed countries to find their feet, so far from assisting the new countries to establish themselves, Soviet policy has been one of disruption and the sowing of distrust.¹

In his opening plenary speech at the following year's Assembly session, Casey again defended the Australian position and that of other administering Powers:

There has been an underlying innuendo that countries responsible for dependent peoples and Trust Territories are bent upon maintaining the status quo for some selfish ends of their own.²

1 GAOR, 6th S., 338th Pl.Mtg., Nov.9, 1951, pp.45-6.

2 Casey here touched on an issue with very wide implications. The Indonesian distinction between old established forces interested in conservation of the status quo and new emerging forces with an interest in change (see George Modelski, ed., The New Emerging Forces, Canberra, 1963, pp.ii-viii) was implicit in the views of older and other anti-colonial Powers and was reflected in their attitudes towards conventions dear (and useful) to the administering Powers. As Larson (Arthur Larson, When Nations Disagree, Louisiana, 1961, pp.22,166) has noted: 'International law in the traditional sense is associated with a system which was largely the handiwork of the nations of Western Christendom...It is not surprising, then, that many nations do not think of international law as their law. Indeed many of them are apt to treat it as one more leftover of the days of imperialism'. For the new states, a slogan could be: 'The law stands for the status quo; we want change'.

The fact is that the responsible Powers have been loyally carrying out their duties under the Charter...Indeed, better conditions exist in certain colonies or dependent territories than exist in the countries of some of the critics.³

He went on to warn of dangers consequent to a premature granting of self-government, and gave details of the financial cost to Australia of the administration of Papua and New Guinea. But he singled out for particular criticism the Assembly's Fourth Committee which, he said, had 'sought to impose its will in contravention of the Charter'. There had not only been discussions, but also positive recommendations, on matters not contemplated by the charter.

This last complaint, a legal complaint, had been, and was to continue to be, constantly made by Australian delegates. Nor was it restricted to the 1950s, a decade of solid hostility towards the administering Powers; it was made in the years of the Australian Labor Government in the 1940s, and it continued to be made occasionally in the 1960s. Given her political and legal history, it is scarcely remarkable that Australia should have been prone to

3 GAOR, 7th S., 384th Pl.Mtg., Oct.20, 1952, p.107.

placing a high value on constitutional considerations.

It is worth quoting at some length an admission of this and an explanation for it made by Kelly in the Fourth Committee in 1959:

...the six Australian states, after a struggle to attain autonomy, had surrendered part of that autonomy in order to form the Australian national federation, the Australian Commonwealth, which had a rigid written Constitution brought into being by popular plebiscite and which could be amended only by the same means: it could not be altered by an act or resolution of the Australian Parliament. It followed that respect for a written constitution was ingrained in the Australian character and that, from the earliest days of the United Nations, the Australian delegation had had the greatest respect for all the provisions of the Charter. As in the case of his own country's Constitution, a special procedure had been provided for amending the Charter and his delegation was unable to subscribe to the view that the Charter could be amended, by implication or otherwise, by a mere resolution of the General Assembly. The wording of draft resolutions required to be carefully weighed; if his Government raised any juridical objections to a given proposal, his delegation would be failing in its duty to the representatives of other Member States if it did not convey these views to them.

...

If certain phrases in a draft resolution carried legal connotations unacceptable to his Government, then the draft resolution would be unacceptable to it.⁴

However, it may be doubted if Australia has been as idealistic or as consistent as Kelly suggested. One

⁴ GAOR, 14th S., 4th Ctee., 984th Mtg., Dec.3, 1959, p.617.

need not go so far, perhaps, as Gross:

...West European and Latin American countries... are prone to resort to legal arguments and to supplement them with good or bad political arguments as they are available.⁵

But it would seem that Australia has tended to employ legal argument when it served her purpose, has on occasion opposed legal with political argument, and has not hesitated to use political argument alone.⁶

Something of the flexibility, not to say inconsistency, of Australian legalism may be seen in several issues which arose in the early years of the United Nations within the context of Chapter XI of the charter. In 1946, Bailey, the Australian delegate in

5 Franz B. Gross, 'Evolving Parliamentary Procedures in the UN' in Orbis, Vol.VI (1962), No.1 (April), p.145.

6 This behavior has not been unique to Australia. As Eagleton (Clyde Eagleton, 'The United Nations: A Legal Order' in George Lipsky, ed., Law and Politics in the World Community, Berkeley, 1953, pp.134-6) has observed: 'The desire to move ahead in spite of Charter restrictions has led to strong division of opinion...'. Again, 'This political element, rather than respect for the Charter, has governed the votes of delegates and the decisions of organs. Such a pressure, if consistent, could lead properly enough into new constitutional interpretations and allow for desirable growth. The practice of the United Nations, however, has not been consistent... Delegates have, for one situation, upheld the restrictions of the Charter, and, for another situation, have denied or disregarded such restrictions'.

the Fourth Committee, assured other administering Powers, which for the most part preferred to keep to the letter of Article 73e whereby technical information on their territories would be submitted to the Secretary-General and processed by him for the information of members, that there was 'nothing insidious or unconstitutional' about the Secretariat's proposal for the creation of an ad hoc committee of experts to examine information submitted and to report on advisable future procedures.⁷ This was in harmony with Australian attitudes prior to the signing of the charter, but there was no explicit provision for such a committee in Chapter XI. (When the Assembly subsequently adopted a Cuban proposal making the committee non-expert and representative of states, Australia closed ranks with the administering Powers, not on their legal grounds which were scarcely now available to her, but on the purely political grounds that the committee as constituted could be exploited as a medium for criticism of colonial administrations.)⁸

At the same Assembly session, there arose the question of conferences of dependent peoples.

7 GAOR, 1st S., 2nd Pt., 4th Ctee., Part III, p.33.

8 This view is based on a confidential official document of the time seen by the author.

Australia professed not to object to these conferences as such, but to their being held under United Nations auspices, to the Assembly recommending that they be held and to the involvement of United Nations bodies. As in the case of the establishment of an information committee, the Australian delegation was faced here with proposals which had no basis in Chapter XI as it stood but were not actually proscribed by it. The Australian view here was that:

...care should be taken not to push too far with the argument that anything not prohibited by the Charter was permissible.⁹

On a third issue, that of the submission of political information, Australia's views were at odds with those of anti-colonial Powers, which asserted that, read as a whole, Article 73 clearly made it necessary for political information to be submitted. Although Article 73 did not say that political information might not be submitted, and despite her stand at San Francisco and despite the fact that she herself always was voluntarily to submit such information in her reports on Papua, Australia here took the view that,

9 GAOR, 1st S., 2nd Pt., 4th Ctee., Part III, p.67.

as Bailey put it in 1946: 'The obligation to transmit the information mentioned in Article 73(e) was the sole specific obligation undertaken...and was clearly limited.'¹⁰

As Hood declared on the same issue in 1948:

...although nothing less than what is written in the Charter in regard to dependent peoples should be achieved, on the other hand nothing more should be required of those with whom the responsibility rests...¹¹

This last attitude remained largely characteristic of the Australian response to anti-colonial pressure, as it was of the response of most of the administering Powers:

The anti-colonial States having taken the initiative within the United Nations, the colonial countries found themselves on the defensive, using for their defence primarily the text of Chapter XI itself and the principles of sovereignty and non-interference in matters of domestic jurisdiction.¹²

This attitude emerged early in the period because anti-colonial pressure emerged early and with intensity.

As it was observed as early as 1949 in respect of non-self-governing territories:

¹⁰ Ibid., p.13.

¹¹ GAOR, 3rd S., 1st Pt., 4th Ctee., 57th Mtg., Oct.14, 1948, p.53.

¹² J.A. de Yturriaga, 'Non-Self-Governing Territories: The Law and Practice of the United Nations' in Year Book of World Affairs, Vol. 18 (1964), p.184.

...on what might be regarded as the very narrow basis of the obligation under Article 73e for certain States to transmit technical information to the Secretary-General, there have emerged in a brief period of four years procedures, objectives, studies and proposals for action which have made Chapter XI one of the most vital sections of the Charter.¹³

And, just as a British delegate complained in that year of 'the tendency to extend the scope of Chapter XI... to read into the Charter obligations and functions which were not in it',¹⁴ so Evatt in 1949 talked of unconstitutional pressure to widen the scope of the charter and to re-write the charter by Assembly resolution, referring, too, to 'the tendency, running through the dealings of the Fourth Committee since its inception at the first meeting of the General Assembly, to attempt to constrain colonial powers to take action expressly stated in the Charter to be voluntary'.¹⁵

It was typical, then, that Australia saw moves in 1948 to have administering Powers consult the Trusteeship Council before implementing administrative unions in the first place as 'contrary to the terms of

13 Anon., 'International Responsibility for Colonial Peoples, the United Nations and Chapter XI of the Charter' in *International Conciliation*, No.458 (February, 1950), p.55.

14 GAOR, 4th S., 262nd Pl.Mtg., Dec.1, 1949, p.455.

15 Evatt Report, 1947, as above, p.95.

the trusteeship agreements'.¹⁶ A draft resolution in 1951 whereby the Assembly would ask the Trusteeship Council to investigate the possibility of associating indigenes in its work 'in effect sought to amend the Charter, and the Australian delegation would therefore have to oppose it'.¹⁷ And during Trusteeship Council discussions, it was seen above, the Australian view was clear:

Since the Charter made no provision for direct collaboration between the indigenous population and the Council, it followed that neither the Charter nor the Trusteeship Agreements imposed any obligation on the Administering Authorities to secure the participation of the populations they administered in the Council's work...the Council could not validly require or recommend something for which the Charter and the Agreements did not provide.¹⁸

A 1954 resolution whereby the Assembly declared for itself an interest in exercises of self-determination used by administering Powers as evidence to justify cessation of the transmission of information under Article 73e represented, in the Australian view, 'yet another attempt to extend the provisions of the

¹⁶ Evatt Report, 1948, as above, p.75.

¹⁷ GAOR, 6th S., 4th Ctee., 237th Mtg., Jan.4, 1952, p.240.

¹⁸ TCOR, 10th S., 398th Mtg., March 3, 1952, p.22.

of the Charter...'.¹⁹ A further attempt in the same year to elicit political information was condemned because 'the Australian delegation objected to the assumption...that the General Assembly was entitled to alter or amend the obligations' in Chapter XI.²⁰ Concern for guarantees for observance of the principle of self-determination was out of order because 'the question of self-determination had no direct relevance to Chapter XI of the Charter...'.²¹ The view that the attainment of independence was a means by which a territory could achieve self-government was 'based on an unjustified interpretation of Chapter XI of the Charter'.²² The charter, argued successive Australian delegations, gave no competence to the Assembly in the matter of the cessation of the submission of information in the cases of Antilles and Surinam, Greenland, Puerto Rico, Alaska or Hawaii. Australia carried consistency to remarkable lengths in 1949 when, in the information committee, the question of Netherlands submissions of information on the Netherlands East Indies was raised.

19 GAOR, 9th S., 499th Pl.Mtg., Nov.22, 1954, p.301.

20 Ibid., 4th Ctee., 424th Mtg., Nov.8, p.184.

21 GAOR, 8th S., 1953, Annexes, Ag.It.33, p.3.

22 GAOR, 7th S., 4th Ctee., 272nd Mtg., Nov.13, 1952, p.153.

Australia, despite her effective hostility towards Netherlands interests in the Security Council and her view there that the Indonesian Republic enjoyed separate international status, supported the Netherlands in this case by arguing that 'the Committee was not competent to consider what were the constitutional relations between a territory and the metropolitan Government'.²³ Nor, said Australia, did the charter allow the Assembly competence in the several North African questions. A Soviet proposal in 1956 to have the Assembly call on administering Powers to meet or set self-government target dates for trust territories was, said the Australian delegate, of 'questionable legality'. The proposal, said Hood, would 'constitute a clear directive to the Administering Authorities which had no justification in either the Charter or the Trusteeship Agreements'.²⁴ Decisions by the Assembly on which of those territories, said by states concerned to be part of their metropolitan areas, were in fact non-self-governing territories within the scope of Chapter XI were 'in contradiction

²³ GAOR, 4th S., 1949, Supplement No. 14, p.3.

²⁴ GAOR, 11th S., 4th Ctee., 637th Mtg., Feb.15, 1957, p.431.

to Article 2, paragraph 7, and Article 73, subparagraph e of the Charter...'.²⁵ As late as 1958, the information committee, in the Australian view, was surviving as a useful instrument 'because of the spirit of forbearance and comprehension shown by so many delegations with respect to certain juridical issues'.²⁶

More than some other delegations, Australian representatives were strongly inclined towards consistency of a kind in that, if they objected to a paragraph of a draft resolution, even a non-operative paragraph, they would oppose not merely the objectionable paragraph but the whole draft. At times a negative vote on the objectionable paragraph would be followed by an abstention on the whole draft; only rarely would an Australian delegate oppose the one and accept the other. In 1954, for example, when a draft resolution accepting the removal of Greenland from the ambit of Chapter XI was amended to include a reference to the Assembly's competence in such matters, Spender explained the Australian vote in this way:

25 GAOR, 12th S., 4th Ctee., 693rd Mtg., Nov.5, 1957, p.225.

26 GAOR, 13th S., 4th Ctee., 819th Mtg., Nov.27, 1958, p.396.

My negative vote on the sixth paragraph of the preamble and my abstention on the draft resolution as a whole should be taken to mean that my delegation cannot, under any circumstances, accept the thesis that competence in this matter rests with the General Assembly...²⁷

The Danish delegation, which opposed the particular paragraph but accepted the draft as a whole, expressed quite a different view:

The delegation of Denmark has...maintained that disagreement with a special point in the text of a resolution should not necessarily block acceptance of the resolution as a whole if the main object of the resolution is acceptable or, even more so, if it is desirable.²⁸

As it was noted above, Australia has not always relied solely on legal argument. On the South-West Africa issue usually there was a mixture of legal and political argument. In 1951, for example, Tange, the Australian delegate, opposed oral hearings for petitioners from the territory on the legal grounds that hearings would contravene the territory's mandatory status affirmed by the International Court and on the political grounds that it would be unwise to irritate

27 GAOR, 9th S., 499th Pl.Mtg., Nov.22, 1954, p.301. It is not difficult, of course, to appreciate Australian fears for the creation of precedents likely gradually to erode her position. Indeed, from a conservative viewpoint, she may not have been careful enough (see Franco Nogueira, The United Nations and Portugal, London, 1964, pp.27-9).

