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6 JUN 1957
UN/SA COLLECTIONEightieth Session
VERBATIM RECORD OF THE EIGHT HUNDRED AND SIXTH MEETINGHeld at Headquarters, New York,
on Wednesday, 5 June 1957, at 2.30 p.m.President:

Mr. HOOD

(Australia)

1. Examination of conditions in the Trust Territory of the Pacific Islands: annual report on the administration of the Trust Territory of the Pacific Islands [4d] (continued)
2. Examination of conditions in the Trust Territory of Nauru: annual report on the administration of the Trust Territory of Nauru [4c] (continued)

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EXAMINATION OF CONDITIONS IN THE TRUST TERRITORY OF THE PACIFIC ISLANDS: ANNUAL
REPORT OF THE ADMINISTRATION OF THE TRUST TERRITORY OF THE PACIFIC ISLANDS
(T/1316, 1323; T/L.769) [Agenda Item 4d] (continued)

At the invitation of the President, Mr. Mucker, special representative for the Trust Territory of the Pacific Islands under United States administration, took a place at the Council table.

General debate (continued)

Mr. ASHA (Syria): In assessing a progress of the Trust Territory of the Pacific Islands toward the objectives of the Trusteeship System, one has always to bear in mind the geography of the area and the paucity of its human and material resources. There can be little benefit in maintaining a blind attitude regarding the far reaching implications of this reality.

Two days ago the representative of New Zealand referred to this perturbing element in connexion with the future of this Trust Territory. We do not wish today to discuss it at length. We want merely to call the attention of the Council to it and to invite the Administering Authority to give this matter the consideration it deserves.

In this rapidly changing world, one can reasonably expect that in less than a decade the Micronesian people will have attained the political maturity requisite for self-government and independence; thus it is permissible to begin inquiring whether the Territory will be able to form a self-sustained economic and political unit. The nature of this Trust Territory imposes this question on us all, and I think it is time that we begin searching together with the Administering Authority and the Micronesian people for the appropriate answer.

Having made this fundamental observation, I turn now to consider briefly the achievements which were scored in the Territory during the year under review.

It is to be noted with satisfaction that the Territory has marked a number of achievements in the political field. Foremost in this connexion was the Micronesian leaders' conference held in Guam in August 1956. We believe that such a conference is bound to enhance the unity of the Territory by bringing the leaders of the various districts together and by giving them first-hand knowledge of their

common problems. One of the most effective ways of overcoming parochialism in the Territory and of providing its people with the feeling of a common destiny is to establish an ever closer contact between them. My delegation consequently welcomes the fact that another district-wide conference is planned for next August.

Concurrent with this step, we consider it a very sound approach to encourage leaders of one district to attend congress meetings in another district. This practice, if properly planned, would also prove instrumental in promoting the political cohesion of the Trust Territory.

On the district level, we note the progress made in planning for a district congress in Truk. It is indeed most gratifying to learn that a congress will soon be functioning in Truk, although it was thought only last year that such an event could not possibly occur before 1960.

(Mr. Asha, Syria)

Speaking about district congress development in the Territory, we are unable to understand why the Ponape Congress is still limited to Ponape Island. In our opinion, it should cover the whole district, thus eliminating the Congress on Kusaie, which, although it is at the present time undeniably beneficial, would become unnecessary with the establishment of a district congress in the Territory. It should be noted in this respect that the leaders who continue to deal directly with the Administration should not be left out, but should be similarly brought into the district congress -- we hope by way of election. The traditional leaders of Kusaie have already set an example for other traditional chiefs in their District by themselves changing their local form of rule.

Since it is the Administering Authority's policy to establish district congresses wherever possible in the Territory, we believe that it is necessary to adopt a uniform pattern in this regard. We hope that the Administering Authority will succeed in convincing the people in certain districts, for example, that bicameralism is too complicated for their purpose, and thus will convince them to build all congresses on a unicameral basis. Elections should also become uniform. It is not wise, in our judgement, to continue to allow elements of traditionalism to detract from the significance and political importance of this democratic concept. We feel that to accomplish our aim in this regard -- that is, to institute one electoral law for the whole Territory -- we need only convince the people of its value for their political evolution. Surely, we would not wish for a moment to impose such reforms. The people must always be convinced of their usefulness and must remain satisfied. We are happy to note that the Administering Authority has invariably adopted such an approach in dealing with the Territory's social and political problems.

The special representative told us a few days ago, in reply to a question put to him about the prospects of a district congress in Yap, that the Administering Authority hoped to be able to establish such a congress by the end of 1959. Although my delegation would not wish to interpret his estimate as being too conservative, in view of the relatively backward conditions in that District, we nevertheless wish to express the hope that the Administering Authority

(Mr. Asha, Syria)

may find it possible to establish the proposed congress sooner than is now estimated. We have reason to be optimistic, I believe, after having seen the rapid progress which has been made in the same direction in the Truk District. Did not the special representative tell us last year, for example, that a district-wide congress in Truk could not be realized before 1960?

I wish now to refer briefly to developments on the municipal level. My delegation welcomes the Administering Authority's efforts aimed at instituting some uniformity in this field. It will be recalled that the last Visiting Mission recommended such a step. It is a source of satisfaction to us to learn that a charter to serve as a model for the establishment of future municipalities has finally been proposed. We are also pleased to know that the people's reaction to this effort of the Administering Authority has been very encouraging.

In the course of the questioning period, the special representative told the Trusteeship Council that he attached great importance to the programme on the municipal level, without which, he felt, it would be impossible to start a Territory-wide legislative organ. We are in agreement with him that it is necessary to have satisfactory programmes on the municipal level before launching the Territory on a more elaborate political life. Yet it seems to us that there should not be an absolute connexion between the two. We know that the Administering Authority plans to establish about ninety-six municipalities in the Territory. This programme depends on conditions which, in our opinion, need not necessarily obtain for the establishment of a territorial congress. We are rather inclined to link the latter with the progress which the Territory will achieve on the district congress level. In any case, we have brought this point up in order to stress the need for co-ordinated planning in the political field. The Administering Authority would be well advised to plan the municipal and congress development in conjunction with its plans for Territory-wide political institutions.

Before concluding my remarks in the political field, I wish to state that it has been a source of satisfaction to my delegation to learn that the programme for the transfer of American personnel to the competitive civil service has been completed. We have also noted with satisfaction the survey which has been

(Mr. Asha, Syria)

instituted to review the salaries, wages and working conditions of Micronesian personnel. The Administering Authority must always be vigilant lest a feeling of dissatisfaction should be spread in the ranks of the Micronesian employees, who are the vanguard of the Territory's native administration. One cannot fail in this connexion to note the increase in the percentage of Micronesian employees in the administration. Yet, with very few exceptions, they continue to play a small role in the conduct of the affairs of the Pacific Islands. My delegation has been happy to learn that, during the past year, a Micronesian finance officer has been added to one of the district administrations and that the responsibility for the health programme in Ponape has been given to another Micronesian.

I turn now to a consideration of some of the economic aspects of the Territory and the Territory's economic advancement.

We have always been told that maximum self-sufficiency is the Administering Authority's primary objective in the economic realm. I do not wish now to raise any questions regarding the term "maximum self-sufficiency". Yet many questions could arise in our mind in this respect. For it is one thing to attain maximum self-sufficiency when the needs of the people are elementary, and another thing when these people get accustomed to higher standards of living and become irretrievably lost to their old ways of life. I am sure that the Administering Authorities are well aware of this question, and take it into consideration when self-sufficiency is mentioned.

Micronesia has essentially an agricultural economy. Consequently, every effort to develop its economic resources must inevitably be devoted to this field. We are satisfied at the fact that the Administering Authority is pursuing a policy designed to exploit the Trust Territory's agricultural potential. We cannot understand, however, why much arable land remains uncultivated and why intensive farming based on the use of some suitable agricultural machinery is not introduced. Is it not possible to increase the Territory's agricultural production by resorting to such measures? It seems to my delegation that that would be an attractive enterprise which would redound to the economic betterment of the Micronesians, and might even lighten the financial burden of the Administering Authority, which at present contributes approximately 80 per cent of the country's budget.

(Mr. Asha, Syria)

I have only two specific observations to make in the economic field.

Up to the present, there has been no Micronesian on the Copra Stabilization Board. The Trusteeship Council has already recommended to the Administering Authority that the inclusion of a Micronesian in that body would be an advisable, and indeed a necessary measure to take. This year the special representative has not told us the reason why this recommendation of the Council was not observed. Therefore, we wish again to draw the attention of the Administering Authority to the necessity of appointing a Micronesian to the Board. We hope that this step will be taken soon in order to give the Micronesians the chance to participate in this vital economic activity of the Territory.

My second observation relates to the taxation system which is now in operation in Micronesia. My delegation is of the opinion that it needs some revision which would take into account the possibility of levying direct taxes on the people. Naturally, any new taxes should be predicated on the financial capacity of the people, and not on a desire to get a higher contribution from the Micronesians for the budget of their Territory. We are watching with deep interest to see whether the recommendations which have been made recently, as a result of the tax survey in the Territory, would be found acceptable to the Administering Authority.

In the social field, my delegation has been gratified to learn of the increasing participation of women in public life. We are also happy to note that the Administering Authority is conducting an energetic campaign of vaccination to combat tuberculosis. We wish to record our pleasure also in the fact that a census will soon be taken in the Territory. In general, the picture in this field is a bright one, for, although much remains to be done, the progress that has been achieved is worthy of praise.

Turning to the educational field, I should like, in the first place, to observe that the Administering Authority might give consideration from now on to the possibility of making the annual report on the Territory available in sufficient time to allow the specialized agencies to consider it and give us their comments. This year the delay in the appearance of the report deprived us of the comments of UNESCO, as we were told by the representative of that agency. Nonetheless, the representative of UNESCO made some interesting remarks about educational

development in the Territory. We note with satisfaction that there has been remarkable progress in this field. The number of students, as well as teachers, has increased and, consistent with its established policy, the Administering Authority has not ignored the technical training of the Micronesians. As regards adult and community education, we believe that the Administering Authority could intensify its efforts in order to reduce illiteracy among the population. The use of radio in this connexion seems, in the opinion of UNESCO, to offer the best means. The special representative has drawn our attention to the obstacles which lie in the way of an intensive use of radio. While we fully appreciate these difficulties, we hope that the Administering Authority will do its utmost to fight illiteracy by means of radio, as well as by any other effective means which it might deem useful.

I do not wish to conclude this statement without referring briefly to the settlement which was effected between the Administering Authority and the peoples of Bikini and Enewetok. We are happy to learn that the problem which arose as a result of the nuclear tests in that region has finally been settled. The most important thing, from our point of view, at this juncture is to see the peoples of those two islands completely satisfied. The special representative has assured the Council that such is the case. We are quite prepared to accept his word for that. Nevertheless, we cannot fail to observe that it seems to us that the procedure which the Administering Authority followed to effect the settlement was not the happiest in the circumstances. We feel that, at least, the Marshallese Congress should have been consulted in the matter, and that it would have been preferable if the Trusteeship Council had been given the opportunity to express an opinion on the matter before it was finalized. Today, any comments on our part regarding the nature of that settlement would have no effect, since the agreement has already been reached. As I said, we are disposed to place our trust in the assurances of the High Commissioner that the agreement was fully discussed with the people and that it was completely endorsed by them. We hope that the tragedy which has befallen them and their kin in Rangolop will not recur.