28 GAOR, 9th S., 499th Pl.Mtg., Nov.22, 1954, p.307.

South Africa while negotiations with the Union were still proceeding.²⁹ On the question of administrative unions, it has been seen that Australia defended herself on grounds both of legal justification and political expediency. Australia opposed the move by India in 1948 to have administering Powers report on constitutional developments making Article 73 no longer applicable because there was no legal obligation derived from the charter to provide this sort of information and because there was the political danger that administering Powers might have to defend policies before the Assembly.³⁰ Hay, for Australia, objected to a draft resolution in 1950 calling for reporting on the observance of the Declaration of Human Rights in non-self-governing territories for the political reason that more would be thus asked for administering Powers than of non-administering Powers, and for the legal reason that 'obligations for the transmission of information on the observance of human rights...were not laid down in the Charter or in any other United Nations instrument...'.³¹

29 GAOR, 6th S., 4th Ctee., 204th Mtg., Nov.16, 1951, p.18

30 GAOR, 3rd S., 1st Pt., 4th Ctee., 60th Mtg., Oct.18, 1948, p.85.

31 GAOR, 5th S., 4th Ctee., 186th Mtg., and 187th Mtg., Nov. 24-25, 1950, pp.284, 292.

On the question of West Irian, too, it has been seen that Australian opposition to the anti-colonial Powers ranged in content from United Nations competence to the substance of Indonesian arguments and to politico-strategic considerations. On yet other issues, where legal argument would have been difficult or where it would have involved something of an Australian volte-face, Australia argued purely on political grounds: it was better, said Australia in 1949, not to attempt to achieve three-year or permanent terms for the information committee because such terms might well be unacceptable to the Assembly.³² It was better, said Australia in 1953, not to adopt proposals on 'factors' which, given the antipathy of the administering Powers, would be inapplicable.³³

Because the anti-colonial Powers constantly wanted done what administering Powers complained was unconstitutional in terms of the charter or trusteeship agreements, the anti-colonial Powers were forced to engage in a degree of legalism. Thus, when anti-colonial Powers seeking the submission of political information

32 GAOR, 3rd S., 4th Ctee., 59th Mtg., Oct.16, 1948, p.77.

33 GAOR, 8th S., 4th Ctee., 327th Mtg., Oct.6, 1953, pp.71-2.

on affairs in non-self-governing territories were opposed by administering Powers wishing either not to provide it or not to be told or asked to provide it, it became necessary for the anti-colonial Powers to argue that there was nothing in Chapter XI actually prohibiting such provisions, that it was desirable that there should be such submissions, that the international community had legally justifiable obligations which could not be fulfilled without such submissions, that a reading of the whole of Article 73 rather than merely subparagraph (e) in isolation made it clear that political information should be submitted - all this accompanied by political and emotional argument.

Australia was not always consistent in her response to legalism in the opposing camp. She disapproved, it has been seen, of anti-colonial Powers' attempts to bolster their case against South Africa with International Court of Justice opinions. In a switch to political argument, Australia claimed that 'the multiplication of advisory opinions' would not help the inhabitants of South-West Africa.³⁴ She disapproved of the Assembly's encouragement of members to take unilateral legal action

³⁴ GAOR, 10th S., 4th Ctee., 499th Mtg., Nov. 7, 1955, p. 178.

against South Africa. Again, Indonesia's refusal to take the West Irian dispute to the International Court was, in Walker's words, evidence that Indonesia's claim 'was not legal, but political'.³⁵ Yet Australia had, in the strongest vituperative terms, scorned reference to the Court of the Security Council's competence to intervene in the Indonesian independence conflict: there was no time for legal action in an urgent political situation.³⁶ Most ironical of all, Forsyth once in the Fourth Committee 'appealed to the members...to turn their backs on legal hairsplitting and academic problems'. The subject being discussed was administrative unions and it is worth quoting at some length the view put by Forsyth of a fairly innocuous draft resolution on the matter, not in any sense as light relief but as illustrative of the customary Australian approach, especially during the 1950s:

...the Australian delegation...had voted in favour of paragraph 2 of the operative part of the draft resolution which merely drew attention to the observations and conclusions of the special report, on the understanding that the reasons the Australian delegation had advanced in the Trusteeship Council had not been withdrawn. He had voted in favour of paragraph 4 of the operative part without the phrase 'or extending the scope of' because it

35 GAOR, 12th S., 1st Ctee., 907th Mtg., Nov.21, 1957, p.210.

36 SCOR, 3rd Yr., 390th Mtg., Dec.23, 1948, pp.6, 140.

did not prejudice establishing administrative unions. He had abstained, however, from voting on the phrase 'or extending the scope of' on the grounds explained by the representatives of Belgium and the United Kingdom, and also because it might in some cases be impracticable to ascertain the wishes of an entire population of Trust Territories. He had abstained on paragraph 4 as a whole and had not voted against it because the principle of consulting the freely expressed wishes of the inhabitants was embodied in the Charter. He had voted in favour of the first part of paragraph 5 of the operative part because it did not prejudice the principle that prior consultation was not required under the Trusteeship Agreements. He had abstained on the second part because it implied consultation in advance and the Australian Government could not commit itself to that principle, although in practice it had informed the Trusteeship Council of its plans for Administrative Union of Papua and New Guinea. He had abstained in voting on paragraph 5 as a whole on the same grounds. Nevertheless, he was in general agreement with the draft resolution as a whole...³⁷

In 1959-63, it has been seen, Australian attitudes softened and, to a degree, the new attitudes were inconsistent with the old. It was inconsistent now to be agreeing that South Africa should have submitted a trusteeship agreement for South-West Africa, or that Portugal should report on her overseas territories, or that the information committee, even in permanence, was a praiseworthy institution, or that the Committee of Seventeen was actively to be supported. But this

³⁷ GAOR, 7th S., 4th Ctee., 295th Mtg., Dec. 6, 1952, p.329.

is not necessarily to say that there was explicit legal inconsistency. In a changing situation, Australia changed her policies and, perhaps more important, the terms in which she expressed them so that there tended to be a change of emphasis: legalism gave way to political considerations. In 1961, for example, Australia approved a draft resolution condemning Portugal even though virtually all its five preambular and eight operative paragraphs bristled with statements and assumptions to which Australian delegations of the 1950s would have registered strong legal and extra-legal objections. Old Assembly demands of Portugal were repeated (this no longer for Australia detracted from the dignity of the Assembly); Portugal's failure to co-operate with the Assembly was regretted (there was no obligation to co-operate, Australia would formerly have said); the situation in Portuguese territories was described (this was no longer an infraction of domestic jurisdiction); Portugal was condemned (Australia did still raise a mild query about this); Assembly responsibility and competence were declared (Australia would once have questioned their existence); the Assembly proceeded to deal directly with the territories rather than through the Administering Power

(again, there was no protest against encroachment on domestic jurisdiction); oral petitions were allowed for (Australia here merely warned against setting a general precedent - in this case, they were permissible); members were called on to apply pressure on Portugal (Australia was content to express a hope that sanctions were not envisaged because sanctions would not help the territories' inhabitants). Indeed, the Australian delegate, McIntyre, stated quite explicitly that:

He did not propose to enter into any legal argument on the competence of the General Assembly, under the terms of the Charter, to go as far as the draft resolution suggested that it could go in prescribing obligations to Administering Members.³⁸

For the rest, he criticised Portugal for not placing a liberal construction on obligations imposed on administering members by the charter, a criticism quite contrary to the earlier Australian view that a member should not be asked to do more than the strict wording of Chapter XI demanded and a criticism implying a complete disregard for earlier views on the Assembly's incompetence to deny a member's interpretation of its own constitutional structure.

³⁸ GAOR, 16th S., 4th Ctee., 1205th Mtg., Nov. 10, 1961, p.306.

Australia in the 1960s, then, tended to drop legal argument rather than considerably to change it. The question which immediately arises is whether Australia should ever have stressed legal argument. There is an argument, of the sort expressed by Morgenthau, against undue constitutionalism:

It is the tendency to look at the legal provisions of the Charter and the institutions derived from them as though they were self-supporting entities which receive their political meaning and their ability to perform political functions from their own literal content without reference to the political environment...³⁹

There are other objections. Was there any point in appealing to international law when 'under the surface of the universality of international law lies a great deal of indifference, heterodoxy, and pent up resentment or sense of revolt on the part of newer and smaller States'.⁴⁰ Another writer has suggested that:

...the effort to fall back on Article 2(7), or on the limitations contained in Chapters XI, XII and XIII does not constitute a solution.

³⁹ Hans J. Morgenthau, 'Political Limitations of the United Nations' in Lipsky, op.cit., p.143.

⁴⁰ Bin Cheng, 'International Law in the United Nations' in Year Book of World Affairs, Vol.8 (1954), p.170. Cheng went on to observe that 'all Members follow faithfully at all times the code of power politics in disguise, using international law the more often only as a tactical weapon, either in attack or in defence' (Ibid., p.195).

By relying on these legal niceties and preventing the United Nations from playing a more useful role in the settlement of tension-laden colonial disputes, they invited the people who are seeking freedom to resort to force...

...

Instead of being viewed as a 'distortion', the pre-occupation with self-determination in the United Nations should be viewed as a warning of a maladjustment that requires attention...⁴¹

There is, too, the view that:

The negative attitudes and defensive tactics of colonial-power interests provide opportunities to bring into alliance forces of nationalism and internationalism which are hostile to Western influence in all its aspects.⁴²

However naive their language may sound, these writers have a valid point. Australia might well have been advised, as one of the writers went on to say, to have joined in 'positive action indicating an understanding of the feelings of the colonial peoples and the creation of an atmosphere in which these peoples will share in the general progress of the world and feel

41 Benjamin Rivlin, 'Self-Determination and Dependent Areas' in International Conciliation, No.501 (January, 1955), p.270.

42 Benson, op.cit., p.238. One might also cite the view of the Economist leader writer: 'There is ample justification for opposing a blank negative to the claims of the United Nations. But is it wise? World opinion is strong and remarkably unanimous on the question of colonial status' (quoted in Johnson, op.cit., pp.222-3).

free of foreign oppression'.⁴³ On the other hand, while this sort of view may have some appeal, it may not be relevant. Australia may have shown a strong tendency towards undue constitutionalism and she may, for reasons which the United States, for one, found cogent,⁴⁴ have tended in any case to support positions taken up by Britain and other administering Powers with which she had links of sentiment or interest. But Australia herself administered territories in which were invested not only common emotional and financial factors but a defence factor. Australian governments may possibly have exaggerated this

⁴³ Rivlin, loc.cit.

⁴⁴ For discussion of the dilemma posed for United States policy makers seeking to offend neither alliance partners nor the anti-colonial group, see David W. Wainhouse, Remnants of Empire: The United Nations and the End of Colonialism, New York, 1964, pp.1, 8, 137-41; Philip W. Bell, 'Colonialism as a Problem in American Foreign Policy' in World Politics, Vol.V (1952-3), No.1 (October, 1952); William Henderson, 'United States Policy and Colonialism' in United States Academy of Political Science Proceedings, Vol.XXVI (1954-9), No.3; William Fisher Armstrong, 'UN on Trial' in Foreign Affairs, Vol.39 (1961), No.3 (April), p.397sq.

factor⁴⁵ but, given their view of it, their reaction to attempts to interfere with it almost can be assumed.⁴⁶ The ramifications of this aspect of Australian policy considerations are explored in the following chapter.

45 For a somewhat sceptical and, therefore, unorthodox view, see F.J. West, 'The New Guinea Question' in Foreign Affairs, Vol.39 (1961), No.3 (April), p.506.

46 This is not, of course, to suggest that Australian governments did not as well feel themselves to have a moral responsibility to safeguard what they saw as the best interests of the indigenes of Papua-New Guinea.

CHAPTER 10

IN

TERMS

OF HER

COLONY⁺

+ 'She [Australia] tends to look at the problem of dependent territories in terms of her colony of Papua and her Mandated Territory of New Guinea' (K.H. Bailey, 'Dependent Areas of the Pacific: An Australian View' in Foreign Affairs, Vol. 24 (1946), No.3 (April), p.495).

In 1936, Senator Sir George Pearce, then Minister for External Affairs, expressed what he said was the 'general attitude' of the Australian Government on 'the whole matter' of colonial territories. His arguments may have been intended to have had general validity, but his motives for stating them and the exception he allowed for Australia's own interest in 'the whole matter' were highly particular. Quite explicitly, he was concerned to prove unacceptable the particular contemporary claims of Germany, Italy and Japan to removal from the ranks of what he called the colonial have-nots. Rather than argue on ethical or historical grounds, he chose to meet the claimants on what he declared were their own grounds by trying to show that colonies did not provide a settlement outlet for surplus populations and that colonies were financial burdens rather than sources of prosperity. He had to concede that in some quarters the possession of colonies might have value as a token of status, but, clearly, he did not regard this as sufficient justification for colonial ambition. Having shown that colonies were in general scarcely worth having, he was quick to impress on the Senate that New Guinea (he was referring

to the mandated territory, not Papua) comprised a significant exception: its proximity to Australia, its harbours and aviation facilities, its strategic value, its natural resources, its settlement and trading potential were such that, while the status quo might not be permanently tenable, 'it is unthinkable that Australia should even consider the handing over of any territory'. His conclusion was that:

Every country is entitled to examine any international issue in the light of its own security and national interests, and the inviolability and integrity of our Australian territories is as much one of the cardinal aims¹ of our people as is the White Australia policy.

Pearce, then, was less than logical,² but his speech serves as a useful illustration of attitudes which were prevalent in Australia for fifty years before he spoke and only recently have begun to change. His assumption that Australia's relations with New Guinea were peculiar enough to allow an exception to general rules about colonies reflected the view, strongly held over a long period, that Australia was dependent

¹ CPD, Vol.149, p.123 (March 13, 1936).

² For a kinder estimate, see Peter Heydon, Quiet Decision, Melbourne, 1965, p.128. In this biography of Pearce, Heydon, however, goes on to quote a Sydney Morning Herald reference to the claim that colonies were not useful for the settlement of surplus populations: 'Most foreign peoples will receive with derision such a commentary from an Australian'.

on her dependencies. This dependency was not merely a matter of economics or prestige or peripheral security considerations; Australia equated continuing effective control of Papua and New Guinea with the maintenance of her own metropolitan territorial security. Given the fact of this equation, whatever its validity, it is not surprising that for as long as it held, or for as long as it was diplomatically feasible to act on it, Australia was loath to approve United Nations measures at all dangerous to the preservation of her control of the territories:

It is taken for granted that, at least for defensive purposes, every State has uppermost³ in its mind its own existence and survival...

That Australia's interest in Papua and New Guinea has been primarily a defence interest, and that this defence interest has been proclaimed as being of a vital kind, is scarcely open to doubt. Some writers, Scott and Garran, for example, have given too little weight to Australia's secondary economic motives;⁴ both claimed

³ G. Schwarzenberger, 'International Law and Society' in Year Book of World Affairs, Vol.1 (1947), pp.160-1.

⁴ Ernest Scott, Australia During the War, Vol.XI of The Official History of Australia in the War of 1914-1919, Sydney, 1937, p.773; Sir Robert Garran, Prosper the Commonwealth, Sydney, 1958, p.264.

that Australia's sole motive for seeking control in 1919 of territories to the north was a security one, yet it is clear that Australian governments of the time were closely interested in the economic consequences of possession.⁵ However, as McAuley has said, whatever the importance to Australia of her 'considerable shipping, aviation, trading, mining, plantation, and missionary interests in the region....defence interests are paramount'.⁶

5 In 1916, for example, the Government asked the Inter-State Commission for a report on trade potential in the South Pacific; the report, which assumed Anglo-Australian possession of what had been German New Guinea, was optimistic (Parliament of the Commonwealth of Australia, Inter-State Commission of Australia, British and Australian Trade in the South Pacific, Report, Melbourne, 1918, pp.116-8 - in CPP, 1917-18-19, Vol. V). In 1916, too, Pearce wrote to the then Prime Minister, W.M. Hughes, arguing for the commercial and industrial, as well as strategic, value of islands to the north (Heydon, op.cit., p.231). In 1919, Cook saw the islands as a 'source of great wealth to Australia' and this as 'the best of reasons' for holding the power to 'exploit' them (CPD, Vol.89, p.12409 - Sept.17, 1919). Hughes said of Labor Opposition advocacy for international control: 'It would be for us the end. Not only national, but economic safety forbids it...Under international control, how could we secure the trade of these islands which legitimately belong to us...' (Ibid., p.12608 - Sept. 19). And he saw control of phosphate-rich Nauru as offering a chance for Australia to recoup the cost of World War II (Ibid., p.12679 - Sept.24).

6 James McAuley, 'Defence and Development in Australian New Guinea' in Pacific Affairs, Vol.XXIII (1950), No.4 (Dec.), p.371.

Colonial commitments present two military faces: on the one hand, they may boost the capacity of the metropolitan Power to defend its interests; on the other, they can strain and spread thin that capacity, both for defence of dependent territories and the home state.⁷ A minority in Australia has argued that, far from guaranteeing or aiding Australia's defence capacity, island possessions to the north merely have presented Australia with more and difficult defence responsibilities.⁸ But the majority view, or at least the official view, has been that island territories to the north must be kept in friendly, and preferably Australian hands. This was the view of the pre-federation Australian agitators for British activity

7 For a discussion of the military aspects of colonialism, see Royal Institute of International Affairs Study Group, The Colonial Problem, Oxford, 1937, pp.17-20, 28-39.

8 A leading inter-war spokesman for this school in Australia was Senator Lynch, a former minister, who urged that the mandate be handed over to the United States (see CPD, Vol.98, p.13872 - Dec.7, 1921; Vol.100, p.2215 - Sept. 14, 1922; Vol.130, p.3106 - June 26, 1931). See also A Naval Expert, 'Mandated Territories - Some Defence Considerations' in F.W. Eggleston, ed., The Australian Mandate for New Guinea, Melbourne, 1928, p.90; and John Andrews, 'New Guinea and Australia's Defence and Foreign Policy' in John Wilkes, ed., New Guinea and Australia, Sydney, 1958, p.177.

in what became Papua.⁹ This was the view of a Prime Minister, W.M. Hughes, in 1919 when he said that 'any strong power controlling New Guinea controlled Australia' and that, if Australia did not control the territory, she could 'not...feel safe'.¹⁰ This was the view of the then Prime Minister, J.B. Chifley, in 1946 when he declared that Australian defence (and the welfare of the natives) demanded that Australia must have 'complete and exclusive power in controlling the administration of New Guinea' and 'full powers of legislation, administration and jurisdiction'.¹¹ This was the view of the then Australian Ambassador to the United States, Sir Percy Spender, in 1957 when he said that 'Australia had a cardinal interest in the whole area of New Guinea and in its future...New Guinea represented the very key to Australia's defence....'.¹²

9 See, e.g., J.D. Legge, Australian Colonial Policy, Sydney, 1956, p.30.

10 Quoted in David Lloyd George, The Truth About the Peace Treaties, Vol.1, London, 1938, pp.519-20.

11 CPD, Vol.188, p.3853 (Aug.7, 1946). He added that nothing but absolute control could be accepted by any Australian government.

12 GAOR, 11th S., 1st Ctee., 858th Mtg., Feb.25, 1957, p.285.

And one may suppose this was the view behind Menzies' statement in the same year that 'the integrity of Dutch New Guinea is vital to Australia...'.¹³

Her view of her relations with her dependencies, then, has placed Australia in almost a unique position among administering Powers, not so much in her proclamation of a military interest in their retention as in the degree or nature of that interest. This, in turn, is related directly to another unique aspect of Australia's experience of colonialism: the geographical factor of virtual colonial contiguity.¹⁴ No other state (unless South Africa is regarded as an administering Power) has in the United Nations period administered

13 Sydney Morning Herald, April 25, 1957. Just as the defence value of Papua-New Guinea to Australia may be debatable, the whole notion of value or motivational categories may be questioned. One might, as Strachey says (John Strachey, The End of Empire, London, 1959, p.211), see all interests as ultimately economic, as all related to the alternatives of exploiting or being exploited. Equally, one might see all interests as ultimately political, to do with power and its extension or preservation. Here, conventional categorisation serves the purpose of clarifying the Australian position.

14 Some writers would see the expression 'colonial contiguity' as a contradiction in terms (see, e.g., Quincy Wright, The Study of International Relations, New York, 1955, p.181). Most allow for such a concept (see e.g., G. Schwarzenberger, Power Politics, London, 1951, p.69).

contiguous dependent territories of the sort relevant to this work. Properly speaking, Papua and New Guinea are non-contiguous with Australia, but they are separated by a barrier of water so narrow that it has been possible for a responsible Australian minister to say:

The Territory is no more remote from the national capital and the heart of Australian population than the outlying States of the Commonwealth. Hence, the administration of the Territory can be in the clearest and most direct sense an Australian administration, as distinguished from a colonial government.¹⁵

Consequently, Australia has tended to behave as though the territories were contiguous with the metropolitan state. As Andrews has suggested, Australian policy makers might have been happier had New Guinea not existed.¹⁶ But New Guinea does exist, and, just as Australian Governments have seen the territories as dependent on Australia,¹⁷ so contiguity

¹⁵ Paul Hasluck, Australia's Task in Papua and New Guinea, Melbourne, 1956, p.4.

¹⁶ Andrews, loc.cit.

¹⁷ Until 1945-6, this was rather played down. Subsequently, it has been accepted by Australian governments with good grace: see a statement of Hasluck, for example, in Murray Groves, New Guinea: Australia's Colonial Frantasy, Melbourne, 1962, p.13.

almost inevitably has led them to see Australia as dependent on the territories.¹⁸

Except in the context of the West Irian dispute (and then repeatedly), Australia has not stressed the defence consideration as a factor in her relations with her dependencies in the international forum.¹⁹ It would have been diplomatically foolish to have done so as, perhaps, it was in the West Irian case. Thus one does not find Australian delegation members objecting to United Nations activities explicitly on the grounds that such activities would or might interfere with the security of Australia's hold on her territories and that this was intolerable because Australia had invested defence value in the maintenance of her hold. On the one hand, Australia has, mainly

18 The view that 'no other trust territory is so intimately related from a security point of view to its administering government' (Harper and Sissons, op.cit., p.215) applies as much to Papua and non-self-governing territories as to New Guinea proper and trust territories.

19 This consideration has, of course, been advanced from time to time. In 1946, for example, when the Soviet Union was objecting to the degree of control written into trusteeship agreements submitted by mandatory Powers, Bailey declared that 'strategically, New Guinea was of vital importance to Australia' (GAOR, 1st S., 2nd Pt., 4th Ctee., 18th Mtg., Nov.11, 1946, p.94).

outside the international forum, consistently until recent years stressed such an investment and, on the other, inside the international forum, done almost everything possible to preserve the security of her control of her territories.

Australia inherited Papua from Britain and, until 1945, was free to administer it as she chose without fear of significant outside interest. She inherited New Guinea and Nauru from Germany under international auspices and subject to a limited degree of international accountability. Having achieved sufficient control of them to lull defence fears, Australia paid a minimum of further attention to them in the inter-war period.²⁰ Her administration was relatively humane, but limited in scope; simple possession was the principal end.²¹ Because she was internationally accountable, Australia did have to go some way towards

²⁰ Hudson, loc.cit.

²¹ A former administrator of Papua-New Guinea, J.K. Murray, mourned that public concern for the territories was 'allayed too easily by the bare legal occupancy of the two Territories'. He continued: 'It is significant that New Guinea has been in the forefront of public attention on only three occasions, all of them crises from the strategic point of view' (J.K. Murray, The Provisional Administration of the Territory of Papua-New Guinea, Brisbane, 1949. p.12).

justifying her somnolence, and this she did by stressing constantly the primitive condition of the indigenous inhabitants, the geographical and linguistic difficulties faced by the administration and her own inability as an economically developing state to achieve immediate and massive progress in the territories.²²

The Mandates Commission, the focus of international accountability in the League's two decades, courteously and persistently sought to have Australia change administrative policy, but to little effect. League forms and Commission membership allowed Australia to ward off encroachments on jurisdiction and go her own way.

At San Francisco in 1945, Australia clearly wanted international accountability made universal for dependent territories, except for a few approaching

22 The Permanent Mandates Commission occasionally, and later the Trusteeship Council more frequently, showed impatience with Australia's claims of special difficulties. As Healey has suggested (Allan Healey, 'Under White Rule' in New Guinea, 1962, p.10), this tactic has not sounded altogether convincing. The question is whether administrative difficulties adequately explain government inactivity over many years or whether the explanation was indicated by McAuley when he wrote that 'the idea of perpetual subjection of the native people has existed in the past as an unexamined premise in the minds of many people who have dealt with New Guinea affairs' (James McAuley, 'Australia's Future in New Guinea' in Pacific Affairs, Vol.XXVI (1953), No.1 (March), p.61).

autonomy. But the form of accountability was couched essentially in League terms: accountability in the form of reporting to a commission of experts. While Australian statements before and during the conference frequently referred to political development, Australia, as Bailey wrote in 1946, was used to dealing with territories of a sort that 'to state the objectives of trusteeship in terms of independence, or even of self-government, would be to use language without any present reality...'.²³ In seeking universal accountability, Australia pursued a radical course, but her ends were moderate. Her hold on Papua and New Guinea was not intentionally placed in jeopardy.²⁴

When the United Nations charter was signed, Australia's control of her dependencies seemed safe. Papua fell within the ambit of Chapter XI but this involved only an Australian undertaking to be a progressive and humane administrator, to let the outside world know something of economic, educational and social progress in the territory and to point the territory in the direction of self-government. The

23 Bailey, op.cit., pp.495-6.

24 Sections of the Australian press, and especially the Sydney Morning Herald, professed to fear this at the time.

territory of New Guinea, if Australia chose, came within the scope of the trusteeship system of Chapters XII and XIII. This comprised a system of supervision somewhat more rigorous than the League's but not to the point, it seemed then, of posing a substantial threat to Australia's interests. Very soon, however, it became apparent that Australian interests were threatened.

This threat was posed not, as it had been in the League's years, by imperial jealousy, but by the novel phenomenon of outright anti-colonialism. Members of the United Nations quickly showed a desire to exert pressure on administering Powers to terminate their administrations in favour of indigenous elements and, in the meantime, to allow the United Nations a decisive voice in administration. This pressure was effective because of two factors: numbers and organisational forms.

It is sometimes argued that the number of anti-colonial Powers in the United Nations reflects the formerly colonial background of a large proportion of members, but this is scarcely to the point; the same

could have been said of many League members.²⁵ The essential fact is that, from the beginning, the United Nations' membership has included recently dependent states which were not League members (or only for short periods), and states which were members of the League but were then represented by governments with a different outlook. Because of ideological and political developments during World War II, there emerged in the United Nations identifiably anti-colonial Powers and a large number of them. United Nations forms then became important because (a) the structure of the Trusteeship Council inevitably allowed strong anti-colonial membership unheard of in the Mandates Commission's day, and (b) the Assembly could depart from the 'rubber-stamping' role played formerly by the League Council and address itself directly to administering Powers and direct the activities of the Trusteeship Council. Add to this

25 Thus, Sayre's citation of a London Times analysis of the colonial backgrounds of the charter signatories is not in itself very relevant or informative (Francis B. Sayre, 'The Advancement of Dependent Peoples' in International Conciliation, No.435 (1947), p.699). What is important is that states like India and Iraq, members of the League, behaved differently in the United Nations.

the effect of the Cold War, which cost the anti-colonial cause full United States support but guaranteed it Soviet bloc backing, and the administering Powers found themselves facing unexpected and difficult problems.