I feel that it is unnecessary to reiterate now our views with regard to nuclear tests in general, or to restate here how we regard these tests which are being conducted in a Trust Territory. Our position on this question has been stated repeatedly and it remains unchanged.

Permit me, Mr. President, to extend the congratulations of my delegation to Mr. Nucker, the special representative, on his appointment as High Commissioner of this Trust Territory and to thank him for the valuable assistance which he was kind enough to provide in the course of our consideration of conditions in the Pacific Islands.

U PAU HTIN (Burma): Before I proceed with my observations on the report of the Administering Authority on the Trust Territory of the Pacific Islands for 1956, I should like to join with others in congratulating the special representative, Mr. Nucker, on his appointment to the post of High Commissioner. We are indeed grateful to him for the very comprehensive statement which he made concerning conditions in the Territory.

I shall now proceed with my comments on conditions in the Trust Territory under Mr. Nucker's administrative care.

We are indeed aware of the salient features which characterize the Pacific Islands -- a conglomeration of islands and islets scattered over a wide expanse of ocean covering an area of about 3 million square miles, with its inherent diversity of language and culture totally unlike that in any other Trust Territory. Furthermore, we cannot be unaware of its relatively poor land and lack of natural resources and adequate communications, making it a Territory which is hardly viable economically. The most important fact, however, is that it is a strategic area where no less than six atomic and thermo-nuclear tests have been conducted within a relatively short period of time. With this background in mind, we shall view the situation as it exists today.

While appreciating the efforts of the Administering Authority in the general development of the Territory, the progress which has been achieved is indeed slow. As a matter of fact, this is understandable. However, besides these natural physical obstacles, there are other factors which have contributed to the problems of the Territory, namely, the numerous nuclear tests to which

(U Paw Htin, Burma)

the islanders have been subjected and which have resulted in the total destruction of islands, displacement of large sections of the populations, and loss or damage to human lives.

(U Paw Htin, Burma)

Whatever may be the motivations for such nuclear experiments, whether it is in the name of peace or for the sake of security, the tests have given rise to problems in the Territory itself. My delegation cannot help but be concerned with this fundamental question of whether the Administering Authority, entrusted with a sacred charge, should conduct atomic and nuclear tests inside the Territory of its ward, even though these tests are conducted with the consent of the people themselves. We are rather inclined to believe that such experiments, if they are to take place again, are not in accordance with the Trusteeship Agreement.

This is the main or fundamental question which rests behind the back of our minds at all times when we consider this Territory. It is not my intention here to enter into any argument on such an important and vital question or on the merits or demerits of conducting nuclear tests in general, a subject on which the attention of the world is focussed today. For that matter, I need hardly repeat here the position of my Government in so far as these tests are concerned, and may I be permitted to emphasize that my Government does not feel that the testing of nuclear weapons would serve the cause of peace and that we stand for the prohibition of nuclear weapons. We hope that in the immediate future wisdom will prevail in the world, and that a general agreement will soon be reached which will put an end to such lethal experiments. We look forward to that day when, at least for this Territory and for the groups of people living there, the fear that stalks their lives will be removed once and for all and that the sunray of hope will soon return to them, a people who have suffered as a result of such experiments. Whatever compensation or assistance the Administering Authority has been able to give to those inhabitants of Bikini, Eniwetok or to the people of Rongelap, my delegation is of the opinion that they cannot be fully compensated, whether the compensation is monetary or otherwise, for their moral and physical sufferings.

As regards the progress of political development, we wish to view it from two levels; first, from the municipal and district level and, secondly, the wider level of territorial development. In this regard, we are pleased to note the efforts of the Administration in the development of the first level. Some municipalities now operate under constitutional charter, and we welcome the assurance given by the special representative that by the end of 1960 the most

(U Paw Htin, Burma)

important municipalities will function under formal charters. There is also a development at the district level which indicates that, despite the slow pace of its progress, the foundation of local government is being steadily laid. The convening of a Micronesian Leaders Conference in August 1956, and the fact that a similar inter-district conference is being convened this year, are in the opinion of my delegation important steps towards the promotion of territorial consciousness, community feeling and a sense of unity among the various groups of people. The organic law envisaged by the Administering Authority for 1956 will be a further step towards this direction. The approach to the evolution of the Territorial Advisory Body, which will assume legislative authority later, and which will form the basis for self-government in the future, as indicated by the special representative, should be introduced accordingly by specific programmes supported by target dates. This to us is very important.

We are indeed aware of the difficulties which the special representative has pointed out in connexion with the centralization of headquarters for the Pacific Islands Administration. However, in our opinion it is but natural and imperative that it should be established within the Territory itself, and for that matter we draw hope from the statement made by the special representative that this question has not been abandoned totally by the Administration.

Now I should like to make some brief remarks as regards the administrative services of the Territory. My delegation appreciates the step that has been taken by the Administering Authority for the completion of a conversion programme for United States employees to competitive civil service. This will definitely facilitate the recruitment of highly qualified United States personnel and secure greater continuity of civil service in the Territory. The policy of the Administration of replacing non-indigenous personnel has been further implemented by the appointment of Micronesians to top administrative posts. For this, credit goes to the Administering Authority. However, we hope that effective training programmes for indigenous personnel will be carried out in order to enable the Micronesians to assume greater responsibility in the administrative services.

I now pass on to economic conditions in the Territory. Despite the efforts of the Administering Authority to develop the economy of the Territory in general, the basic economic resources and the geographic factors seem to retard progress. Copra and trochus production are the main sources of cash income, and the level of

(U Paw Htin, Burma)

that income is still low. Consequently, we note with regret that four-fifths of the territorial budget is made up of subsidies provided by the Administering Authority. This to us does not appear to be a bright picture. While we appreciate the efforts of the Administering Authority to develop local resources such as copra, trochus and fishing, along with the introduction of new cash crops and subsistence agriculture, we hope that the Administering Authority will continue its financial assistance so that the economic development of the Territory will not be hampered.

The provision of an adequate and efficient transportation system to us is a vital matter to a Territory such as the Pacific Islands. In this connexion we note with interest the efforts of the Administering Authority to improve surface communications both for intra-district shipping and outside shipping. However, the slow process in the development of indigenous intra-district shipping has been noted, and it is our hope that indigenous shipping, which is such an important factor in the economy, will develop and stimulate Micronesian trade.

Finally, I wish to dwell on the social and educational fields in which considerable progress has been made, and credit is due to the Administering Authority for the measures undertaken by them especially in the field of public health, both in training of personnel and in combatting disease. However, it should continue to strive towards a reduction in the incidence of tuberculosis which is still at a very high rate.

As regards the educational programme, my delegation has nothing to say, but it wishes to praise the Administering Authority for the programmes which have the full support of the population and which have yielded good results.

Mr. Krishna MENON (India): Mr. President, before I address myself to the subject of the South Pacific Islands under United States administration, I would, with your permission, take the liberty of making one or two observations in my general capacity as a representative on this Council.

I am very grateful to you, Mr. Hood, for the very generous statements and sentiments you expressed when I came to this meeting earlier during the week. This is the first opportunity I have had of expressing my appreciation of them and of thanking you, Mr. President, for them. I am happy to feel that my colleagues on this Council have been at your disposal to assist in the discharge of its responsibilities.

(Mr. Krishna Menon, India)

I would also like to take this opportunity, as a member of this Council, to offer my congratulations to Mr. Nucker on his appointment as High Commissioner for the Pacific Territories. For many years, in fact all his life, he has rendered service to his own country; and during the last many years he has served the people of these Islands and has now been able to assume the responsibility for the direction of the Administration according to the arrangements made by the Administering Authority.

There is just one other matter to which I would like to refer. I am very happy to see around this table my old friend Sir Andrew Cohen representing the United Kingdom. Here again we have an addition to the strength of this Council in the person of an administrator who has spent a number of years -- young as he is -- in the service of dependent peoples in assisting their advance towards self-government. Without intervening in any way in the domestic affairs of the United Kingdom, I venture to hope that his presence here means that the territories for which he was formerly responsible are moving towards independence so that his presence there is no longer necessary; it could also mean -- if nobody is listening to me -- that the place has become too hot for him because the people are demanding their independence.

We are now considering the Administering Authority's report and the problems of what are popularly called the Marshall Islands, the Trust Territory of the Pacific Islands under United States administration. It is now the tenth year of this stewardship and probably thirty-five years or more since these islands came under the tutelage of one or the other of the so-called civilized countries. They were under a Japanese Mandate in days gone by, when these coral islands were placed by the League of Nations under Japan as a Mandated Territory. The Japanese fortified these islands -- a matter of some relevance to what we are going to consider this afternoon -- which led to considerable protests at the League of Nations, I am glad to say from some of the Western European countries in the outburst of liberal feelings towards these people. In those days, the representative of the Japan of that time at the League of Nations said: They may be Mandates -- that is what they are called because President Wilson would not allow us to call anything by its proper name -- but they are part of the Japanese Empire. Fortunately that situation has now been terminated and with the

(Mr. Krishna Menon, India)

termination of the Japanese Mandate these islands have been placed under Trusteeship with the United States as the Administering Authority.

It is to be noted that this Trusteeship Agreement -- and I am glad to express my gratitude to the Secretariat for having responded to our reminder last year that this document was not available to this Council when we had to say that because a strategic area was included in this Territory there was no secrecy in this document. We are glad to have this text, especially in view of the observations made by the representative of the United States during question time in response to a colleague of my delegation.

I think the first reaction of anyone with any sense of responsibility who looks at this Territory is the immense task of the Administering Authority. The area is not extensive in land but is spread over some 3 million square miles of sea and consists of 2,000 islands. There is only 697,000 square miles of land, half of which is available for general occupation. Whatever may be the form of government, the administration must be one of considerable difficulty and, while we do not subscribe to the view that there are any difficulties arising from the racial composition of this population in bringing it up to modern standards, there are no doubt difficulties of an economic and social character and in the nature of mechanics which make the administration extremely difficult. Therefore the achievements in this place in so far as the dividends of administration are concerned -- which are substantial -- are a great credit to the Administration. We are happy to say this, not merely because we always welcome the opportunity of paying tribute to Administering Authorities who, for the most part, have very difficult tasks in these places, but also in the hope that it will encourage some of the other Administering Authorities to do the same.

But when all that is said and done, the whole of this is still a paternal administration and that is an aspect at which we shall look later on. The population of this area increases and it does sound somewhat of a contradiction in terms to say that here are territories spread over 3 million square miles and over 2,000 islands and yet 65,000 people are too many. Of course, whether people are too many or too few depends upon what there is with which to feed them.