To a degree, the Australian response to anti-colonial pressure was predictable in the circumstances, especially when her own territories were involved. This response could take an ad hominem form as in 1955 when, after some sarcasm from an Indian representative on Australia's performance in New Guinea, Forsyth told the Council that:

The Indian representative,..had never visited the Territory, was comparatively new to the Trusteeship Council, was apparently imperfectly acquainted with the voluminous material supplied to the Council...by the Australian Government and seemed to have listened to and questioned the special representative only in order to obtain evidence²⁶ in support of preconceived criticisms.

There was what might be called an ad nationem response. This comprised mainly attacks on the Soviet Union and communism (which offered only the 'kiss of death' to nationalism, as Casey once put it)²⁷ and on smaller critics ('we are sometimes criticized by certain countries for not providing social services in our...

26 TCOR, 16th S., 624th Mtg., June 27, 1955, p.100.

27 GAOR, 7th S., 384th Pl.Mtg., Oct.20, 1952, p.107.

Territories on a scale far beyond that which exists in the countries of some of our critics').²⁸ As Spender once said in justification: 'No one can be expected to lie down and be sniped at forever without some human impulse to retaliate in kind'.²⁹ There could also be a kind of aggressive give-and-take in this context. So that, if the Trusteeship Council, for example, condemned the use of pidgin in New Guinea as representing outworn concepts of indigenous-outsider relationships,³⁰ the responsible Australian minister, Hasluck, could answer back that to suggest the abolition of pidgin 'was as ridiculous as to suggest that all Europeans should begin speaking nothing but Russian next week'.³¹

More to the point, however, it was evident that the Australian reaction to anti-colonial pressure, even when Papua, New Guinea or Nauru were not involved to any greater degree than any other dependent territory, was associated with anxiety for her position in her own territories. In 1952, for instance, Casey complained

28 Ibid., p.108.

29 New York Herald Tribune, Nov.15, 1952.

30 GAOR, 8th S., Supplement No.4, 1953, p.109.

31 London Times, July 22, 1953.

in parliament that there was a 'tendency...to attempt to use the United Nations Organization as a means of bringing pressure on other nations in respect of matters that are in fact of domestic concern...'.³²

Later in the year, he said that the whole question of colonial issues needed serious consideration, adding that:

We will not tolerate attempts to take our responsibility for New Guinea out of our hands... It should be the function of the United Nations to foster friendly discussion - not to use pressure tactics upon administering governments which, merely tend to cause unrest in the Territories concerned.³³

In 1950, Hood refused to approve a proposal that the United Nations flag be flown beside administering Powers' flags in trust territories, not because he could not envisage appropriate occasions for such dual flag-flying, but because there should not be any confusion about the ultimate authority in trust territories and the administering authorities should be free to avoid actions likely to cause such confusion.³⁴

In 1952, on the question of indigenous participation at the United Nations, the Australian delegate declared

32 CPD, Vol.217, p.1369 (June 4, 1952).

33 Current Notes, Vol.23, p.741 (December, 1952).

34 TCOR, 6th S., 76th Mtg., March 30, 1950, p.609.

the necessity of having:

...nothing done which might, even hypothetically, deprive the Powers to which the General Assembly has entrusted the administration of the Territories of some of their authority or lessen the confidence placed in them by the indigenous inhabitants.³⁵

In 1955, Forsyth stressed that 'the deliberative body which could instruct the Territorial Government and determine policy in the Territory of New Guinea was... the Parliament of Australia...'.³⁶ Objecting in 1956 to a Soviet proposal for the setting of self-government target dates, Walker repeated the view that 'the Trusteeship Agreements designate us as the sole authority which shall exercise the administration of the Territories...'.³⁷ In 1958, Kelly used almost the same wording:

...the Trusteeship Agreement for the Territory of New Guinea clearly designated the Government of Australia as the sole authority which should exercise the administration of the Territory.³⁸

In the 1940s and 1950s, Australia did not deny that Papua was proceeding towards self-government or

35 GAOR, 6th S., 4th Ctee., 237th Mtg., Jan.4, 1952, p.240.

36 TCOR, 16th S., 642nd Mtg., July 19, 1955, p.231.

37 GAOR, 11th S., 661st Pl.Mtg., Feb.26, 1957, p.1225.

38 GAOR, 13th S., 4th Ctee., 797th Mtg., Nov.12, 1958, p.287.

that New Guinea and Nauru were proceeding towards self-government or independence. But, in that period, Australian delegates made it clear that self-government or independence was very distant. Thus, when each year the Trusteeship Council earnestly sought greater indigenous participation in administration and representation in a legislature,³⁹ the stock Australian response was that New Guineans were primitive, lacked territorial or political consciousness, and needed first to be given health and education facilities;⁴⁰ that it was pointless to talk of a greater share in administration for indigenes when most of them would not know the meaning of the concepts involved;⁴¹

39 A Belgian member of a visiting mission to New Guinea said in 1953 that 'in political matters, we cannot but get the impression that the Administration is somewhat timid in its recognition of indigenous institutions' (TCOR, 12th S., 473rd Mtg., July 2, 1953, p.211). But it is doubtful if the Belgian would have agreed with a comment made much earlier: 'The reason for the Commonwealth Government's reluctance to grant even the most limited form of self-government to the territory is somewhat obscure' (Marjorie G. Jacobs, 'The Australian Native Dependencies in the Pacific' in A.I.I.A., Australia and the Pacific, Australian Supplementary Papers, Series E. Nos. 1 to 3, prepared for the British Commonwealth Relations Conference, 1938, Melbourne, 1938, p.12).

40 TCOR, 3rd S., 24th Mtg., July 14, 1948, p.300.

41 TCOR, 5th S., 15th Mtg., July 7, 1949, p.191.

that the indigenes had the mental age of children;⁴²
 that 'our enquiries revealed...not one indigenous
 inhabitant with...general knowledge of the Territory'.⁴³
 For anti-colonial Powers, the point of this sort of
 view was that, as Forsyth once said, 'full self-
 government is a very long way off in such primitive
 territories as these...'⁴⁴ and, as Hood said in 1949,
 'some aspects of development had to be thought of
 in terms of...generations...'.⁴⁵ That is to say,
 Australian control had to be thought of in terms of
 generations.

42 TCOR, 7th S., 9th Mtg., June 13, 1950, p.68.

43 TCOR, 12th S., 472nd Mtg., July 1, 1953, p.184.

44 TCOR, 2nd S., 1st Pt., 16th Mtg., Dec.15, 1947, p.527.

45 TCOR, 5th S., 15th Mtg., July 7, 1949, p.191. If nothing else, emphasis on New Guineans' backwardness was bad debating strategy. A Soviet member of the Council could comment in 1951 that 'Stone Age conditions prevailed in certain areas was a highly significant admission from an Administering Authority which had administered New Guinea for thirty years' (TCOR, 8th S., 340th Mtg., March 12, 1951, p.211), and in 1955 an Indian member could find it 'strange that after more than thirty-five years of modern influence not a single member of the indigenous community had reached the stage where it could advise the Administration in a responsible and democratic manner' (TCOR, 16th S., 624th Mtg., June 27, 1955, p.99).

During the late 1950s, there was still emphasis in official Australian statements on the backwardness of the indigenes of Papua and New Guinea and on their 'recently barbaric way of life'.⁴⁶ but there was also apparent an awareness of growing international pressure on the surviving administering Powers, including Australia. As Casey said in 1957: 'As the area of colonies contracts...We may expect, I think, that the remaining non-self-governing territories...will attract much attention'.⁴⁷

In 1960, there occurred a significant event in the political history of Papua-New Guinea: the expansion of indigenous representation in the territory's Legislative Council from three appointed members to five appointed and at least six elected members. At about the same time, both Hasluck⁴⁸ and Menzies⁴⁹ firmly stated Australia's intention to implement self-government in the territory. Hasluck stressed that

⁴⁶ Statement by Casey (CPD, H. of R. Vol.18, p.874 (April 15, 1958)).

⁴⁷ Current Notes, Vol.28, p.405 (May, 1957). Hasluck, in 1960, felt that 'as a result of recent developments in Asia and Africa and of changes that are taking place in the United Nations there is increased international interest in the Australian administration of Papua and New Guinea' (CPD, Vol. H. of R. 28, p.257 - Aug.23, 1960).

⁴⁸ Ibid., p.1291 (Sept.22, 1960).

⁴⁹ GAOR, 15th S., 888th Pl.Mtg., Oct.5, 1960, p.435.

'we are not going out of the Territory in a hurry',⁵⁰ that events in 1960 reflected 'no recent change of policy',⁵¹ that Australia still had an interest in the region.⁵² But there was not the old emphasis on the primitive nature of the indigenes; rather there was emphasis on progress achieved, and Hasluck claimed that only parliamentary circumstance had prevented reform of the Legislative Council several years earlier.⁵³ Australia's interest in the area was expressed in terms of friendly relations when Papua-New Guinea had achieved self-government and 'after self-government' rather than in terms of Australian control.

It is not possible to declare as a fact that international pressure forced, and a changing strategic situation perhaps allowed,⁵⁴ Australia to relax her

50 CPD, Vol. H. of R. 28, p.263 (Aug.23, 1960).

51 Ibid., p.255.

52 Ibid., p.260.

53 Current Notes, Vol.31, p.343 (July, 1960).

54 Writing in 1965, one defence specialist, after noting that control of eastern New Guinea by a hostile Power would make easier that Power's attack on Australia's east coast and seriously endanger Australian shipping and air routes to the north, described Papua-New Guinea as ' "essential" to the defence of Australia, but not "vital" ' (T.B. Millar, 'Defence of New Guinea', in New Guinea, Vol.1 (1965), No.1 (April), p.69.

position in Papua-New Guinea and that resignation on the question of foreseeable, imminent self-government for Papua-New Guinea allowed her to relax her position on other colonial questions - whether on South-West Africa, the Portuguese territories, or implementation of the Declaration on Colonialism. However, it will be apparent from the narrative in preceding chapters that international pressure did mount markedly in the late 1950s, and that the process of decolonisation was leaving Australia in an increasingly isolated position. There then followed, coincidentally if nothing more, at once a manifestly new Australian attitude on Papua-New Guinea and a manifestly new attitude on other colonial issues.⁵⁵

⁵⁵ Little has been said here of Nauru. Initially, Australia's interest in the island was solely financial; lately, the fate of the islanders after the exhaustion of Nauru's phosphate reserves (and tillable land) had caused political embarrassment for Australia, but not so far of a major kind.

CHAPTER 11

DIPLOMATIC

CONSEQUENCES

The preceding chapters of this work have represented an attempt to describe Australian positions on a large number of questions of significance in decolonialist terms and to indicate something of the basis of Australia's interest in colonial issues. Little has been said to this point, however, about the immediate diplomatic effect of Australian policy. It is proposed in this chapter, on analyses of proposals put to the General Assembly or its committees and of voting on them, to indicate with greater precision than previously those states which have been most involved in attempts in the United Nations to hasten the process of decolonisation and the extent to which they have included states of close interest to Australia; to indicate in highly summarised form the Australian response to their activities; to note with which states and to what degree Australia has tended to make common cause. The point of these questions is apparent if yet more are asked: to what extent have policies on colonial issues alienated Australia from Asian neighbours with whom Australian governments have declared the desirability of maintaining friendly relations; if continuing control of Papua-New Guinea has principally

determined the Australian position, what price has Australia apparently paid for seeking to safeguard that control; to what extent has Australia's position happened to coincide with that of friends greater and more powerful than her immediate neighbours; to what extent has Australia, like the United States, been torn between a desire to alienate neither anti-colonial nor colonial Powers; to what extent has the Australian record varied according to changes of government at home and circumstances abroad?

The analyses which follow are based on 192 proposals put in the Assembly during the period 1946-63 - 154 of them being proposals which were adopted and thus became Assembly resolutions and 38 being proposals which were rejected.¹ They were chosen either for having seemed to mark a notable step in mounting pressure in the United Nations on dependency-administering states, or for having seemed essentially characteristic of the kind of 'pressure by resolution' practised in the Assembly. They relate to Chapter XI and trusteeship system issues and to the specific questions discussed above under the 'Colonial Threats to Peace' heading, with this exception: the Indonesian question, which

1 For a list of the resolutions and unsuccessful proposals, see Appendix A.

engaged the United Nations almost entirely in the Security Council, has been omitted because of the difficulties involved in trying to translate Security Council membership and forms into Assembly terms. The omission of any proposals arising from the one question on which Australia took a strongly anti-colonial position distorts to a degree some of the patterns indicated below and allowance should be made for it. The 192 proposals are not chronologically balanced: there were years of particularly intense activity - 1949 and 1960, for example. Nor do they comprise more than a fraction of all those submitted, although the fraction is not small.²

In considering voting figures, it should be noted that states' attitudes are not always simply reflected in their voting. One state may vote against a proposal because it is too radical and another because it is too moderate (in this sort of context, Australia

2 Of the 192 proposals, 139 went to plenary or committee roll-call votes and thus allow detailed analysis of voting. In his comprehensive analysis of voting on colonial questions, Rowe bases his calculations on 319 'issues' on which roll-call votes were requested, but it will be seen that the trends which he indicates on a basis of examination of the 319 are evident in an examination of the 139: see Edward T. Rowe, 'The Emerging Anti-Colonial Consensus in the United Nations' in Journal of Conflict Resolution, No. 3 (Sept.), Vol. VIII (1964), pp.210-11.

and communist states occasionally have been found voting in the same way). Sometimes, the vote of a state is admitted by its delegate to have little to do with the substance of the proposal in question but is designed to manifest an attitude about something else.³ It might be questioned how far the activities of some delegations reflect the policies of their governments. A vote may reflect views of the form or expression of a proposal rather than its substance. Finally, as it was noted above, the option of voting in one of only three categories on often long and complex drafts reduces policy to expression in very crude terms. For these reasons, undue precision should not be attributed to figures given below.