(Mr. Krishna Menon, India)

My colleague who spoke at the opening of this debate has already referred to various aspects of the Administration's report and made some suggestions. We are concerned to see, as a land-hungry people, that there is still 60,000 acres of uncultivated land -- which we cannot take away because we are too far away and, what is more, we are constitutionally incapable of taking other people's territory. But still, there are 60,000 acres of land in this place which is not cultivated and I join with my colleague from Syria in saying that, as agricultural peoples, we find it difficult to understand why this land should remain uncultivated, especially when it has at hand the enormous technique and resources of the United States of America.

But the developments that have already taken place are considerable and we have to note that the food shortages and famine which characterized this Territory in the previous mandatory regime have disappeared. There is little or no industrial development, which is perhaps as well in view of the comparatively unprotected nature of populations of this character in the present context of the world. Perhaps if they had considerable industrial development, their islands would become more a target of international rivalry than otherwise. This is no argument for keeping territories in a rudimentary state of civilization, but the 60,000 acres of productive but uncultivated land must cause concern to the Administration as it does to us. We are all in a sense, by proxy, part of the Administration as members of the Trusteeship Council.

The United States provides a considerable part of the money for the territorial expenditure in this Territory and one must note that out of 6.5 million dollars of expenditure, 5 million dollars were contributed by the United States Treasury. On the other hand, it has also to be remembered that from all the reports that we read, from the nature of this Administration and the interests of the United States Navy in this area, 5 million dollars is not a very great strain upon a very wealthy country; in fact, very much more than that is given as aids and unrequited gifts to other countries, including my own, and there is therefore nothing unusual in this matter; and I do not agree with the observations that are usually made that it is not in the interests of these people to have a greater amount of subsidy put into the administration of this Territory. After all, even the great United States of America did not develop its present

(Mr. Krishna Menon, India)

industrial position without the resources of the United Kingdom in the nineteenth century and of Western Europe and its industrial civilization. The same thing happens to every country that has to come to a new level.

So far as its economic conditions are concerned, compared to what they were in the pre-Trusteeship period, they certainly show a great deal of improvement and there is no doubt that the attempt of the Administration to advance economic conditions is to be seen in the co-operative administration where profits are kept in trust almost for the population and there is also the development of various other economic factors in the Territory.

(Mr. Krishna Menon, India)

Reference has been made to education. Here it will be noticed that there is a vast amount of literacy, far greater than in my country, for example. Among the young, it amounts to 88 per cent in the local languages, 52 per cent in English and 20 per cent in Japanese. Girls are also enrolled in schools.

Looking at the tabular statement with regard to the progress of education, we find that during the last five or six years the number of schools remained stationary, but the number of teachers and pupils has risen. This, we submit, is a development in the right direction. But there is a disparity between the large volume of elementary education and the shrinkage when it comes to higher education. No one suggests that in these far-off islands with a population of 65,000 it is possible to make the educational system self-sufficient. No one suggests that an up-to-date university for higher education is possible in these areas just at this moment. But we do think, as we have said in previous years, that there is a bias towards higher education. The problem of overcoming the difficulty which we all experience in our countries of what may be called the lapse into illiteracy when children leave school I hope will receive the attention of the Administering Authority and the advisory assistance, if need be, of UNESCO and other organizations interested in this matter. It is only if there is a greater volume of higher education that there is any possibility of this Territory moving towards whatever form it might be of independence or self-government. That is not to suggest that it is not possible to apply to this Territory the same kind of polity which we hope will emerge in Tanganyika in a few years, long before Sir Andrew Cohen has finished his tenure of office here. If it were not possible to take these people to self-government or independence, then I think placing them under trusteeship would be ultra vires of the Charter because the object of trusteeship is to prepare people for self-government or independence. And these two alternatives were put in, as those who studied these problems well know, after a great deal of discussion when the Chinese delegation of the day moved an amendment to put in these two alternatives in order to provide a variety of forms whereby self-government could be established.

(Mr. Krishna Menon, India)

It is not my intention this afternoon to go a great deal into the various aspects of administration on the economic and social side. This has been dealt with by my colleague. In general, we have nothing but praise for the Administering Authority in this respect. But we want to repeat at the same time that the advance towards self-sufficiency in a spiritual sense is still lagging, that is, it is very largely paternalism. Paternalism is better than neglect; paternalism is better than surviving in a retarded state; but it will be to the greater credit of the Administering Authority, to the greater fulfilment of the purposes of the Charter and, what is more, to the greater encouragement of other areas -- it is not for me to specify where -- if in these islands with all these difficulties there was a movement towards greater self-sufficiency both in the economic and in the political sense. No one argues that it is possible to leave these areas without any protection either from collective or single authorities from outside in view of the international situation in our time. It is, however, to be noted that, looking for example at the working paper of the Secretariat, there is nothing new to record in regard to the political advance in this area. The advance that exists is considerable and, what is more, has a quality about it which is acceptable -- that is to say, the franchise is practically universal, the ballot is secret and the number of representative bodies is considerable, which means that representation does not remain merely as a paper device. But when all that is said and done, it is at that level where these bodies cannot make a real impact upon administration.

The report furnishes a chart which is very telling. It is interesting to note at what layer these representative bodies are and what is their relationship to the High Commissioner and the United States Administration. There is a direct link, but the source of power is still there.

Then you have a number of rectangles there. Some of them are rather in suspended animation. The animation is not so much questionable as suspended. They have no relation to the High Commissioner and certainly they have no relation to the Administering Authority -- no doubt that is the United States Pacific Fleet, the naval forces, the judiciary and the anthropologists, considering that in our communities we have no anthropologists attached. I believe that the British have given up the anthropologists in Africa -- they have not, I stand corrected. I thought they had improved. The anthropologists appear to be attached to the

(Mr. Krishna Menon, India)

High Commissioner, but obviously they are intended for the population, according to these rectangles. What is more, the progress and contracts in this area which concern the economic exploiting interests are also directly under the top rectangle. They have no relation to the small bits that lie below of all the district administrations and the hundreds of municipal administrations.

There are 102 municipalities in this area, which would do credit to any advanced country. There has been a successful attempt, I would say, to blend the old customary institutions with the conceptions of modern electoral devices.

When we come to the civil service, which is the essential feature of any stable community, we find that the Micronesians are numerically larger, as is the case in any colonial country because they are the hewers of wood and the drawers of water. When we sample them and put weights upon them, then we find that the whole of the 1,539 probably would not weigh as much as the last 277. Therefore it is not sufficient in our opinion -- and we speak from experience in this matter -- merely to look at the number of people who are employed and to observe that of that number the Micronesians are about seven times more than the United States citizens.

We do not for a moment suggest that there should be any discrimination against the nationals of the Administering Authority. That would be a very bad precedent to set -- to create in peoples who have no racial feelings feelings of that character. But at the same time it would be in keeping with the Trusteeship Agreement and reflect high credit on the Administering Authority if, in this higher strata of the 277, there were a much larger number of indigenous population. I say, with great respect, those of us who have come into independence in more recent times -- despite our age-long history, we have not had it very long -- that we are not very much impressed by the general lessons we have been taught in the past about the time it takes to train somebody to do a job. In India, the British used to say, "It takes twenty-eight years to make a general". In those days, we often asked, "What happens to him afterwards?" On 15 August, they left our country without any generals, and those generals who commanded our armies very kindly left the following March. So we started creating generals, and I suppose they are as good as anybody else. They wear the same kind of uniforms and I suppose there are the same kind of people inside the uniforms. Therefore I do not think we should be very much impressed by

(Mr. ~~X~~Krishna Menon, India)

the fact that they do not have all the paraphernalia, all the civil servants and administrators of other older administrations. It is our belief that by and large if people are placed in responsible positions and if they have the minimum this is necessary to carry on they will do so. That is the experience of countries in their internal administration. I say all this because the Administering Authority, with the responsibility it has to its own people, its own Congress and, what is more the United Nations, would have a feeling of nervousness in lowering the quality of administration. It is not as though they could it by themselves; there is the Trusteeship Council to consider. We say this because I think there is nothing like venturesomeness in this. There is nothing like taking more people. With the new High Commissioner, we look forward to being able to say that there has been a very big change in this direction.

(Mr. Krishna Menon, India)

My delegation would like to express its appreciation of the very good report of the UNESCO which has been circulated, and it is a matter of congratulation that the Administering Authority looks upon these reports with favour. The suggestions made in the UNESCO report are very helpful and constructive. However, since the function of the UNESCO is not to take over what the Administering Authority can do, that is as far as it can go.

These are the preliminary observations we wish to make about the economic, social and political side of this question. There are only two points that remain.

The Administering Authority told us that it may take seven or eight years before there can be an organ of the Territory as a whole. With regard to that, my delegation, this year, last year and the previous year, has expressed its views very strongly in the contrary direction.

It is natural and normal that the Administering Authority would go cautiously in this matter because it has the greater responsibility and has to deal with the matter from day to day. At the same time, the purpose of discussion and the purpose of bringing other views to bear upon this problem are to present the other side.

We think that, in view of the considerable amount of literacy, in view of the large number of educational institutions, in view of the practice of universal franchise and of the secret ballot, in view of the responsibilities that have been evinced by these local bodies, the time has come to take the first step towards the establishment of some territorial organ. It is not for us to prescribe how that should be done. It may be possible perhaps to obtain representatives from these bodies in the first instance as a preparation for whatever may come thereafter. We do not say that seven or eight years is a very long time, and we are not unmindful of the fact that the High Commissioner has suggested that in seven or eight years it may be possible. We welcome all that. But we think that the conditions in this Trust Territory are of a character that permits of a more rapid advance, and that would probably deal with a large number of problems.

The second factor that I want to mention before we leave has already been mentioned by my colleague previously, and I hope that the representative of the United States and the special representative will not regard this either as

(Mr. Krishna Menon, India)

unhelpful or, on the other hand, as merely formal criticism. We think that the headquarters of the Administration being placed in an area far away from this Territory, and one which has nothing to do with the Trusteeship responsibilities is a serious drawback. In old imperial history there is a phrase, "government from a distance", which has its own psychological and political background. We hope that the United States Administration will find it possible to shift the headquarters of the Administration of the Trust Territory of the Pacific Islands to the Territory itself.

The island of Guam is linked with other political relationships, and its functions are not those of the Administration of the Trust Territory. It is entirely within the authority of the Administering Power to make such arrangements as it thinks proper, because the trusteeship agreements and, I believe, the Charter itself -- I am not quite sure of that, but certainly all the trusteeship agreements -- do permit the Administering Authorities to administer these Territories as though they were parts of other areas. So we are not saying for a moment that there is anything unconstitutional or illegal in regard to this. But we think that the moving of the location of government to where the people are would be a very substantial step both in reality and in the feelings it would evoke as regards the people who are governed.

That is all we desire to say as arising from the economic, social and political conditions. There are only two matters that remain to be said about this Territory. We have deliberately refrained from bringing to bear upon the consideration of the Trust Territory of Pacific Islands the problem of time-tables, except in so far as I have mentioned that the Territorial Assembly, or the National Assembly as it will be called, might be speeded up if the Administering Authority found it possible to do so.

One of the two other matters is one to which my colleague from Burma has already made reference. My delegation brought up the question of the explosion of nuclear and thermo-nuclear weapons in this Territory some three or four years ago. I think you will agree that more people in the world today think more in that direction than they did three years ago, but it is perhaps useful for us as civilized people not to learn all these lessons in the hardest way possible.

(Mr. Krishna Menon, India)

The Marshall Islands, as they are popularly called, in this Trust Territory of the Pacific Islands, are even now not immune from the possibility of further test explosions. According to the information that is available to me, the last of these -- I think it was the sixth series -- took place in 1956, and, from what I am going to say hereafter, it appears that this area is still within the political radius of availability for these purposes. These islands, although they may be inhabited by Micronesians or by Americans or by some other people, are the homelands of the people who are there. To regard them as proving grounds, in our opinion, is contrary to the world concept of sacred trust.

We have said from 1954 onwards that the Trusteeship Council is not competent and that it is not its function to discuss the rights and wrongs of nuclear explosions. The representative of the United States would say that it was performing a duty towards civilization, and at one time I think he said that he was protecting my country by doing so, but it is not our purpose to discuss this. All that we may discuss is whether this particular operation can be carried on in a Trust Territory -- not whether the operation is right or wrong in a general context but whether it is right to carry it on in that Territory. There are no explosions we have to discuss as regards this area just now, but since my last speaking on this subject there have been the 1956 explosions, and now there is the problem of the return of the people to the atolls from which they had been vacated.

I heard the High Commissioner say the other day, in answer to questions, I believe, and I also read his report, that these places are now considered safe for the return of these people. I have the greatest respect for an official report of that kind. We all have great respect for United States scientific authority, but the character of the United States scientific authority, as indeed in any country where science is taught and is free, is that there are contradictory views about it. Taking into account the circumstances of Hiroshima or other places, we should like to know in course of time whether this prognostication is correct and whether this place is now safe, after the vast quantity of radiation which was subsisting in the waters even fifteen months after the test explosion -- whether it is now really safe for human habitation. I am not prepared to be dogmatic about it but I must express the misgivings that we have, because every bit of scientific opinion on this is tentative and is hedged in by reservations. In some instances -- not

(Mr. Krishna Menon, India)

all instances -- scientists who speak on behalf of Governments or in support of Government policy in the twentieth century are like the bishops of the seventeenth century. The seventeen century bishops always quoted scripture in support of the Divine Rights of Kings, and today some scientists often come out in support of particular Government policies. Fortunately for us, they are contradicted by others -- and larger number of others -- and so we have the advantage of a variety of opinions.

Therefore, we should like to know at some stage whether in the return of these people to these areas -- I presume it is under close scrutiny, and I have no doubt it would be -- any untoward effects are witnessed, having in mind the after-effects in Hiroshima when people visited those areas long after the explosions.

(Mr. Krishna Menon, India)

If that is not so, then I think it is a matter which is of importance to the world as a whole. That the effects of ionizing radiation wash away after two or three years, as the case may be, or that the United States has used any particular device for doing that, also should be within the knowledge of mankind as a whole. But it does create apprehensions.

There is also a statement which was made by Mr. Nucker that these people are healthier after the explosions. We are all aware of the therapeutic effects of isotopes, and so on, but there is no evidence that people who have been subjected to this kind of radiation would be healthier as a result of it.

Therefore, my delegation would like to know in the next report how these people are faring after their rehabilitation in the old areas. It may be that I do not have the facts right; it may be that one is more apprehensive; it may be that one has no knowledge of the amount of the precautions that have been taken. But still there is a prima facie case to answer, that is, having been at the scene of the terrific explosions, such as the 1954 explosions in Bikini, that with the return of these people to their atolls they are safely rehoused there.

That takes me to the main problem. I should like to make a prefatory observation. My Government does not consider that any particular member of the Trusteeship Council has a specific function in relation to the Trust Territories. We do not regard the non-administering countries as having any special functions different from those of the administering countries. We regard the Trusteeship Council in the terms of the Charter and in the terms of the Trusteeship Agreements as a corporate whole. Its responsibility, including that of the particular Administering Authority, is that of supervision and review of affairs. It is therefore not as though there are some people who should be more vigilant and others who should be less vigilant. It is quite true that our opinions may sometimes vary and our approach may vary from our experience.

I say all this because by what may be said hereafter the impression should not be conveyed that this is by way of an indictment or by way of a destructive or non-constructive approach to the problem. It applies to the whole conception of trust in relation to the transactions that are reported to have taken place. We do not write them down as illegal. We do not for the moment pronounce any opinion about them, but we would like to state what kind of transactions are possible within the Trusteeship Agreement. Therefore, either we must say that these are not of that

character or we must say that whatever their character is supposed to be, this is all the character they can possess.

This trust idea is now about a couple of hundred years old in modern times. In our more ancient societies, the conception of trust was very well known. Surprisingly enough, it is in Anglo-American jurisprudence, and it is more in connexion with my country and with what is now the United States of America, that the whole conception of a sacred trust has arisen. That wonderful gentleman, Edmund Burke, in Parliament fulminated against the Government of the day about the rights and liberties of the Indian people, who had none, but he spoke about them. He also spoke similarly about the thirteen colonies of America and about the rights of their people -- they ceased to be the thirteen colonies at that time.

This conception of trust, therefore, which exists in our ordinary private law, is now translated in international affairs and receives a kind of organic shape with the mandates and now under the Trusteeship System itself.

We do not think that anything can or should be done which would shake the foundations of this. The issue is not whether its actual effects in these islands and in relation to the United States administration would be of a harmful character, but whether a new principle is introduced which may be used somewhere else. This is our concern.

The questioning on this matter has not taken us very far. The words used were "use rights", that is, the payment of nearly half a million dollars to this population who were affected by nuclear explosions and some rights over other islands, which were supposed to confer upon the Administering Authority some special use rights.

I submit that the Administering Authority under the Trusteeship Agreement has got the right to use facilities. It does not have to buy it. It is there already under the Charter and under the Trusteeship Agreement. Therefore, we can only regard these payments in connexion with this transaction as something which the Administering Authority considered necessary as compensation to these people for their sufferings or for whatever may have followed from the explosions. We cannot regard that as in any way a transaction which alters the status of this Territory. That is very important, and I am happy to say that Mr. Nucker has said that there is no question of absolute ownership. May I amend that slightly and say that there is no question of any rights of ownership whatsoever. Ownership in this, the

sovereignty of this Territory, rests in its people. It is latent sovereignty, latent because they do not have the capacity to govern themselves. But in my country it would require a great deal of convincing to be able to tell our Parliament, for example, when these things are discussed, how a people who are not regarded as competent to govern themselves and who are not advanced to the stage of having a territorial assembly, could exercise their will to give something away. That is a very difficult proposition. That is to say, either they have reached the stage of maturity when they can govern themselves, when the problem of self-government or the problem of any kind of territorial nationalism of theirs, even what Justice Marshall spoke of as a dependent nationhood, when even that is possible--we are told that is not possible or at least that we must wait seven or eight years before there can be a territorial assembly -- or if these people are not fit to govern themselves, how can they be fit to dispose of their rights themselves? This is a problem which rather distresses us.

This is not to suggest that there has been anything established here which is anything but a usufructuary right. It is my submission that the capacity of the Administering Authority to ask for volunteers and to utilize whatever apparatus there is in the place -- the facilities in the islands are at the disposal of the Administering Authority in terms of the Charter. My delegation, therefore, would like to place it on record that our view in regard to this particular transaction is that nothing new has happened, there is no change in the status of the Territory. It does not set up a precedent for any other Administering Authority to attempt purchases of territory for themselves. There is in fact no purchase of territory. There is only an ad hoc payment, for whatever may be the reasons, which does not touch the relationship between the United Nations and the Trust Territory, the rights of the people in the Trust Territory, and their capacity to decide for themselves. In fact, every transaction must be bounded by the outer limits of the Trusteeship Agreement.

I read the report of the United States Congress on this Territory and I think it sets out that there are six sources of authority in regard to this Trust Territory. The first is the Trusteeship Agreement and the others are Presidential orders and Congressional orders. So far as we are concerned, there is only one authority and that is the Trusteeship Agreement. The others flow from that and are derived from that. The same applies to this particular thing.

(Mr. Krishna Menon, India)

All that I have said, therefore, indicates that our position must be regarded, not as an indictment of this transaction, but as placing it on record that the transaction does not in any way alter the Territory's status, that no Administering Authority can do anything unilaterally to alter a Territory's status. Our position is that the transaction does not confer upon even the peoples of these atolls -- in their condition of dependence -- the right to change the status of the Territory. Common law, the conscience of mankind, does not permit a ward to be party to a transaction which is, at least in some measure, in favour of the warden, the trustee. That would be unconscionable in our private arrangements: it is equally unconscionable in international law.

For those reasons, we wish to state that we do not regard this transaction as having in any way the effects to which I have referred. We regard the financial aspect of the matter as merely an administrative arrangement which the High Commissioner or the naval authorities or whoever is concerned with the question has thought fit to make in view of the special situation that has arisen.

That brings me to certain other aspects of the problem.

The Administering Authorities and the United Nations have certain obligations in respect of the Trust Territories. It was in the light of these obligations that, at a previous session, we asked the Trusteeship Council to request an advisory opinion from the International Court on the Administering Authority's right to use high-powered explosives in an area which would destroy the terrain itself. Unfortunately, the Council did not accept that position. The principle, however, that the destruction of an area is not permissible under the trust is still, in our opinion, unchallenged.

Looking through the law on this subject, I think that the best statement was made in the International Court by Sir Arnold McNair, when he was considering the problem of South West Africa. The South African Government had put forward certain ideas to the effect that the mandate had terminated and that that Government was therefore in possession of the territory of South West Africa. Part of this is, of course, obiter dicta, but this late Judge and scholar laid down three principles.

(Mr. Krishna Menon, India)

The first principle is that the control of the trustee over the property is limited in one way or another. He is not in the position of the complete owner who can do what he likes with his own, because he is precluded from administering the property for his own personal benefit. Part of this principle is admitted by the High Commissioner, when he says that there is no ownership; he is still somewhat in doubt about the other part.

The second principle laid down by Sir Arnold McNair is that the trustee is under some kind of legal obligation, based on confidence and conscience, to carry out the trust or mission confided to him for the benefit of some other person or for some public purpose. Here again there are some difficulties. So far as I can see from the answers given by Mr. Mason Sears, the United States representative, the words "for some public purpose" are in some way or other equated with the purposes for which the present trust is now being used. That is not a position which my Government accepts.

The third principle laid down by Sir Arnold McNair is that any attempt by the trustee to absorb the property entrusted to him into his own patrimony would be illegal and would be prevented by the law. This, of course, is the same position as that of ownership.

In the light of those three basic principles, the Territory of the Pacific Islands, having been placed under the International Trusteeship System, would attract to itself all these attributes.