3 It was seen above that in 1958 the Australian delegate abstained in plenary voting on a further three-year term for the information committee as a general protest against anti-colonial pressures rather than because Australia opposed re-appointment.

I.

Of the 192 proposals, Australia voted for 50, against 70 and abstained in the voting on 72 in the following way:⁴

Table 1

AUSTRALIAN VOTING IN THE GENERAL ASSEMBLY AND COMMITTEES
ON 192 PROPOSALS ON COLONIAL QUESTIONS 1946-63

<u>Proposal Category</u>	<u>Number</u>	<u>Australian Vote</u>		
		<u>For</u>	<u>Against</u>	<u>Abstained</u>
NSGT ⁵	91	26	34	31
TrS ⁶	71	16	21	34
Pol ⁷	30	8	15	7
	<u>192</u>	<u>50</u>	<u>70</u>	<u>72</u>

Looking now at the Australian voting on those proposals accepted by an adequate majority (a simple majority in committee and usually a two-thirds majority in plenary

4 In 45 instances, cited in Appendix A, the vote counted is that registered by Australia in a committee of the Assembly, whether because the Australian vote in plenary session is unavailable, the proposal in question was rejected at the committee stage, or because the proposal adopted in committee was not submitted in plenary session. 'For' votes include adoptions recorded as having been unanimous or 'without objection'.

5 This encompasses Chapter XI and Declaration on Colonialism issues.

6 Trusteeship system proposals.

7 Proposals related to the West Irian, Moroccan, Tunisian, Algerian and Oman questions.

session) and those rejected, it can be seen in the following tables that majorities against proposals very rarely failed to include Australia but that, on most occasions, Australia did not vote with the majority when a proposal was adopted:

Table 2

AUSTRALIAN VOTING ON 38 REJECTED PROPOSALS 1946-63

<u>Proposal Category</u>	<u>Number</u>	<u>Australian Vote</u>		
		<u>For</u>	<u>Against</u>	<u>Abstained</u>
NSGT	14	-	14	-
TrS	6	1	5	-
Pol	18	3	15	-
	<u>38</u>	<u>4</u>	<u>34</u>	<u>-</u>

Table 3

AUSTRALIAN VOTING ON 154 ADOPTED PROPOSALS 1946-63

<u>Proposal Category</u>	<u>Number</u>	<u>Australian Vote</u>		
		<u>For</u>	<u>Against</u>	<u>Abstained</u>
NSGT	77	26	20	31
TrS	65	15	16	34
Pol	12	5	-	7
	<u>154</u>	<u>46</u>	<u>36</u>	<u>72</u>

These tables show fairly clearly the general hostility felt by Australia towards these proposals. However, as the next table shows, this hostility was not manifested uniformly. It was apparent during the early (Australian Labor Government) years, grew much more intense during the 1950s, relaxing markedly in the 1960s:

Table 4

AUSTRALIAN VOTING ON 192 PROPOSALS IN THREE PERIODS OF
1946-63

<u>Voting Category</u>	<u>1946-9</u>	<u>1950-9</u>	<u>1960-3</u>
For	18	16	16
Against	17	48	5
Abstention	<u>5</u>	<u>39</u>	<u>28</u>
	40	103	49
	—	—	—

II.

Turning now to the major question of the diplomatic consequences of Australian policy, to the question of which states Australia has tended to oppose or support, answers may be sought in two ways: (1) by determining those Powers which, as far as may be gathered from available records, have taken initiatives in the submission of proposals on colonial issues and indicating the Australian response in the case of each Power; and (2) by analysing the Australian voting record

on these proposals in comparison with the voting records of other administering Powers (which include Australia's greatest international friends), of Asian Powers (which include most of Australia's neighbours), of several western Powers heirs to a tradition and outlook similar to Australia's but not themselves directly involved in colonial questions, of a communist Power, of two representative Middle Eastern Powers, of two African Powers and of two Latin American Powers.

Dealing first, then, with the identity of those Powers which have most lent themselves to the submission and support of proposals on colonial questions, the following table indicates the roles of fifteen Powers in an order governed by the number of proposals which they initiated or co-sponsored:⁸

⁸ In the case of eleven of the 192 proposals, it is not possible to indicate sponsorship with assurance. They were submitted initially in the information committee or a committee on South-West Africa, the records of which tend to be highly summarised.

Table 5

INCIDENCE OF SPONSORSHIP OF 181 PROPOSALS ON COLONIAL
ISSUES 1946-63

<u>Country</u>		<u>Number Sponsored</u>	<u>Country</u>		<u>Number Sponsored</u>
1	India	87	9	Philippines	42
2	Egypt - UAR ⁹	70	10	Ceylon	38
3	Indonesia	54	11	Guinea	38
4	Iraq	55	12	Morocco	38
5	Burma	53	13	Afghanistan	36
6	Syria	52	14	Cuba	35
7	Ghana	49	15	Pakistan	35
8	Liberia	45			

Because all proposals categorised under the 'Threat to Peace' heading related to Arab or Moslem grievances, it might be thought that some Arab or Moslem states could have had a particular interest in these issues sufficient to distort their proper place in a generally anti-colonial group. In fact, if consideration is restricted to Chapter XI and trusteeship system proposals, Guinea, Afghanistan and Pakistan are replaced near the bottom of the list by Yugoslavia, Ethiopia and Mali. Otherwise, the order remains much the same.

9 Egypt merged with Syria in 1958 to form the United Arab Republic. Syria broke away in 1961 and resumed separate United Nations membership.

States listed in Table 5 were not uniformly active over the 1946-63 period. Broadly speaking, Latin American initiatives, marked in 1946-55, declined thereafter relative to those taken by new, particularly African, states. The following table, based like Table 5 on all 181 proposals, distinguishes between incidence of sponsorship in the 1946-55 period and the 1956-63 period, during the latter of which many formerly colonial states entered the United Nations:

Table 6

INCIDENCE OF SPONSORSHIP OF 181 PROPOSALS ON COLONIAL ISSUES

<u>1946-55</u>			<u>1956-63</u>		
	<u>Country</u>	<u>Number Sponsored</u>		<u>Country</u>	<u>Number Sponsored</u>
1	India	38	1	Ghana	49
2	Cuba	28	2	India	49
3	Egypt - UAR	28	3	Egypt - UAR	42
4	Philippines	22	4	Iraq	40
5	Syria	21	5	Indonesia	39
6	Ecuador	16	6	Burma	38
7	Pakistan	16	7	Ceylon	38
8	Burma	15	8	Guinea	38
9	Indonesia	15	9	Morocco	38
10	Iraq	15	10	Liberia	35
11	Lebanon	14	11	Ethiopia	33
12	Guatemala	13	12	Mali	33
13	Denmark	11	13	Tunisia	32
14	Saudi Arabia	11	14	Syria	31
15	Liberia	10	15	Sudan	30

Thus, Cuba, Ecuador, Guatemala, Lebanon, Saudi Arabia, the Philippines, Pakistan and Denmark,¹⁰ while still active, were replaced in prominence by five African, two North African and another Asian state.¹¹

Australia's neighbours were prominent, whether one looks at the overall or short-term pictures. Burma, Ceylon, India, Indonesia, Pakistan and the Philippines were the most prominent of them, but Cambodia, Malaysia, Nepal and Thailand, too, were active - Thailand more in the earlier years, the others in the later years of the period when multi-sponsorship was common. The following table shows the Australian voting response to proposals sponsored by Asian states:

10 Denmark, like the United States at times, would sponsor proposals not altogether to the liking of her fellow administering Powers but preferable in their view to more extreme Afro-Asian proposals, that is, she tended to provide compromise formulas.

11 Had the listing in Table 5 been continued for a further ten places, the additional states in order would have been Ethiopia, Mali, Saudi Arabia, Yugoslavia, Lebanon, Tunisia, Sudan, Libya, Nepal, Nigeria.

Table 7

AUSTRALIAN RESPONSE TO PROPOSALS ON COLONIAL ISSUES
SPONSORED BY ASIAN STATES 1946-63

Country	Number Sponsored	Australian Vote		
		For	Against	Abstained
India	87	19	27	41
Indonesia	54	11	19	24
Burma	53	9	20	24
Philippines	42	8	16	18
Ceylon	38	8	10	20
Pakistan	35	6	13	16
Nepal	27	5	7	15
Cambodia	19	6	1	12
Malaysia	16	4	1	11
Thailand	13	5	1	7
Japan	8	6	-	2
Laos	3	2	-	1
China	2	1	-	1

III.

Of the 192 proposals so far considered, 137 were subject to committee or plenary session roll-call votes; that is, in 137 instances, it is possible to indicate how present and participating delegations voted and thus to compare Australian voting with that of other member states. The illustration on the following page plots in chronological sequence the voting of Australia

REPRESENTATION OF SELECTED
POWERS' VOTING ON 137
PROPOSALS ON COLONIAL ISSUE
1946-63

- VOTE FOR
- ⊗ VOTE AGAINST
- ⊙ ABSTENTION
- ⊗ NOTED AS PRESENT BUT NOT VOTING OR NOT PARTICIPATING
- NO VOTE REGISTERED

FOR DESCRIPTION OF THIS
DIAGRAM SEE APPENDIX A

and other selected states.¹² This diagrammatic representation allows an immediate appreciation of the way in which these states voted and the trend in their voting in what Rowe shows in mathematical terms to be the development of an anti-colonial consensus in the Assembly.¹³ It can be seen that not only did Asian, African, Latin American and communist states (assuming that the states selected are representative) continue throughout the period generally to vote for proposals,¹⁴ but that Australia and most other administering Powers tended increasingly from 1959-60 to accept proposals or abstain in voting on them, a tendency also marked and evident earlier in the case of non-administering western Powers.

The following table compares the Australian voting record with that of other administering Powers:

12 The numerical headings in the diagram refer to Assembly resolutions by their official number, though without the customary suffix stating the annual session of its adoption; the alphabetical headings refer to rejected proposals described in Appendix A.

13 Rowe, loc.cit.

14 It may be observed that their few votes 'against' usually reflected their preference for harsher anti-colonial drafts.

Table 8

VOTES CAST BY ADMINISTERING POWERS ON 137 PROPOSALS ON
COLONIAL ISSUES 1946-63

<u>Country</u>	<u>Votes Cast</u>		
	<u>For</u>	<u>Against</u>	<u>Abstained</u>
Australia	30	57	50
Belgium	25	75	36
Denmark	71	38	28
France	22	59	42
Italy (voting from 1956)	27	22	20
Netherlands	41	55	41
New Zealand	45	50	42
Portugal (voting from 1956)	4	32	26
South Africa	2	75	19
Spain (voting from 1956)	11	17	38
United Kingdom	23	67	42
United States	66	46	25

One method for seeking to determine relative intransigence or acceptance is by allotting points for votes cast by administering Powers so as to arrive at comparable total 'scores'. Even restricting the analysis to states members of the United Nations over the same (whole) period, simple numerical summaries can be misleading for at least two reasons: members do not always register votes, whether because of the chance absence of delegates or lack of interest, or as a protest against proceedings of which they disapprove; there is

immense variation in the importance and significance of proposals to various states at various times and to the historian. However, provided it is kept in mind that, at least in the cases of France (which failed to vote on 14 occasions), South Africa (on 41) and Britain (on 5), failure to vote reflected the extreme nature of their hostility to Assembly activity on the issues in question, so that had they voted they would in most instances almost certainly have voted 'against', and provided it is realised that proposals on which votes are counted did not have equal weight in the eyes of voters, the compiling of scores would seem to have some value as providing very rough indications of relative attitudes. The following tables are based on an allocation of +2 for a 'for' vote, -2 for a vote 'against' and -1 for an abstention:¹⁵

¹⁵ This is at odds with the method of Rowe (*op.cit.*, p.211), who includes abstentions in his calculations but with a numerical value of nil, arguing that an abstention represents an intermediate position. This writer argues that in most cases it represents an intermediate stand against a proposal, a modified form of opposition.

Table 9

VOTING SCORES OF NINE ADMINISTERING POWERS IN PERIODS OF
1946-63

<u>1946-9</u>		<u>1950-9</u>		<u>1960-3</u>	
Denmark	13	United States	-6	Denmark	42
United States	6	Denmark	-17	New Zealand	17
Netherlands	-8	New Zealand	-57	United States	15
New Zealand	-12	France	-69	Netherlands	8
Australia	-15	Netherlands	-69	Belgium	-2
France	-20	United Kingdom	-81	Australia	-4
Belgium	-27	Australia	-85	United Kingdom	-17
United Kingdom	-32	South Africa	-85	France	-27
South Africa	-35	Belgium	-107	South Africa	-45

Table 10

VOTING SCORES OF NINE ADMINISTERING POWERS FOR PERIOD OF
1946-63

Denmark	38
United States	15
New Zealand	-52
Netherlands	-69
Australia	-104
France	-116
United Kingdom	-130
Belgium	-136
South Africa	-165

It can be seen that Australia tended generally to be considerably more hostile towards the proposals involved than Denmark and the United States and somewhat more hostile than New Zealand and the Netherlands. On the other hand, Australia is seen to

have been somewhat less hostile than France, Belgium and the United Kingdom and, of course, much less hostile than South Africa. (It might be noted that Portugal, also prone to non-participation, would score -37 for the 1960-3 period, second only to South Africa at the bottom of the scale.) Given the fact of periodic French non-participation in the 1950s on issues involving North African territories, so that France's place in the centre column of Table 9 is misleading, it may be seen further that Australia's intransigence or permissiveness relative to that of other administering Powers did not greatly vary throughout the whole period of 1946-63.

In writing of affairs in the United Nations, it is possible to give a misleading impression of constant solidarity among groups of members given a common label.¹⁶ In this work, there have been frequent references, in particular, to 'the administering Powers' and to 'Australia and her fellow administering Powers'. There can be little doubt that attitudes among the administering Powers have been sufficiently common

¹⁶ For work of key relevance here, see Thomas Hovet, Jr, Bloc Politics in the United Nations, Cambridge (Mass.), 1960, and the same author's Africa in the United Nations, Northwestern, 1963.

for the group label to have adequate validity. A statement made by Chifley in 1948 in respect of the trusteeship system would in general hold good for the period at least to 1960 in respect of colonial questions as such:

We have found it necessary...in common with the United Kingdom, New Zealand and the United States and other administering powers to resist attempts, on the part of some non-administering countries, to interfere unconstitutionally with the primary responsibility of the powers administering trust territories.¹⁷

In some areas, this administering Powers' solidarity and, in particular, the solidarity with them shown by Australia, has been marked. Trusteeship Council interrogations provide a useful illustration of this. A feature of the trusteeship system is that the administering Powers' membership of the Trusteeship Council involves them both as prosecutors of the international interest and as defenders of their national interests. If a bi-polar situation had not developed, it is possible that Trusteeship Council representatives of administering Powers, like some of their Permanent Mandates Commission predecessors, might have played the roles of prosecutor and defender, or even have

17 CPD., Vol. 200, p.3902 (Dec. 2, 1948).

concentrated on the former.¹⁸ Indeed, on rare occasions when communist and other anti-colonial representatives have been reticent, representatives of administering Powers have tended to take over the prosecution role.¹⁹ For the most part, however, Australia and her administering colleagues have disengaged from mutual prosecution and have reserved themselves for defence. Australia seems to have been the most obliging of all.²⁰ She has abstained very largely from the process of examination. The Council inherited from the Mandates Commission the practice of supplementing administering

18 Even of the early years of the system, this writer's reading of the Council records would not support the view that 'though officially present as national representatives, the members have consistently acted...as professional and objective students of the affairs under consideration...'. (Sherman S. Hayden, 'The Trusteeship Council: Its First Three Years' in Political Science Quarterly, Vol. 66 (1951), No. 2 (June), p.232).

19 During the 1953 examinations of Nauru and New Guinea, for example, the Soviet member was a little quieter than formerly and the Assembly-appointees were relatively inactive so that the Belgian and French representatives emerged to behave rather like their Mandates Commission predecessors: courteous, frank, critical (see TCOR, 12th S., 470-3rd Mtgs., June 29-July 2, 1953, pp.148-217).

20 This is not to suggest that Australia was less than a conscientious member. She reported thoroughly; she played her part in Council committee work; and, to 1960, she served on four visiting missions (to East Africa in 1948 and 1957; to West Africa in 1952 and 1955).

Powers' annual reports with oral examinations of delegates and expert witnesses. Since 1949 this, in turn, has been supplemented with submissions in advance of written questions, but the oral examinations have remained as significant opportunities for Council members to probe, embarrass and express criticism. The table comprising Appendix B to this work analyses interrogations on three (different) trust territories for each of the years 1948-60 and shows that, except for Italy, Australia played the smallest part of any administering Power and, of course, far smaller than most non-administering members. Moreover, Australia and most of the administering members have not merely asked few questions; questions which they have asked have tended to be harmless or positively supportive, rather than embarrassing. This could reach almost farcical proportions, as when Kelly for Australia in 1958 asked during examination of a Belgian report on Ruanda Urundi 'whether the special representative agreed that it was unrealistic to set any intermediate or final target date for the reduction...of...cattle in the territory'.²¹ Or when Britain's Sir Andrew Cohen

21 TCOR, 21st S., 852nd Mtg., Feb. 5, 1958, p.33.

asked during examination in the same year of a United States report on its Pacific Islands 'whether the special representative would agree that programmes should be adjusted in the light of experience, rather than on the basis of theoretical criteria'.²²

It remains, however, that the solidarity of the administering Powers should not be exaggerated. Not only have they varied in the number of proposals which they have accepted or rejected; they have varied in which proposals they have accepted or rejected. The following table shows, for each of three periods of 1946-63 and for 1946-63 as a whole, the number of proposals on which Australia and each administering Power were qualified to vote, the number of occasions on which votes of each Power were the same as Australia's, and the expression of the latter as a percentage of the former - that is, actual common voting expressed as a percentage of possible common voting:

22 TCOR, 22nd S., 895th Mtg., June 17, 1958, p.43.

Table 11

INCIDENCE OF IDENTICAL VOTING ON 137 PROPOSALS ON COLONIAL ISSUES 1946-63

Country	1946-2			1950-2			1960-3			1946-63		
	PCV ²³	CV ²⁴	% ²⁵	PCV	CV	%	PCV	CV	%	PCV	CV	%
Belgium	28	17	61	68	54	79	41	35	85	137	106	77
Denmark	28	20	72	68	38	56	41	25	61	137	83	61
France.	28	19	68	68	42	62	41	28	68	137	89	65
Italy				29	25	86	41	29	73	70	54	77
Netherlands	28	24	86	68	57	84	41	35	85	137	116	85
New Zealand	28	24	86	68	56	82	41	34	85	137	114	83
Portugal				29	24	83	41	12	29	70	36	51
South Africa	28	18	64	68	38	56	41	8	19	137	64	47
Spain				29	17	59	41	23	56	70	40	52
United Kingdom	28	20	72	68	56	82	41	29	71	137	105	77
United States	28	20	72	68	40	59	41	29	71	137	89	65

23 Possible common votes.

24 Actual common votes.

25 Actual common votes as a percentage of possible common votes.

It is evident from this table that, while Australia often saw her interests in the same way as most other administering Powers saw theirs, she was not the echo of any. Thus, of 137 occasions on which Australia might have voted with the United States, her most powerful friend, she in fact voted with her on only 89 occasions: on one vote in three Australia's vote was not the same as that of the United States. Similarly, on a little more than one vote in five, Australia did not vote in the same way as Britain.²⁶

Given that a great deal of western opposition to anti-colonial activity in the Assembly has been expressed on legal grounds, on grounds of form and competence possibly reflecting a distinctly western, constitutional habit of mind, as well as on grounds of practical national interest, it is interesting to compare the Australian voting record with that of Canada, Ireland and Norway:

²⁶ The fact of non-participation tends to distort some aspects of Table 11, notably in the cases of France, South Africa and Portugal.

Table 12

VOTING COMPARISON : AUSTRALIA AND THREE NON-ADMINISTERING
WESTERN POWERS 1946-63

Country	Vote			Score	PCV	CV	%
	For	Against	Abstained				
Australia	30	57	50	-104			
Canada	56	49	32	-18	137	94	68
Ireland	46	7	14	64	68	24	35
Norway	71	40	24	38	137	77	56

As one would perhaps expect, Canada, a fellow Commonwealth member, is closest to the Australian position; Norway, an uninvolved Scandinavian state, is seen to be in a similar position relative to Australia to that of neighbouring Denmark as seen above; Ireland, predictably and explicitly favourably disposed towards much of the anti-colonial cause, is furthest removed from the Australian position. It would appear that western group membership factors were of limited relevance, though of some, to attitudes on colonial questions.

The following table compares the Australian record with that of two Middle Eastern, two African,²⁷

²⁷ In this work, states along North Africa's Mediterranean seaboard have been considered as falling within a Middle East - North Africa category, and South Africa has been considered as a western state.

two Latin American states and a communist state:

Table 13

VOTING COMPARISON : AUSTRALIA AND SEVEN MIDDLE EASTERN,
AFRICAN, COMMUNIST AND LATIN AMERICAN POWERS 1946-63

<u>Country</u>	<u>Vote</u>			<u>Score</u>	<u>PCV</u>	<u>CV</u>	<u>%</u>
	<u>For</u>	<u>Against</u>	<u>Abstained</u>				
Australia	30	57	50	-104			
Lebanon	105	7	8	188	137	28	20
Egypt - UAR	118	9	10	208	137	34	25
Ethiopia	107	6	17	185	137	29	21
Ghana	57	3	3	105	63	14	22
Poland	105	14	16	166	137	31	23
Guatemala	99	1	23	173	137	30	22
Chile	86	21	29	101	137	56	41

It is necessary here to comment only that the communist bloc, represented here by Poland, scores only moderately highly because of its extreme intransigence. Whereas an indisputably anti-colonial Power like the United Arab Republic would at times accept compromise drafts in an effort either to achieve wide support or to avoid pushing administering Powers to a point of non-co-operation, communist Powers have tended to stand out for harsher drafts. Thus, a draft occasionally would be opposed only by a small group of communist Powers intransigently declaring their hostility to a too weak

draft and Australia and other administering Powers declaring their hostility to a too strong draft.

The following table compares the Australian record with that of her Asian neighbours:

Table 14

VOTING COMPARISON : AUSTRALIA AND THIRTEEN ASIAN POWERS
1946-63

<u>Country</u>	<u>Vote</u>			<u>Score</u>	<u>PCV</u>	<u>CV</u>	<u>%</u>
	<u>For</u>	<u>Against</u>	<u>Abstained</u>				
Australia	30	57	50	-104			
Burma	111	9	6	198	131	32	24
Cambodia	55	2	8	98	68	13	19
Ceylon	62	3	6	112	73	13	18
China	92	6	36	136	137	47	34
Malaysia	58	2	3	109	63	14	22
India	119	6	12	214	137	29	21
Indonesia	96	5	7	175	109	21	19
Japan	46	3	21	65	73	24	33
Laos	29	3	11	41	71	15	21
Nepal	54	4	2	98	73	11	15
Pakistan	110	9	12	190	133	31	23
Philippines	116	6	13	207	137	31	23
Thailand	100	9	18	164	133	32	24

Reference in the righthand columns of the table to proposals on which there has been identical voting allows a clear picture to emerge of the gulf between Australia and Asian Powers on colonial questions. Because of the

infrequency with which the various Asian Powers have voted in the same way as Australia, it is useful also to note the number of occasions on which voting agreement between Australian and Asian delegations has occurred when agreement has been manifest in 'for' votes. In effect, it can be seen how agreement largely has occurred when Australia has accepted proposals on colonial questions, for the most part, that is, when Australia has accepted anti-colonial activity:

(Table 15 headings AaV - Australia also Voted - refers to the number of occasions on which each Power and Australia both registered votes; IV - Identical Votes - refers to the number of occasions on which each Power and Australia registered the same sort of vote; CV'F' - Common Votes 'For' - refers to the number of occasions when identical voting occurred when the Australian vote was 'for').

Table 15

VOTING COMPARISON : AUSTRALIA AND THIRTEEN ASIAN POWERS : INCIDENCE OF IDENTICAL VOTES 'FOR' IN PERIODS OF 1946-63

Country	<u>1946-9</u>			<u>1950-9</u>			<u>1960-3</u>			<u>1946-63</u>		
	AaV	IV	CV'F'	AaV	IV	CV'F'	AaV	IV	CV'F'	AaV	IV	CV'F'
Burma	19	11	9	66	10	5	41	11	11	126	32	25
Cambodia				25	1	1	40	12	11	65	13	12
Ceylon				31	2	1	40	11	11	71	13	12
China	28	11	9	67	17	8	41	19	13	136	47	30
Malaysia				22	2	2	41	12	12	63	14	14
India	28	10	9	68	8	5	41	11	11	137	29	25
Indonesia				67	10	5	41	11	11	108	21	16
Japan				29	4	2	41	20	12	70	24	14
Laos				14	6	3	31	9	7	45	15	10
Nepal				22	1	1	38	10	10	60	11	11
Pakistan	25	11	9	65	7	5	41	13	11	131	31	25
Philippines	27	11	9	67	7	6	41	13	12	135	31	27
Thailand	23	10	8	63	8	5	41	14	12	127	32	25

It can be seen that Australia tended to share common ground with Asian Powers for the most part only when she was accepting their decolonialist activities.

When Australia was voting against proposals on colonial issues or abstaining on them, she rarely enjoyed the company of most of her Asian neighbours - and, for the most part, she did vote 'against' and abstain. The only exception to be noted would be China which, after the retreat to Formosa, tended to moderate her position.

IV.

At least until 1960, Australia generally was hostile to proposals made in the Assembly on colonial issues, most of them anti-colonial in unmistakable terms. She voted against 34 of 38 proposals rejected by the Assembly or its committees and voted for only 46 of 154 proposals adopted by majorities of members. In following this course, Australia expressed verbally and by her voting consistent opposition to the sponsors of these proposals and to their supporters. Prominent among the sponsors whose activities Australia opposed were India,

Indonesia, Burma, the Philippines, Ceylon and Pakistan; their supporters comprised virtually all Asian members, as well as most Middle Eastern, African, communist and Latin American members. Colonial questions clearly were an occasion for alienation of Australia to some degree from most of the United Nations' non-western membership, and especially from her Asian neighbours. It is, of course, difficult or impossible to indicate just to what extent this alienation has mattered. In oversimplified hypothetical terms, what does an Assembly vote equal? Does India, for example, take pains to note a hostile Australian speech and vote in the Assembly in New York if, at the same time, Australian aid reaches the docks of Calcutta or Australian political support in her northern border conflict reaches New Delhi?²⁸ Still, while nothing short of mass surveys could produce evidence for

28 This writers' impression, based on conversations with Australian and a few Asian diplomats and with United Nations Secretariat officials, is that Australia had paid a price for her stand on colonial questions, however various in place and time. It would seem that Burma, for one, saw Australia in the 1940s and 1950s to a great degree in terms of Australia's apparent devotion to the cause of colonialism. Other states seem to have been more inclined pragmatically to accept the Australian defence of her own colonial interests as inevitable and understandable.

a certain answer, it may reasonably be supposed that constant opposition on not just another subject of Assembly debate, but a subject of tender and lasting sensitivity to recently dependent Powers, must have some effect on the opposed and some consequent effect on the national interest of the Power opposing - the more so if the opposing Power has (as Australia has) a proclaimed interest in friendly, neighbourly relations with the opposed.