The argument has been presented that this area has been designated as a strategic area. Now, the designation of a Trust Territory as a strategic area does not take away from it what a lawyer would call the mischief, but what are really the benefits, of the Trusteeship System. It is quite true that strategic areas have certain special characteristics and certain relationships to the Security Council. With very great respect, I should like to express the view that what the United States representative, Mr. Mason Sears, has tried to submit in this regard is not warranted either by the Trusteeship Agreement or by the Charter. There is no special, sanctified relationship in regard to strategic areas. It is quite true that they can be used for certain purposes, for the maintenance of international peace and security -- and I shall return in a moment to the question of who decides

(Mr. Krishna Menon, India)

whether they should be used for such purposes. The other obligations arising from the Trusteeship Agreements are, however, equal to all Trust Territories. The Security Council has the right to say whether or not we should look into the matter.

In an answer given to Mr. Jaipal the other day, Mr. Sears said that:

"... under the Trusteeship Agreement and the Charter of the United Nations, these areas are closed areas and we can cease debate on them instantly.

However, I do not propose to invoke them." (T/PV.803, page 48-50)

But that does not appear to be the case if one looks at the resolution (S/642) adopted by the Security Council on 7 March 1949, in which the Council resolved:

"That the Trusteeship Council be requested, subject to the provisions of the Trusteeship Agreements or parts thereof in respect of strategic areas, and subject to the decisions of the Security Council made having regard to security considerations from time to time, to perform in accordance with its own procedures" --

that is, the procedures of the Trusteeship Council --

"on behalf of the Security Council the functions specified in Articles 87 and 88 of the Charter relating to the political, economic, social and educational advancement of the inhabitants of such strategic areas...".

In the first place, the whole of the present Territory is not a strategic area. In the second place, the Trusteeship Council is not discussing this matter because it has been granted permission to do so, but because it has the right to do so. Its rights in that respect were delegated to it by the Security Council -- I presume that the Security Council would have the right to withdraw that delegation, but it has not done so. Hence, any suggestion that we are discussing this matter on sufferance is neither in accordance with the facts nor in accordance with the dignity and functions of the Trusteeship Council. What we are doing here is considering the position of the United Nations in terms of Articles 87 and 88 of the Charter.

Now, Mr. Mason Sears asks us to refer to Article 87. I can only think that there must have been some error in that reference. For what does Article 87 say? It says:

"The General Assembly and, under its authority, the Trusteeship Council, in carrying out their functions, may:

(Mr. Krishna Menon, India)

- a. consider reports submitted by the Administering Authority;
- b. accept petitions and examine them in consultation with the Administering Authority;
- c. provide for periodic visits to the respective Trust Territories at times agreed upon with the Administering Authority; and
- d. take these and other actions in conformity with the terms of the Trusteeship Agreements."

There is nothing in this Trusteeship Agreement which debars our discussion of these matters, our criticisms of these matters, or our suggestions on these matters. I therefore deeply regret that there should be some idea that we should not have talked about these matters or that we were merely permitted to talk about them. I must say that Mr. Sears has been good enough to say that my colleague, Mr. Jaipal, dealt with the question in a very courteous manner; I think that that is how it should be.

Let us now turn to the Trusteeship Agreement. I invite members to refer to article 3 of that Agreement, which states;

"The Administering Authority shall have full powers of administration, legislation, and jurisdiction over the Territory subject to the provisions of this Agreement, and may apply to the Trust Territory, subject to any modifications which the Administering Authority may consider desirable, such of the laws of the United States as it may deem appropriate to local conditions and requirements."

What is the Administering Authority supposed to do under the terms of that article? It has full powers of administration. I submit that transferring the Territory or establishing any servitude over the Territory is outside of the Administering Authority's powers. It has powers of legislation and jurisdiction. But those three powers do not cover a transaction which establishes any rights other than those conferred by the Trusteeship Agreement or any rights contrary to the conception of a sacred trust.

(Mr. Krishna Menon, India)

The United States, however, in this particular instance, can rely on the last part of this article, if it has any relevance, because it says:

"The Administering Authority shall have full powers of administration, legislation and jurisdiction over the Territory subject to the provisions of this Agreement, and may apply to the Trust Territory, subject to any modifications which the Administering Authority may consider desirable, such of the laws of the United States as it may deem appropriate to local conditions and requirements."

So far as my limited knowledge of United States law goes, I do not think that it is part of United States law for any particular population of a Territory to be in a position to barter away its rights. It is quite true that United States law allows purchases of territories from other people, but not from their own populations.

Then we come to article 4 of the Trusteeship Agreement, which states:

"The Administering Authority, in discharging the obligations of trusteeship in the Trust Territory, shall act in accordance with the Charter of the United Nations, and the provisions of this Agreement, and shall, as specified in Article 83 (2) of the Charter, apply the objectives of the International Trusteeship System, as set forth in Article 76 of the Charter, to the people of the Trust Territory."

With regard to this particular Territory, Article 76 of the Charter is specially set out. That dismisses any idea that this is a sacrosanct Territory, a strategic area, which is in a category different from anything else, because when the United States concluded this agreement with the United Nations, there were certain modifications as compared to other agreements and it accepted these particular Articles -- Article 76, dealing with the purposes, and Article 83 (2), dealing with similar matters. That is, it agreed that the objectives of Article 76 should be applicable.

Article 4 of the Trusteeship Agreement is particularly significant because it refers to Article 83 (2). Article 83 (2) states:

(Mr. Krishna Menon, India)

"The basic objectives set forth in Article 76 shall be applicable to the people of each strategic area."

In fact, not only is there no exemption by implication, but an exemption is prohibited by the Charter. The fact that the Territory is strategic does not take away the competence of Article 76 of the Charter.

Now we come to article 5 of the Trusteeship Agreement, and this is probably what is most important. I think it is a common principle of law that when the specific things which one may do have been enunciated, then one cannot go beyond that. One cannot say that one has some reserves unless it is stated "and other things". Under article 5 the Administering Authority's entitlement is given. What can the Administering Authority do? This was discussed at length in 1946 when the present Secretary of State was the representative in the Fourth Committee. I was there at the time; and the henchman of greater rights at that time was the United Kingdom in regard to the fortification of Tanganyika. The following three things are set out in article 5:

"1. To establish naval, military and air bases and to erect fortifications in the Trust Territory;"

Nobody challenges the right of the Administering Authority to do that under this Agreement.

"2. To station and employ armed forces in the Territory;"

That, I submit, does not require a new agreement of any kind.

"3. To make use of volunteer forces, facilities and assistance from the Trust Territory ..."

That is to say, making use of facilities provided for already. Therefore, I submit that these three clauses of article 5 exhaust the competence in the entitlement of the Administering Authority.

But if that stood alone, it would not complete the story. I invite the attention of those concerned to article 6 of the Trusteeship Agreement, paragraph 2 of which contains an obligation placed upon the Administering Authority which is the other way round -- that is to say, it prevents it from taking away any lands. The paragraphs reads:

(Mr. Krishna Menon, India)

"Promote the economic advancement and self-sufficiency of the inhabitants, and to this end shall regulate the use of natural resources; encourage the development of fisheries, agriculture, and industries; protect the inhabitants against the loss of their lands and resources ..."

That is enjoined upon the Administering Authority under the Agreement to which it is a signatory. Therefore, the only helpful construction which one can put upon the present development is that it does not take away their lands, it does not create new rights; it is purely a payment of money made to people for what the Administering Authority may think is some damage which they have suffered.

What my government is concerned to establish is that no new rights can be created. There can be no disposal of properties, no change of status. I want to say frankly that it is not these islands that worry us, but the precedent which it might establish in relation to other territories and other Administering Authorities. The article which I have just read definitely goes against the idea of any changes in this way. Therefore, as regards any suggestion that the present transaction is of a character that has changed anything, so far as my Government is concerned, we want to go on record that we do not accept that position. We are happy to feel that the United States has considered the sufferings of these people; and there may be many who think that the payment of half a million dollars to these people is probably not adequate, but, on the other hand, we have to take into account the fact that the Administering Authority is still there and that if there are any other requirements, those things will be looked after.

Is there anything in the code of the Territory that permits this? The code of the Territory does not authorize transfer of land for indefinite use. That is why we tried to obtain at questioning time -- I am sorry to say, not successfully -- what was actually meant. Unfortunately, we have not the advantage of having a copy of this Agreement. In our view, that Agreement should have been registered with the United Nations and we think that the Secretariat is remiss in not obtaining a copy of it. We asked the Secretariat. The Secretariat is like a High Court of Judicature; they always avoid difficult points. They do the minimum that is necessary; and so the Court is not called upon to pronounce in this matter.

(Mr. Krishna Menon, India)

The permanent representative of India asked the Secretary-General a few days ago. He said:

"It will be noticed from the above mentioned references"---
it refers here to the working paper of the Secretariat --

"that the former inhabitants of Bikini and Eniwetok have been credited in all sums of £325,000 and \$175,000 respectively in return for which the Trust Territory government has assumed 'the indefinite use rights'" --
here are the words that confuse us: "the indefinite use rights". It is a particularly American expression.

" ... of these two atolls. The delegation of India appreciates the fact that the Administering Authority has thus sought to give a measure of relief to the former inhabitants of these atolls and that in so doing it has been motivated by humanitarian considerations. It will be appreciated, however, that in view of the Trusteeship status of these territories it is necessary to examine the full implications of these measures both in respect of this Trust Territory and having regard to possible repercussions on other such areas. It would appear to the delegation of India, therefore, that the following points arise for further consideration: (a) whether the instrument concerning the transaction referred to above has been deposited with the United Nations Secretariat and whether a copy could be made available; (b) whether it affects the provisions of the Trusteeship Agreement and its principles and purposes; (c) whether it entails any rights for the user beyond the period of Trusteeship, and (d) considering that the inhabitants of these two atolls have not yet obtained self-government, how the right of disposal of a part of the Trust Territory can be reconciled with their present political advancement."

These are the four or five points in the mind of my delegation, some of which the High Commissioner answered when he said that it did not entail any use beyond Trusteeship. I do not think that he said it as emphatically as I have done. What he said was: "I do not think it contemplates it." But, as human affairs go, neither the High Commissioner nor I will be here to discuss this when the time comes, so it should be on the record as to what the position is. And it will be necessary

(Mr. Krishna Menon, India)

for the delegation of India, in reviewing the report to the General Assembly, to go into this question. As I said, frankly, we are not in substance so much worried about the Pacific Islands but, if a precedent should be established that the Administering Authority can, by some arrangement with the Trusteeship populations -- who, in our opinion, have no real freedom and cannot have it until they are independent, because if they had real freedom they would independent -- or by a transaction between ward and trustee, establish any changes in the rights of the ward, there would then be repercussions in other Trust Territories in other parts of the world.

(Mr. Krishna Menon, India)

There have been some tendencies in that direction already, and we would not want to see the United States action being quoted as a precedent in this direction.

Now the Secretariat answer came to this letter. I suppose this really means it was the Secretary-General of the United Nations who wrote this letter. The letter states:

"The Secretary-General of the United Nations presents his compliments... and... has the honour to inform him (the representative of India) that no instrument concerning the transaction mentioned in the second paragraph of the note has been deposited with the United Nations Secretariat."

I think that that is a totally correct answer and, what is more, it is so correct that it is totally uninformative, apart from the fact that no document is here. We are always in for this, and therefore I repeat that we think that the Secretariat has not discharged its responsibility in not obtaining a copy of this agreement. It is their duty, when putting up the working paper, to have pointed out that this agreement ought to be furnished. It is entirely up to the Administering Authority to say: They would furnish it or they would not furnish it. That is a different matter because none of the Member States can be expected to look into these matters or to carry out the responsibilities which must rest with the Secretariat.

Section 925 of the Code of the Trust Territory authorized the acquisition of land by the Government of the Trust Territory for public purposes. Now here is where I join issues with my colleague, Mr. Mason Sears, the implication of whose statement is that these are public purposes. A public purpose in terms of administered territory is a service or public utility, and that is to say, for building a transport or a fish market or whatever it may be. That is a public purpose. But what is argued here is that it is necessary for international peace and security, and the High Commissioner quite rightly takes the view that it is not his business to discuss these matters. I turned this over to the representative of the United States, and he told us -- last year and, I believe, this year -- that this is a matter of international peace and security.

We recognize that the Trusteeship Agreement -- not only the Trusteeship Agreement but the Trusteeship System -- recognizes and, what is more, lays down that Trust Territories must be available and must come into the system of international peace and security. But the submission of my delegation is that a decision on what is international peace and security, on where this comes in, is a matter in this regard for the Security Council.

If you look at the Charter, the Charter being a brief document for world administration, you will see that it does not go into great detail. The only reference in this regard is in Article 24. What does Article 24 say? Paragraph 1 of Article 24 says:

"In order to ensure prompt and effective action by the United Nations, its Members confer on the Security Council primary responsibility for the maintenance of international peace and security".

If these places are necessary for international peace and security, if a particular "use-right" is necessary and it flows from the reasons of international peace and security, it is our submission that that ought to be done in terms of Article 24. It is only when it has been referred to the Security Council and if it fails to discharge its primary responsibilities that some other things may arise. But according to the Charter, that responsibility is vested in the Security Council and the Security Council has a special competence in regard to this Territory in view of the fact that there are strategic areas in it and our consideration of it concerns a delegation of the Security Council. What is more, Article 24, to elaborate this, says how the Security Council should act. It says that it "shall act in accordance with the Purposes and Principles of the United Nations." It further says that:

"The specific powers granted to the Security Council for the discharge of these duties are laid down in Chapters VI, VII, VIII and XII."

If it does say anything of that kind, it has to report to the General Assembly. Therefore, all that is provided for in the Charter, and we cannot therefore subscribe to the view that section 925 of the Code of the Islands of the Trust Territory can be enlisted in support of any transaction which is more than what we have said. We prefer to believe that that is how it is: This is not a public purpose as understood in terms of administration.

That is not to say that it is a private purpose, but it is a purpose that is different if its justification is in terms of international peace and security which is not within the competence of any State, however powerful, however influential, however good and however idealistically moved. The decision as regards an issue of international peace and security is primarily within the competence of the Security Council and nobody else.

The present transfer, if the words are to be taken at their face value, which involved the indefinite use of rights to the islands, may suggest a possible period beyond trusteeship. What I should like to say is that when the High Commissioner says "indefinite use of rights", he probably refers to the character of the use rather than to the period; that is to say, the character is not defined, whether he is going to use these areas for grazing grounds or for manufacturing purposes or for burning incense or for exploding bombs: that is indefinite. That is all it means and it cannot mean anything else because how can we as a Member State think that the Administering Authority would go beyond the Trusteeship Agreement? That is by definition impossible. Therefore, the indefinite use referred to by the High Commissioner, or implied in his statement -- "the indefinite use-rights" -- can only refer to the character of the use and not to the period of use. The character of the use in our opinion is limited by what is called public purpose in terms of domestic law and also by the Trusteeship Agreement for the welfare of the inhabitants. Those are the only two uses they can make.

The third use of international peace and security has to be so denoted by the Security Council. In this matter we have good authority from the United States itself. Some years ago the Government of the Union of South Africa decided to annex South West Africa which was held by it under a C Mandate of the League of Nations, and which by all rights and by all good practice ought to be under trusteeship. Anyway, they decided to annex it, and in order to make the annexation legal they took a referendum of the peoples of South West Africa, the very people who are not competent to be self-governing. They said at the end of the referendum that the people had decided to join the Union of South Africa.

(Mr. Krishna Menon, India)

Now what is the United States view about it. It comes from a gentleman called Mr. John Foster Dulles who at that time was a member of the Fourth Committee. Mr. Dulles, speaking for the United States, said:

"that the United States of America wished to associate itself with the views expressed by certain other delegations" -- which objected to it at that time -- "to the effect that the data before the General Assembly did not justify the approval of the incorporation of South West Africa into the Union".

Then the General Assembly adopted the resolution which considered:

"that the African inhabitants of South West Africa have not yet secured political autonomy or reached a stage of political development enabling them to express a considered opinion which the Assembly could recognize on such an important question as incorporation of their Territory".

(Resolution 65(I))

We have spoken at length on this, as I said several times, not because we question the bona fides of this transaction, not because we are sad that these people have received this amount of money, not because it will make any real difference in substance, but because we are very apprehensive of doing things in this way because there may be situations where this may be used as a precedent. Therefore, we want to state not that this is wrong but that, in our opinion, having regard to the Trusteeship Agreement, having regard to Anglo-American jurisprudence by which the United States is bound in this question and having regard to the Trusteeship Agreement and to the Charter, this transaction can only go so far and therefore no violation will have taken place.

(Mr. Krishna Menon, India)

We submit therefore, for the purposes of record, that this should be so conceived, and we hope that the United States Government in the exercise of its wisdom will enable Member States to have copies of this instrument. After all, it is a part of the annual reports submitted and in fact it should be in the annual report. When an Administering Authority introduces legislation setting up a legislative council or something of the kind, we usually have a copy of the constitution. All this is part of the usual process of business and is entirely normal. Therefore, if it is possible to include this document in United Nations records, we should be in the possession of far more concrete information than has been given in the statements we have before us.

All that my delegation has submitted is merely with a view to ensuring that, in the exercise of the responsibilities arising from a trust, the conception of a trust does not suffer any infringement, because that would have serious implications. That is our only reason for this rather long statement on this question. It is not that we think that this is an example of annexation or expansionism of any kind and I feel quite sure that if these possibilities of criticism or of apprehension had been in the mind of the Administering Authority, the latter would probably have dealt with it in another way. We submit these observations in all sincerity and in the hope that the Secretariat will take steps to obtain copies of this document or that the Administering Authority will make them available in due course. We shall then be able to satisfy ourselves that this transaction does not go beyond the Trusteeship Agreement, because the sovereignty of this Territory, by the law of conscience, rests in the people and no act by the Administering Authority or anyone else can take away the sovereign rights of the people.

Mr. SEARS (United States of America): I have listened very attentively to Mr. Menon's statement, in which there were several points which I may not have quite understood, and I shall look forward to reading the record tomorrow morning. If I heard him aright, there were a number of erroneous assumptions of basic facts, and if we were to strip away these few assumptions I think Mr. Menon would be surprised to see how closely his views coincide with ours. I do not care to make any further statement for the moment, but I wish to reserve my right to make comments later when we make our final statement.

Mr. Krishna MENON (India): I do not know how you can strip an argument of the facts, or the facts of the arguments; there is no question of stripping anything. What we have pointed out is that here is an unusual transaction; the documents are not before us and we are apprehensive that this might be used as a precedent. Representatives of the United States, this year and the previous year, have brought up this conception that there is something mysterious about a strategic area which places it beyond the competence of the Trusteeship Council. This is a position we contest, and the whole of the Trusteeship Council should contest it, because it is not in the Charter. There is no implication of mala fides in the matter and I am grateful to Mr. Sears for saying that he will read the text. I am sorry if my presentation of it has not been sufficiently lucid. I have done the best I can to present a difficult situation, to the solution of which I have tried to the best of my ability to contribute.

Mr. SEARS (United States of America): If Mr. Menon will come around on Friday or Monday I think we shall be able to make him very happy.

Mr. Krishna MENON (India): I shall be happy if the United States representative is happy.

The meeting was suspended at 4.25 p.m. and resumed at 4.50 p.m.

EXAMINATION OF CONDITIONS IN THE TRUST TERRITORY OF NAURU: ANNUAL REPORT ON THE
ADMINISTRATION OF THE TRUST TERRITORY OF NAURU (T/1312, 1324; T/L.771)

/Agenda item 4c/ (continued)

At the invitation of the President, Mr. John Herbert Jones, special representative for the Trust Territory of Nauru under Australian administration, took a place at the Council table.

Mr. TOUROT (France) (interpretation from French): I have taken note of the report of the Administering Authority and have listened to the preliminary statement of the special representative; I have only a few questions on matters of detail which I should like to ask.

On page 11 of the report we read that a draft ordinance relating to the definition and granting of membership of the Nauruan community has been submitted to the Council. My delegation would like to know whether this text was adopted and promulgated and, if so, I would like to ask the special representative to tell us the terms of the ordinance.

Mr. JONES (Special representative): I think the representative of France is referring to the Nauruan community ordinance which was actually promulgated in 1956 but has not been put into operation at the request of the Council. Some of the provisions of this new ordinance which had been agreed to by the previous Local Government Council have been more or less brought into question by the new Council which was recently elected and it has asked the Administrator not to bring the ordinance into force until such time as the Council has had an opportunity of studying it more carefully and possibly suggesting some amendments.

I have not the full details of the provisions of this ordinance before me, but it mainly provides and regularizes the right or power which the Council of Chiefs previously held to grant Nauruan citizenship to people of other Pacific islands. It will not refer to people from other countries who, when they come to Nauru, retain their own nationality.

Mr. TOUROT (France) (interpretation from French): When the report for the year 1956 was being discussed, the special representative said that measures had been taken to amend the legislation in force in order to give the Local Government Council power to impose taxation. This measure was suggested by the Visiting Mission. The question was asked as to whether such an effort could be made by a population that seems to have a certain revenue of its own. I should like to know what measures have been taken in that direction and whether an ordinance has been promulgated with regard to this matter.

Mr. JONES (Special representative): This matter was discussed with the Local Government Council, and the reasons for suggesting to the Council that there should be an amendment to the ordinance to provide for the levying of taxes was explained. So far, the Council has taken no decision in the matter. It is still under consideration.

Mr. TOUROT (France) (interpretation from French): I should like to pass now to another point of detail concerning the local electoral system. What is the present electoral procedure? What kind of suffrage has been instituted? These details are not to be found in the documents that have been made available. I should like the special representative to give us further information on this point.