It is evident, moreover, that Australia has not merely to some degree alienated some Powers by her own policies, but that she has also placed herself in an identifiable western group alien on colonial questions to the same Powers. Even anti-colonial Ireland's record falls short of the non-western anti-colonial Powers' records.²⁹ Among the western Powers, the administering Powers, as one would have supposed, can be identified as in general the most hostile to

²⁹ The one exception would be Greece which, very often alone among western members, in the 1950s supported anti-colonial states because of her involvement in the Cyprus question.

anti-colonial activity. Among the administering Powers, in turn, Australia seems to have been more hostile than Denmark, the United States, the Netherlands, New Zealand and Italy, if less than France, Belgium, Spain, the United Kingdom, South Africa and Portugal.³⁰ More will be said below of Australia's motives, but it has been seen that solidarity as a motive in itself should not be assumed because of the appearance of solidarity. If it has been a factor, and undoubtedly it has, it has in Australia's case been limited, as comparisons between Australian, British and United States voting records showed. Still, for whatever reasons, Australia on colonial questions, at least until 1960, took a place among a small group of western, mainly administering Powers in opposition to what to an increasing extent became most members of most other groups in the Assembly.

30 For the period from their entry into the United Nations, until 1963, the records of Italy and Spain on the proposals analysed above was 27-22-20 and 11-17-38. Compared with the Australian record for the same period, and computing scores as above, the list would read Italy - 10, Australia -48 and Spain -50 (Spain several times failed to vote in contexts suggesting that had she voted she would have voted against or abstained).

C O N C L U S I O N

At San Francisco in 1945, Dr Evatt sought in Australia's name 'the economic and social advancement of the dependent peoples...and...the development of self-government in forms appropriate to the varying circumstances of each territory'. That, he said, 'defines broadly what is meant by trust and trusteeship...'. It was significant that he went on to say approvingly of the British draft chapter on trusteeship submitted to the conference: 'Most of the words, or many of the phrases, are derived from Article 22 of the Covenant, dealing with mandates created under the League of Nations'.¹ Evatt had in mind a limited, humanitarian and paternal system, a mandates system applied much more widely, and not primarily a political system. Certainly, he sought machinery for compulsion to ensure that all appropriate dependent territories were brought within this system, but he specifically declared his desire not to interfere with the sovereignty of colonial Powers. Speaking of the great mass of territories outside the old mandates system and not numbered among the few territories to be

1 Verbatim Minutes, Vol.68, 2nd Mtg., Running No.12.

detached from vanquished World War II Axis Powers,
he said:

The sovereignty in regard to these territories has never been in doubt, and no suggestion of doubt will be thrown upon the sovereignty in any proposal suggested or contained in the Australian delegation's scheme.²

In the event, it has been seen, the trusteeship system was made more demanding than Evatt (at San Francisco, at least) had envisaged, but submission to it was voluntary, as he had not envisaged. For the territories not submitted, there was the declaration of principle in Chapter XI of the charter and a loosely worded, limited reporting obligation, but there was no provision for determination of which territories these might be. Evatt had said at San Francisco: '...let the Assembly...state in what territories reports should be required...'.³

Within a short time of the signing of the United Nations charter, situations arose to throw into conflict the Assembly, which Evatt had seen as the final arbiter, and the sovereign rights of colonial Powers, which Evatt has sought to guarantee. On the

2 Ibid., Running No. 17.

3 Ibid., Running No.21.

one hand, he supported the Assembly:

...each member should faithfully observe the recommendations and decisions of United Nations bodies. The effective and just working of the Organisation depends on the acceptance of the wishes of the majority.

...

If every country felt itself at liberty to ignore or defy decisions of which it disapproved, the whole Organisation would rapidly break up.⁴

On the other hand, in what was clearly a case of the sort he had had in mind at San Francisco, he, for example, defended the sovereign rights, and the sovereign dignity, of South Africa in the matter of South-West Africa. In legal terms, he was not necessarily inconsistent. As he later argued: '...it was made quite clear at San Francisco that the bringing of territories under the trusteeship system was to be a voluntary act...'.⁵ Post-1945 circumstances may well have made him relieved that the charter had emerged in as conservative form as it did rather than as he might at the time have preferred.

⁴ Herbert V. Evatt, The Task of Nations, New York, 1949, pp.39-40.

⁵ Herbert Vere Evatt, The United Nations, Melbourne, 1948, p.34.

Evatt and his successors persisted with efforts to implement the less political aspects of trusteeship, but they found themselves under constant pressure on political questions.⁶ A multitude of proposals were made to have the Assembly draw tighter reins of supervision over non-self-governing territories, and virtually to establish the right to determine their political development and that of trust territories. Similar efforts were made in respect of areas such as Algeria and Southern Rhodesia, which most western Powers, including Australia, saw as not even being non-self-governing territories. Understandably, Evatt had anticipated the effects neither of the Cold War nor of the phenomenon of post-war anti-colonialism.

The Cold War in the late 1940s and throughout the 1950s produced a bi-polar situation in which Australia identified herself with the West against the East in a conflict fought, in part, on colonial

6 Relevant to this writer's contention that Evatt gave little thought to the political emancipation of dependent territories, it is interesting to note that when, three years later, he summarised Australia's purposes at San Francisco, his reference to the colonial issue contained nothing expressly political: 'To lay down the principle that the purpose of administration of all dependent territories is the welfare and development of the native peoples of such territories, and to place a specified obligation on nations controlling particular dependent territories to report regularly to advisory bodies consisting of expert administrators' (*Ibid.*, p.37).

grounds.⁷ Independent of the Cold War conflict, the rise of anti-colonialism pursued by new, non-communist states also produced a virtually bi-polar situation in which, again, Australia identified herself with one faction against the other. Anti-colonialism appeared as a novel factor early in the Assembly's history and developed quickly into a fundamental point of division between members of the world community. By 1955, the twenty-nine Bandung Conference states were declaring that 'colonialism in all its manifestations is evil...the subjection of peoples to alien subjugation...constitutes a denial of fundamental human rights, is contrary to the charter of the United Nations...'.⁸ In 1960, the Assembly explicitly agreed with them and adopted the Declaration on Colonialism.

7 As an example of extra-colonial conflict, one might note a Byelorussian attack on Australia as early as 1946 on the Security Council veto question: 'It must be said openly that the Charter of the United Nations is being turned upside down by the Australian delegation. The Australian delegation...comes forward as the protagonist of freedom and democracy...In reality the opposite is the case' (GAOR, 1st S., 2nd Pt., 61st Pl.Mtg., Dec.13, 1946, p.1261).

8 From the text of the conference communique cited in full in Carlos P. Romulo, The Meaning of Bandung, Chapel Hill, 1956, p.98.

Until the time of the adoption of the Declaration, Australia generally and vigorously opposed the anti-colonial Powers. A number of reasons may be advanced for this:

1. Australia administered virtually contiguous dependencies upon which she placed a high value; she saw her territorial security involved in her control of them. The anti-colonial Powers sought to interfere with her exercise of administrative control and, indeed, to end it.

2. It may be supposed that Australian governments, like most others, felt what Perham calls 'the deep, unexpressed distaste for the idea of abdicating authority'.⁹ Besides this, Australia's estimate of her long-term security interests and sense of moral responsibility have dictated that, if she should cease her administration, this should happen when her territories have some hope of survival as democratic and liberal states in her own image. As Plamenatz has said of administering Powers generally:

9 Perham, op.cit., p.113.

It may be that, if they could order the world to please themselves, they would keep their subjects in perpetual bondage; but this they know they cannot do, and therefore, since their subjects will get either independence or equality with themselves in some kind of union between them, it is clearly their interest that their subjects should adopt their moral and political ideals.¹⁰

This, it may reasonably be supposed, was the attitude behind a statement referring to Papua-New Guinea made by the then Australian Minister for Territories, Mr Hasluck, in 1960:

In political advancement we would rather take each step too soon than too late, but we see no kindness in making human beings walk over cliffs in the dark.¹¹

If Papua-New Guinea had to exercise self-determination, it was in Australia's interest (and an Australian could genuinely feel that it was in Papua-New Guinea's interest) that New Guineans should first reach a stage of development such that they would be able to make an informed decision and then carry it through in a presumably self-governing and probably independent state. An anarchic or non-Australian dominated Papua-New Guinea was undesirable for the territory and for Australia.

10 John Plamenatz, On Alien Rule and Self-Government, London, 1960, p.170.

11 London Times, June 28, 1960.

3. Enough has been seen of Australian attitudes for it to be evident that Australia, like most administering Powers, deeply resented criticism and attempted interference from states regarded as poorly qualified to offer it or attempt it. Even Evatt complained in 1948 of 'constant and carping criticisms',¹⁴ and Menzies was pleased to report after his 1957 visit to Papua-New Guinea that he had 'found the local people were no more enthusiastic about being told what to do by theoretical people 10,000 miles away than I am'.¹⁵

4. The Cold War added to Australian hostility. Anti-colonialism, necessarily anti-western in part, was made almost entirely and relentlessly anti-western by the Cold War and Australia, it is clear, saw herself as very much a western Power sharing the fate of the west.

5. Anti-colonialism, like the Cold War, threatened the interests not only of Australia but of her western allies and friends. She defended their interests as well as her own. In defending the one, of course, she defended the other, and it has been seen that

¹⁴ Evatt, The United Nations, pp.129-30.

¹⁵ Sydney Morning Herald, April 30, 1957. Three days earlier, it is appropriate to note, a leader in the same paper, had dismissed the 'vapourings of the United Nations Trusteeship Council...!.

Australian governments, especially non-Labor governments, were not insensitive to attacks on the interests of alliance partners like Britain, the United States, France and the rest. Even the Australian Labor Government defended South Africa and showed a feeling of common purpose with other administering Powers against the activities of the anti-colonial Powers. It remains, then, to suggest explanations for the apparent Australian inconsistency on the Indonesian independence question and a change of policy in the 1960s. The Indonesian independence issue represented the one major instance of an Australian government estimating an exercise in anti-colonialism to serve the Australian interest better than the usual defence of the rights of the administering Power: the stability and friendliness of such a proximate area and acceptance of Asian nationalism were thought to matter more, in this case, than consistency on the principle of domestic jurisdiction, solidarity with a western colleague, or fears on account of Papua-New Guinea. In the case of the latter, several points need to be noted:

1. By 1960-61, the anti-colonial offensive in the General Assembly had reached an advanced point. The entry into the United Nations from 1955 of a large number of anti-colonial states and the disengagement of some administering or formerly administering states made for what has been called an anti-colonial consensus in the Assembly.¹⁶ Had she persevered in her former course, Australia would have joined an isolated company comprising South Africa and Portugal and, on occasion, Britain and Spain. It seems that a point was reached where Australia realised that 'the U.N....cannot be defied without involving some risk or damage to the national interest' and decided that this risk outweighed the benefits of continued intransigence. Just as, in the Indonesian independence case, extra-New Guinea interests seem to have been seen as out-weighting the New Guinea interest or alliance interests, so from 1960 it seems to have appeared to the Australian Government that less was to be gained from defying the Assembly than in going

¹⁶ Fortunately for the administering Powers, the Latin American states, comprising the largest potential bloc until the mid-1950s and 1960s, were neither solid nor consistent in their anti-colonial activities: significantly, Evatt praised their 'restraint' and 'sense of responsibility' (Evatt, Task of Nations, p.38).

some way towards meeting its demands and joining the majority. As Beddie has said:

Australian security - or if not quite that, the ease with which it can live in its international environment, clearly requires the cultivation of good relations with at least the Asian part of the Afro-Asian block. Its established trade and communications and its immigration policy require good relations...¹⁷

2. The departure from office at the beginning of 1960 of Casey, liberal in many ways but somewhat pre-occupied at times with the Cold War, and the attitudes of a new senior Australian representative at the United Nations, Plimsoll, seem to have been relevant. Again to quote Beddie, there was from 1960 'a finesse and moderation not evident in the 1950s'.¹⁸ Plimsoll's speeches were much more conciliatory and his activities much more flexible than those of his predecessors. Anti-colonial delegations noted the change and commented favourably on it.

3. Australia seems to have become resigned to a fairly imminent departure from Papua-New Guinea, or at least for an exercise of self-determination in the territory.

¹⁷ Brian Beddie, 'A Problem in Foresight' in New Guinea, Vol.1 (1965) No.2 (June-July), p.17.

¹⁸ Ibid., p.18.

With her allies as it were weakening and with the probable loss of Papua-New Guinea accepted, there was little real benefit in seeking to maintain a record of legal consistency.

To recapitulate: Australia in 1945 sought a new sort of world society in which, among other things, the exploitation of dependencies would cease. This would be effected by the surveillance over all dependent territories of world society represented in the United Nations.¹⁹ The emancipation of

19 It has been commented that the 'net result of the evolution of United Nations practice with respect to non-self-governing territories has been to lead to the final acceptance of the views expressed by Australia, and some other States, at the San Francisco Conference, that all dependent territories should be under the surveillance of the United Nations. There can be little doubt that some of the seeds of the post-war colonial revolution were sown at San Francisco, by our delegates' (A.C. Castles, 'The United Nations and Australia's Overseas Territories' in D.P. O'Connell, ed., International Law in Australia, Sydney, 1966, p.399). There is something to this view but, if surveillance means 'close observation' as practised under the mandates system and as Australia, it has been argued, had in mind in 1945, there was an immense gulf between what Australia sought in 1945 and what other, anti-colonial states sought subsequently.

dependencies, however, would involve a long, humanitarian effort to raise them to a position of eligibility for self-government or independence. The security of the world (and Australia in her region) demanded this. On the other hand, Australia sought explicitly not to endanger the sovereignty of the dependency-administering Powers. Almost immediately, there were demands for a very close surveillance of dependencies and a short, intense effort to accomplish their emancipation, and eligibility for emancipation was not to be according to the criteria of Australia and other administering Powers. Australia reacted with hostility: the anti-colonial states' demands were unrealistic (some dependencies were not ready for self-determination), unfortunate (Australia was not anxious to lose control of a potential enemy bridgehead), unconstitutional (they went beyond the charter) and mischievous (a Soviet tactic, supported by misled, neutralist new states). When, by the end of the 1950s, the hostility of Australia and other administering Powers had proved to be unavailing, Australia realistically became more accommodating.