Mr. JONES (Special representative): All Nauruans over the age of twenty-one have the right to vote. The Island is divided into eight electoral districts. Each of seven elect one member, and the one other district elects two members. Voting is by secret ballot. Any Nauruan who is eligible to vote is also eligible to stand for election. In the voting by secret ballot, the preference system is used.

The actual voting procedure is that a house or an office is set apart. The actual voting is done under the supervision of an officer of the Administration who, however, has no part in the voting. He is merely there to see that it is done according to the procedures provided in the ordinance.

· Mr. TOUROT (France) (interpretation from French): I wish to thank the special representative for this information.

The Local Government Council, which is a political organ, apparently has a somewhat commercial character when it is called upon to act as the Board of the Mauruan co-operative. In order to be able better to concentrate its activities in the political field, would it not be preferable to entrust the direction of that co-operative to a special board on which a representative of the Government could sit? Was this possibility examined on the local level? Perhaps there are purely local reasons that militate against such a measure. I should be very grateful to the special representative if he could offer an explanation on this point.

Mr. JONES (Special representative): The present arrangement was in accordance with the wishes of the Nauruan people. About twelve months ago it was suggested to them that the co-operative store be run on more co-operative lines, that is, that there be a separate body to manage the store and its business. Arrangements were made for one of the Nauruans who was an assistant manager in the store to proceed to New Guinea to attend a co-operative school so that he would be competent to run the store on co-operative lines, assisted by a body to be elected. So far no action has been taken along those lines, but it is highly probable that within the next year or perhaps two, when he has finished his training, the form of the management will be changed.

Mr. TOUROT (France) (interpretation from French): I thank the special representative for his explanations. My last question concerns the judiciary. Apparently the executive and the judiciary are not entirely independent of each other. Perhaps local conditions justify this situation. However, in view of the progress in the political and social fields, a draft ordinance was prepared last year to establish a clear distinction between the executive and the judiciary in order to make the local courts entirely independent of the executive. I should be grateful to the special representative if he could tell us whether this ordinance has been promulgated and is now in force.

Mr. JONES (Special representative): The present position of the new Judiciary Ordinance is that the Ordinance was approved in draft form in December 1956, and as soon as the machinery for bringing the Ordinance into force can be completed it will be brought into force.

I might say that the new Ordinance will establish three courts: a Court of Appeal, a Central Court and a District Court. The Court of Appeal will be completely separate from the administrative side; in other words, the whole of the judiciary will be separate from the administration. The Court of Appeal will be a court of record and consist of such magistrates as the Administrator may appoint. The Central Court will consist of judges and magistrates as are appointed, and the superior court, that is, the District Court, will be a superior court of record and consist of a judge who will be appointed to that position.

Mr. KIANG (China): I was given to understand that it would be agreeable to the special representative if I put the few questions that I have on all the fields of advancement in the Territory. The first question I shall put to him is in reference to the election of councillors held in 1955. On page 13 of the annual report it is stated that twenty-nine electors failed to vote, and an explanation is given as to why nine of those electors failed to vote, but no explanation is given with respect to the other twenty electors. I should be very grateful if the special representative would be good enough to give me an explanation with regard to the other twenty electors who failed to vote.

Mr. JONES (Special representative): Of the twenty-nine, it was considered that twenty had explanations that were acceptable and explained their reasons for not voting. In the cases of the nine, their explanations were not accepted, and so they were prosecuted under the provisions of the ordinance and they were convicted, but the only punishment was a caution.

Mr. KIANG (China): My point in asking the question was to learn what explanations were tendered by the other twenty electors.

Mr. JONES (Special representative): I have no information regarding the explanations given by the twenty, but no doubt sickness and other reasons were given as excuses.

Mr. KIANG (China): In the last election a person by the name of Austin Bernicke was elected. In 1951 he was elected to represent the district of Denigomodu and three other districts. In 1955 he was re-elected to represent another district, Buada. I should like to have an explanation of this from the special representative.

Mr. JONES (Special representative): If the representative of China peruses the population figures he will note that there has been what would appear to be a fairly large movement between the various electorates, but actually there has been very little movement. At the last census quite a number of the Nauruans who resided in one district requested on this occasion that their names be

registered in another district, and this resulted in some changes in regard to the representatives. Many of the people that Mr. Bernicke represented after the previous election made up their minds and requested that their names be placed on the electoral roll of another district. It was agreed between the people who were standing for election that Mr. Bernicke could stand for this particular district. Others, of course, also stood for the district, but he won the election.

Mr. KIANG (China): On the same subject, I should like to ask whether all the present councillors are employees of the Administration. The councillors of last year were all employees of the Administration. Is the same the case for the year 1955-56?

Mr. JONES (Special representative): The majority of them are employed by the Administration. All of the present councillors at the time of the election were employed by the Administration. Since the election took place, Mr. Hammer de Roburt, who has been appointed Head Chief, has resigned his position with the Administration.

Mr. KIANG (China): I should like to ask another question in connexion with public service. I think the Administration is fully aware of the suggestion made by the Visiting Mission of 1956 concerning the possibility of creating in suitable departments senior posts below that of the head of the department which Nauruans might be capable of filling. It seems that both the annual report and the opening statement of the special representative do not throw much light on this subject. Could the special representative add anything in this respect?

Mr. JONES (Special representative): Note was taken of the suggestion of the Visiting Mission. Last year I pointed out that the Administering Authority did not consider that it would be of benefit to the Nauruans to create these sub-senior positions until such time as Nauruans were available who would be competent to fill those positions. To create such positions at the present stage and to fill them with Nauruans who had not reached the necessary standard and who did not have the necessary experience for such positions would be a bar to the appointment of Nauruans who are now studying in Australia and in other places and who, we hope, will have the qualifications to fill such positions.

Another point is that in a small island like Nauru, there really would be no actual need for such positions. We do hope that as time goes on Nauruans will become qualified even to fill the senior positions.

Mr. KIANG (China): I should like to seek some clarification with respect to the resettlement of Nauruans. I am not going to raise the broad subject. At its eighteenth session, the Council endorsed the recommendation of the Visiting Mission that the Administration should establish a standing joint consultative body consisting of representatives of the Administration and of Nauruans, with certain possible assistance from the British Phosphate Commissioners. In reading this report, I was given to understand that a special committee was set up by the Local Government Council and that the special committee seems not to be the committee which was recommended by the Visiting Mission. Will the special representative confirm my understanding that this committee which was set up by the Local Government Council is not the kind of committee suggested by the Visiting Mission.

Mr. JONES (Special representative): At the time this question was being discussed in the Council the Administrator himself was discussing it with the Local Government Council. He did not anticipate any resolution from this Council and suggested to the Local Government Council that it would be more practicable and would permit closer co-operation if the Council would appoint a committee to collaborate with him and, if it were considered necessary, to seek from time to time the advice of the members of the BPC on any technical matters that arose.

On my return and after we received the records of the Trusteeship Council, consideration was given to the suggestion of the Council as to whether or not that would be better and perhaps prove more efficient than what had already been done. No change has as yet been made, but consideration is being given to the suggestion of the Trusteeship Council that such a committee should be formed. That matter is still under consideration.

Mr. KIANG (China): My next question concerns public finance. The table on page 56 of the annual report, appendix IV B, shows that the payment by the British Phosphate Commissioners for the period 1955-56 is much less than for the period 1954-55. Does this decrease have anything to do with the manner of payment, because I understand that payment is by instalment? It apparently has nothing to do with exports because exports for 1955-56 actually increased. I should like to have an explanation for the decrease in this figure.

Mr. JONES (Special representative): The figure quoted here has nothing to do with the amount of phosphate exported. The figure represents the money which was asked for by the Administration for purposes of administration. As I explained clearly two years ago, the method of financing the administration had been changed, and instead of having a royalty to bring in the sum of money necessary for the administration, it was considered far more efficient and simple for the Administration to prepare its budget for the forthcoming year and then to advise the Phosphate Commissioners of the amount of money needed. That amount was then made available. That amount represents the amount of money which was made available by the British Phosphate Commissioners to meet the costs of the administration.

Mr. KIANG (China): I understand, therefore, that this is as a result of the recommendation for the budgetary change.

Mr. JONES (Special representative): Yes. I might add that the reduced amount of money required by the Administration for the year was due to a decrease in actual expenditures on buildings. The actual expenditure will be found in another table. It shows that capital expenditure decreased by approximately £30,000.

Mr. KIANG (China): My final question is in connexion with the history textbook. I think that Mr. Jones will remember very well that last year he led the Council to understand that the history text of Nauru was under preparation. The annual report has not made any reference to this textbook. I understand that UNESCO in one of its observations did suggest the preparation of this textbook. Is the special representative in a position to throw some light on the question of the preparation of this history textbook?

Mr. JONES (Special representative): Yes, it was rather an oversight that no mention was made of it in this year's report. I noticed that when the report was completed. It is being prepared by the Department of Education. They have been working full time over the last twelve months preparing textbooks for the primary schools. They are preparing textbooks which are suitable for the Nauruan people. For that reason, although they have been accumulating further material for the history textbook, they have not yet been able to prepare it.

The PRESIDENT: I would remind members of the Council that they may, of course, address questions to the special representative on all fields covered by the annual report, if they desire to do so.

Mr. CLAEYS BOUUAERT (Belgium) (interpretation from French): I shall follow the example of the representative of China and shall put a series of questions on the entire problem of the Territory of Nauru.

In his opening statement, the special representative told us that the delay in the Nauru Local Government Council's examination of ordinances could not be ascribed to any lack of initiative on the part of the Administration. Could the special representative tell us how the Administration exercises its initiative in this respect? Is it by the submission of draft ordinances to the Council?

Mr. JONES (Special representative): Yes, an ordinance is presented to the Nauru Local Government Council for its consideration some time before the monthly meeting, of which the Administrator is chairman. That gives the councillors time to read the ordinance and crystallize their views on it to some extent. Then, at the monthly meeting the Administrator goes through the ordinance, clause by clause, with the Nauruans, explaining to them as clearly as he possibly can the implications and provisions of the ordinance. The ordinance is left with them and if, by the time of the next monthly meeting they have still not made up their minds about the comments they wish to make, the Administrator again assists them. That procedure is followed until the Nauruans are prepared to submit their written comments.

Mr. CLAEYS BOUUAERT (Belgium) (interpretation from French): On page 13 of the annual report, we read that in connexion with the 1955 election for the Nauru Local Government Council thirty-nine candidates were nominated for the nine seats of councillor. I should like to have some information on the way in which these candidates were chosen. Was there any intervention, for example, by the local parties?

Mr. JONES (Special representative): As I have stated, any Nauruan over twenty-one years of age who is eligible to vote is also eligible to stand as a candidate for election. He must be nominated by an elector and his nomination must also be seconded by an elector. So long as two electors support such a person's nomination, and so long as there is no other bar to his nomination, he may be placed on the roll of candidates for the particular district in which he wishes to stand.

Mr. CLAEYS BOUUAERT (Belgium) (interpretation from French): My next question also relates to the electoral system. Is the present electoral system provided for in an act of the Administering Authority, or can it be changed by decision of the Local Government Council itself?