APPENDICES

APPENDIX 'A'

NOTES ON CHAPTER 11

I.

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The 192 proposals on which Tables 1, 2, 3 and 4 are based comprise the following 154 resolutions:

9, 65, 66 and 67(I); 141, 143, 144 and 146(II);

218, 219, 220, 221, 222, 224 and 226(III); 320, 323, 325, 326, 327, 328, 329, 330, 331, 332, 334, 336, 337 and 338(IV); 433, 436, 440, 446, 449A and 449B(V); 554, 556, 558, 560, 562, 566, 567, 568, 570A and 570B(VI); 611, 612, 644, 645, 646, 647, 648 and 653(VII); 742, 744, 746, 747, 748, 749A, 749B, 752 and 754(VIII); 813, 844, 848, 849, 850,⁸⁵¹ 852, 853, 858 and 904(IX); 911, 915, 932, 933, 940, 941, 942, 943, 945 and 946(X); 1012, 1049, 1050, 1055, 1059, 1060 and 1064(XI); 1142, 1143, 1153, 1184 and 1207(XII); 1243, 1274, 1276, 1329, 1330 and 1332(XIII); 1359, 1360, 1361, 1410, 1413, 1466, 1467, 1468, 1469 and 1470(XIV); 1514, 1535, 1536, 1539, 1541, 1542, 1564, 1565, 1566, 1568, 1573, 1593, 1596, 1603 and 1607(XV); 1644, 1654, 1699, 1700, 1702, 1705, 1724, 1742, 1745 and 1747(XVI); 1752, 1755,

1760, 1805, 1807, 1810, 1811, 1812, 1817, 1818 and 1819(XVII); 1883, 1889, 1899, 1913, 1948, 1955, 1970 and 1979(XVIII);

and the following 38 unsuccessful proposals:

1. Assembly election of information committee members (1947);
2. Submission of political information under Article 73e (1947);
3. Provision for comparative information on non-self-governing territories and metropolitan states (1947);
4. Submission of territories to the trusteeship system (1947);
5. Three-year term for information committee (1948);
6. Permanence for information committee (1948);
7. Obligation to report on development of and indigenous participation in political institutions in non-self-governing territories (1948);
8. Secretary-General to incorporate in summaries information from non-official sources (1948);
9. Information committee to examine communications from indigenous sources (1948);
10. Provision for visiting missions to non-self-governing territories (1948);

11. Elevation of information committee to status of subsidiary organ of the Assembly (1949);
12. Trusteeship Council bound so to order its business as to assist the Assembly (1950);
13. Declaration of violation of the charter by South Africa on South-West Africa (1950);
14. Placing of Moroccan question on Assembly agenda (1951);
15. Permanence for information committee (1952);
16. Hearing for the Bey of Tunis (1952);
17. Establishment of U.N. good offices committee and call for restoration of civil liberties and for self-determination for Tunisia (1952);
18. Stationing of U.N. representatives in trust territories (1953);
19. Appeal for reduction of tension and free political institutions in Morocco (1953);
20. Recognition of Tunisia's right to sovereignty and independence (1953);
21. Statement of Netherlands and Indonesian desire to co-operate and call to them to negotiate and report on the West Irian question (1954);
22. Inclusion of Algerian question on the Assembly agenda (1955);

23. Establishment of ad hoc committee to study application of Chapter XI of the charter to new members (1956);
24. Secretary-General to appoint good offices committee re West Irian question (1956);
25. Call for end to bloodshed in Algeria and to French and Algerians to negotiate (1956);
26. Hope for solution to Algerian question (1956);
27. Secretary-General to report on opinions of application of Article 73e and ad hoc committee to consider report (1957);
28. West Irian dispute parties asked to seek solution and Secretary-General to assist (1957);
29. Recognition of Algerians' right to self-determination and call for negotiations (1957);
30. Secretary-General to report on opinions on application of Article 73e and ad hoc committee to consider report (1958);
31. Declaration of Algerians' right to independence and call for negotiations (1958);
32. Call for Franco-Algerian pour parlers re implementation of Algerian self-determination (1959);
33. ditto (milder version) (1959);
34. Investigation of situation in South-West Africa (1961);

35. Call for further Netherlands-Indonesian negotiations on West Irian question under aegis of Assembly president (1961);

36. As in 35, but with reference to indigenes' wishes and provision for commission to act if negotiations failed (1961);

37. Declaration of Oman's right to self-determination and call for withdrawal of foreign forces and for Anglo-Oman negotiations (1961);

38. Recognition of Oman's right to independence and call for withdrawal of foreign forces (1962).

On a basis of registered votes, delegations' explanations of votes, the texts of debates and authoritative information supplied privately to this writer, it is possible to state with confidence that, on the drafts of the resolutions listed above, Australia voted in plenary session thus:

For 9, 144, 218, 219, 220, 221, 222, 224, 226, 320, 323, 336, 433, 440, 644, 646, 556, 560, 915, 933, 1042, 1143, 1184, 1243, 1644, 1654, 1699, 1742, 1752, 1805, 1810, 1811, 1812, 1913, 1948 and 1979 and, probably, 143, 146 and 567.

Against 66, 67, 141, 327, 334, 436, 446, 449B, 558, 647, 648, 742, 746, 747, 748, 752, 852, 943, 946, 1049, 1064, 1153, 1207, 1274, 1330, 1361, 1413, 1468, 1470, 1745, 1819.

Abstained 65, 325, 337, 449A, 568, 570A, 570B, 611, 612, 645, 653, 744, 749A, 749B, 754, 813, 844, 849, 851, 904, 911, 945, 1142, 1276, 1329, 1332, 1359, 1360, 1410, 1466, 1467, 1469, 1514, 1536, 1541, 1542, 1565, 1568, 1573, 1593, 1596, 1603, 1607, 1700, 1702, 1724, 1747, 1755, 1760, 1807, 1817, 1818, 1883, 1889, 1899, 1955, and 1970.

and in committee (First or Fourth or Special Political);

For 328, 330, 331, 332, 566, 1539, 1705.

Against 326, 848, 850, 853, 858, 1059.

Abstained 329, 338, 554, 562, 932, 940, 941, 942, 1050, 1055, 1060, 1535, 1564, 1566.

On the drafts of unsuccessful proposals (as listed above), Australia voted in plenary session thus:

For 36.

Against 1, 2, 3, 4, 12, 14, 15, 18, 19, 22, 23, 24, 27, 28, 31, 33, 35, 37, 38.

and in committee:

For 26, 29, 34.

Against 5, 6, 7, 8, 9, 10, 11, 13, 16, 17, 20, 21, 25, 30, 32.

AGENDA NOTE: In the case of some votes on the inclusion of an item on the Assembly's agenda, the form of the vote has been reversed. The Assembly votes not on

inclusion of an item, but on acceptance or not of a General Committee recommendation in the matter. Where the committee recommended rejection, Australia would vote for the recommendation and thus, in effect, against inclusion. In such a case, Australia has been credited with a vote against inclusion. It might be noted further that such a practice changes the significance of an abstention; if an abstention is regarded as a modified vote against, as this writer regards it, an abstention on a committee's recommendation for rejection of an item would be a modified vote against rejection, not against inclusion as the practice just described would make it. However, the effect on tables and scores is too small to be regarded as significant.

II.

Sponsorship of proposals analysed in Tables 5, 6 and 7 encompasses more than formal sponsorship of draft resolutions. A Power has been treated as a sponsor when its amendment has radically altered the substance of a draft and when records show it to have been responsible for the initiation of a proposal sponsored in the Assembly by a committee. Alternatively,

when a draft has been so amended as to have virtually nothing substantially in common with the original draft, the sponsors of the original draft have not been counted. In the case of Resolution 66(I), for example, this was sponsored by Denmark, the Netherlands, Britain and the United States so as to have information submitted under Article 73e of the charter dealt with by the Secretary-General. A Cuban amendment to have the Assembly call for the establishment of an ad hoc information committee to examine summaries and report on future procedure so radically altered the content and significance of the draft, the original sponsors of which had sought precisely to avoid recourse to such a committee or the Trusteeship Council, that Cuba has here been considered the resolution's sponsor rather than the original joint sponsors.

III.

Of the 192 proposals listed above, the following 137 were subject to roll-call votes used as the bases for Tables 8 to 15: Resolutions 65, 66 and 67(I); 141(II); 218, 219, 220 and 221(III); 320, 325, 326, 328, 329, 330, 331, 332, 334, 337 and 338(IV); 433, 436 440, 446, 449A and 449B(V); 554, 558, 566, 570A and 570B(VI); 611, 612, 645, 647, 648 and 653(VII); 742,

748, 749A and 749B(VIII); 844, 848, 849, 850 and 904(IX); 933, 945, and 946(X); 1050, 1059 and 1064(XI); 1143 and 1153(XII); 1274, 1276, 1329 and 1330(XIII); 1360, 1361, 1410, 1413, 1466, 1467, 1468, 1469 and 1470(XIV); 1514, 1535, 1536, 1539, 1541, 1542, 1564, 1565, 1566, 1568, 1573, 1593, 1596, 1603 and 1607(XV); 1654, 1699, 1700, 1705, 1742, 1745 and 1747(XVI); 1752, 1755, 1760, 1805, 1807, 1810 and 1819(XVII); 1883, 1889, 1899, 1913, 1948, 1970 and 1979(XVIII). and unsuccessful proposals (as listed above): 3 to 38 (inclusive).

DIAGRAM NOTE: In the diagram on Page 454, numbered headings refer to resolutions. Lettered headings refer to unsuccessful proposals from the list given above: A standing for 3, B for 4, C for 5 to Z for 28, A1 for 29, B1 for 30 and so on.

APPENDIX 'B'PARTICIPATION IN TRUSTEESHIP COUNCIL INTERROGATION

The trust territories, Trusteeship Council interrogations on the reports for which are analysed in the table that follows, comprised the following:

1948: Ruanda-Urundi, Tanganyika, New Guinea;
1949: French Cameroons, British Togoland, Western Samoa;
1950: Tanganyika, French Cameroons, New Guinea;
1951: Nauru, Pacific Islands, Ruanda-Urundi;
1952: New Guinea, French Togoland, British Cameroons;
1953: Nauru, Western Samoa, Pacific Islands;
1954: New Guinea, Ruanda-Urundi, Tanganyika;
1955: Nauru, British Togoland, French Cameroons;
1956: New Guinea, French Togoland, British Cameroons;
1957: Nauru, Tanganyika, Western Samoa;
1958: New Guinea, Ruanda-Urundi, Pacific Islands;
1959: Nauru, Somaliland, French Cameroons;
1960: New Guinea, British Cameroons, Pacific Islands.

The method used in arriving at the figures given in the table was the following: the number of questions asked by each national on the Trusteeship Council was expressed as a percentage of the total number asked by all Council members on the report on a territory. The figure given for each year in the table

is the average of the percentage asked in each of three interrogations (or in each of two interrogations where a member's own country was involved as the reporting trust Power in one of the interrogations). Figures for the administering and non-administering groups were arrived at in much the same way, that is, in each interrogation the questions asked by representatives of administering Powers and those of non-administering Powers were expressed as percentages of the total number asked; the average for the three interrogations covered for each year was then calculated. All questions, whether apparently supportive or not, were counted.

TRUSTEESHIP COUNCIL INTERROGATION PARTICIPATION 1948-60

(Average of the percentage of questions asked by members during examination of the reports on three territories in each of thirteen years)

	1948	1949	1950	1951	1952	1953	1954	1955	1956	1957	1958	1959	1960
Australia	4.5	0.6	1.5	8.0	0.0	9.0	0.5	9.0	5.0	0.5	1.5	0.0	0.5
Belgium	5.0	3.0	14.0	3.5	9.3	8.3	10.5	5.0	3.0	4.0	3.5	2.0	0.0
France	3.3	0.5	4.5	2.0	4.5	0.0	5.3	7.5	6.0	7.0	3.6	3.5	4.6
New Zealand	7.6	1.0	4.3	8.0	14.3	8.5	8.0	8.6	5.0	5.5	2.3	1.0	2.6
United Kingdom	5.0	0.5	3.5	2.6	1.5	1.6	1.5	5.0	1.5	4.5	8.6	1.6	8.5
United States	12.6	2.3	11.6	17.5	8.0	3.0	3.0	7.0	4.3	5.6	5.5	5.3	4.5
Italy									4.3	2.6	3.6	0.0	0.0
China	7.0	9.0	8.3	12.6	8.0	18.3	5.3	6.0	6.0	7.6	7.3	1.6	6.3
Soviet Union	22.3	38.6		40.0	33.6	27.6	21.3	12.3	14.3	16.6	16.6	34.3	20.3
Costa Rica	4.6	6.0											
Iraq	5.0	7.0	11.6	8.0	5.3								
Mexico	11.3	6.3											
Philippines	15.3	18.3	35.6										
Dominican Republic			3.6	4.6	13.3	7.0							
Argentina			5.3	4.3									
Thailand				1.0	0.6	3.3							
El Salvador					3.3	6.0		5.0					
Syria-UAR						14.6	18.3	14.3	14.0	13.3	4.3	16.0	11.3
Haiti							5.0	9.3	4.0	5.3	2.6	3.3	
India							19.3	18.3	15.6	11.3	21.6	22.0	26.0
Burma									6.0	6.3	8.6	16.0	14.0
Guatemala									15.3	12.3	12.6		
Paraguay												0.3	0.3
Bolivia												5.3	
Administering Powers	33.3	7.0	35.3	29.0	35.3	24.3	25.0	35.0	25.3	27.0	23.0	11.3	17.0
Non-Administering Powers	66.6	93.0	64.6	71.0	64.6	75.6	75.0	65.0	74.6	73.0	77.0	88.6	83.0

B I B L I O G R A P H Y

There is a large body of literature with some bearing on aspects of colonial questions discussed in this work. Secondary material listed below is restricted to publications actually cited in the text and to others which, while not cited, contributed significantly to the writer's understanding of the subject.

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