Mr. JONES (Special representative): The electoral system is provided for in the Nauru Local Government Council Ordinance.

Mr. CLAEYS BOUUAERT (Belgium) (interpretation from French): I turn now to the economic field. At the initiative of the Administration, the Nauru Local Government Council has been invited to study the possibility of developing a fishing industry in the Territory. Could the special representative tell me whether the Territory imports, to feed the workers, quantities of fish that could be obtained locally? Is this fishing industry designed to provide fish for the Nauruan people themselves?

Mr. JONES (Special representative): Considerable quantities of canned and frozen fish are imported, and a certain amount of dried fish is also imported. The proposal put to the Nauruan people by the Administrator is that a fishing industry should be established which would provide fish for all the people on Nauru. That includes the employees of the British Phosphate Commissioners and the employees of the Administration. Considerable progress has actually been made in the investigations concerning suitable freezing plants, fishing gear, and so forth. Furthermore, the British Phosphate Commissioners have indicated that they would be quite prepared to purchase any fish made available from this source.

Mr. CLAEYS BOUUAERT (Belgium) (interpretation from French): The Administering Authority's report states that there is a trade union of Nauruan workers. I do not believe, however, that the report contains any information on the organization of foreign workers. Could the special representative tell us whether or not there are trade unions of which non-European foreigners in Nauru are members? I refer to the workers from the Gilbert and Ellis Islands, the Chinese workers, and so forth.

Mr. JONES (Special representative): The only union is the one which has been formed by the Nauruans. All other workers come to the island under specific agreements which have been drawn up and entered into before they leave their own countries. Then, before they begin work on the island, they are examined by the Administrator, who gives the final approval. Although they have no union, both the Chinese workers and the workers from the Gilbert and Ellis Islands have committees which approach the British Phosphate Commissioners or the Administration -- depending on where these workers are employed -- if there is a necessity to discuss any problems. Questions that arise in this way are adjusted through those channels.

Mr. DAVIN (New Zealand): Some questions which I had intended to ask have already been asked and answered -- at least in part. There are one or two matters which I should still like the special representative to clarify for me, if possible.

In reply to the representative of France, who referred to an ordinance relating to the definition and granting of membership of the Nauruan community, the special representative explained that the new Council objected to some of the terms of the draft ordinance and that its promulgation had been delayed on that account. Could the special representative tell me something about the provisions to which the new Council objects?

Mr. JONES (Special representative): I regret that I am not able to provide that information. When I visited Nauru recently I mentioned this matter to the Administrator, who said that it was only a minor detail in connexion with the granting of citizenship rights to other Pacific Islanders who had married Nauruan girls. Quite a number of those who had so married had approached the Council requesting permission to take their Nauruan wives back to their own islands, and I think that the Administrator felt that if Nauruan citizenship were granted to those particular islanders, they should be made to remain on Nauru. I do not have the full story, but there was some such matter of detail.

Mr. DAVIE (New Zealand): That is quite a satisfactory explanation from my point of view.

There is another point, arising out of a question by the representative of France, on which I should like to be quite clear. He referred to powers of taxing. I assume that the reference was to a power proposed to be granted to the Local Government Council to impose rates and that there is still no decision on the matter; it has been held up. I do not know whether the special representative could tell us anything of the rating powers contemplated -- presumably it would include a small levy on landowners.

Mr. JONES (Special representative): I have no details in regard to any taxes which the Nauruan Local Government Council has in mind to impose because it has only given consideration to it in very general terms. The Council was asked on 26 November 1956 more or less to take some action on the matter and to make up its mind whether or not it would impose these rates or taxes and, if so, on what lines. The Administrator, of course, has discussed the matter with the Local Government Council and has made quite a number of general suggestions as to how such rates and taxes could be levied; but he is more or less leaving it to the Council now to decide on the matter. As soon as a decision has been reached, of course, the Trusteeship Council will be advised in next year's report.

Mr. DAVIN (New Zealand): I have one more question on political advancement. This subject has already been referred to by the representative of Belgium; it is in connexion with the interest shown in Nauruan affairs by the Local Government Council. As the representative of Belgium has said, it appears quite clear that the delay in the Local Government Council's examination of ordinances, and perhaps even its lack of interest, cannot be ascribed to lack of initiative on the part of the Administration. I wonder if the special representative can tell us why the Nauruans are so reluctant to become engaged in serious and prompt consideration of their own affairs. It seems that they are fully aware politically and in many other fields, but they seem reluctant to undertake further responsibilities in the Local Government Council.

Mr. JONES (Special representative): I think that they are interested enough; I believe that they are really quite keen and they appreciate the fact that ordinances are being made available to them for their comments. They realize the responsibility which has been placed upon their shoulders by having these ordinances referred to them and they now know by experience that their comments are given due notice, particularly in connexion with ordinances in which we rely upon them to give some guidance -- such as the Nauruan Council Ordinance. In such a case, when they suggest changes, they are effected. I think that the main reason for the delay is, as I explained in my opening statement, that, after considering the matter themselves as a council, each Council then refers it back to its constituents and obtains their views. I think that we all know from experience that there would be great difficulty in getting agreement among all their people; and yet, they seem very anxious not to offend any of the people, but rather to try to compromise and to come to some agreement. This results, of course, in the ordinance being referred time after time to the people, and I think that that is one of the reasons for the delay.

There is another point here. I have inquired into this myself when I visited the Territory recently. It is that the Council must try to grasp the implications of unfamiliar concepts expressed in uncolloquial language. The members find great difficulty sometimes in really understanding what a provision means. That is why, when I was asked by the representative of Belgium, I explained that

(Mr. Jones, special representative)

at every monthly meeting when they are still considering an ordinance, the Administrator goes through it again and assists them with any particular parts regarding which they are not too clear.

Mr. DAVIN (New Zealand): It is reassuring to find that there is no lack of interest. It is rather the mechanics of their own procedure and responsibility to their constituents which hold up consideration of an ordinance.

I have one or two more questions in other fields, particularly the field of economic advancement. The special representative has already given some explanation to the representative of China about how funds are made available to the Administration by the Phosphate Commissioners for the purpose of running the Territory. I have a rather indistinct recollection that a previous question in the Council has established that the Phosphate Commissioners accept without question the amount required by the Administration and that the Commissioners do not attempt to influence in any way the Administration towards curtailing the budget so that the demands on the Commissioners will be lessened. I should be glad of confirmation from the special representative that that is the case.

Mr. JONES (Special representative): Yes, I can confirm the understanding of the representative of New Zealand. The Administration, on behalf of the Administering Authority, prepares the budget for the forthcoming year and it is merely submitted to the Phosphate Commissioners. They have no part in it and do not have any discussion whatever on its preparation.

Mr. DAVIN (New Zealand): I have one final question, to which I should probably know the answer, but I am afraid I do not. I wonder whether the special representative can tell me what is Hansen's disease?

Mr. JONES (Special representative): That is a new name given to leprosy. Because of the fear of leprosy, it was decided at some international conference about two years ago to change the name to Hansen's disease.

Mr. BENDRYSHEV (Union of Soviet Socialist Republics) (interpretation from Russian): I should like to ask a few questions with regard to conditions in the political field, reserving my right, with your permission, Mr. President, to ask further questions in other fields at our next meeting.

My first question deals with a statement in the report to the effect that there are no political parties or organizations in the Trust Territory. Perhaps the special representative can explain the non-existence of such parties or organizations.

Mr. JONES (Special representative): It is just, I take it, that they are not politically minded. They have never had political parties and they really do not understand what political parties are. Before they had the Local Government Council they had the Council of Chiefs which representatives of the people attended and more or less made the local laws and governed the people. Then when the Local Government Council was formed, it was explained to the people -- actually it was more or less their wish and they were in full agreement with the formation of the Local Government Council -- what the method of voting was; that any Nauruan who was eligible could stand as a candidate and that three or four could stand for one district if they so desired, and whoever got the most votes would be elected. They took quite a keen interest in it and a number of candidates stood for each district in the first election. But it was not a case of standing for any party or for a particular group of people. Those who were interested and particularly those who under the old tradition would have been probably appointed to the Council of Chiefs, submitted their names for nomination and then the election took place. At the last election a number of the candidates did hold meetings at which they expressed certain views on what they intended to do and so on; but so far as parties are concerned, they are quite unknown to the Nauruan people.

Mr. BEINDRYSHEV (Union of Soviet Socialist Republics)(interpretation from Russian): My next question is connected to the first question. Are there any limitations to the creation by the indigenous inhabitants of political parties or organizations; or are there no limitations at all which would be an obstacle to the creation of political parties by indigenous inhabitants?

Mr. JONES (Special representative): There are no restrictions whatever. If at any time they decided to have parties and to stand as members of various parties, there is nothing at all to prevent them forming parties.

Mr. BENDRYSHEV (Union of Soviet Socialist Republics)(interpretation from Russian): My next question is with regard to paragraph 8 of the Secretariat document T/L.771, where a statement is made to the effect that: "The annual report of the Administering Authority for the year under review does not indicate that any consultations with the inhabitants specifically in regard to measures taken or contemplated towards self-government took place during 1955-1956," (T/L.771, paragraph 8).

In this connexion, my delegation would like to ask what measures are contemplated or carried out by the Administering Authority to insure self-government to the indigenous population.

Mr. JONES (Special representative): The formation of the Local Government Council was of course a first step in their political development and it is an advance from the Council of Chiefs. As I have explained to various representatives the action now being taken in regard to ordinances, I think the representative of the Soviet Union is aware of the rule-making powers which the Local Government Council has. All this of course is in the preliminary stage of their advancement towards self-government.

Mr. BENDRYSHEV (Union of Soviet Socialist Republics)(interpretation from Russian): Does the Administering Authority have any plans or projects with regard to the further development of self-government in the Territory? For instance, when does the Administering Authority intend to create representative organs of the population of the Territory which would enjoy rights and have powers to solve internal questions related to the life of the Territory? The report of the Visiting Mission shows that it does not consider the Council to be a sufficiently mature organ to solve such questions; the report points to the absence of such an organ. Therefore, the question may be raised as to what plans the Administering Authority has with regard to creating organs of self-government for the people of this Territory. Will this happen within five or six years, or is there no planning at all in that respect?

Mr. JONES (Special representative): I think it is well known that, apart from the emigrant population, the Nauruans number about 2,000 people. Their Local Government Council was only formed about four years ago -- it is in its fifth year -- and this is the first step towards their political development. There are no concrete plans in regard to the establishment of a body such as is suggested by the representative of the Soviet Union. The only plans we have at the present time are to develop and encourage the Local Government Council to exercise the powers which it already has and, as time goes on and it proves its competence and does exercise the powers already given to it, no doubt consideration will be given to extending those powers.

Mr. BENDRYSHIEV (Union of Soviet Socialist Republics) (interpretation from Russian): In connexion with the reply just given to me, I should like to ask the following question. It was stated that, apart from the indigenous inhabitants, there are other inhabitants in the Territory -- emigrants, for example, who are working for the Phosphate Commissioners. Perhaps the special representative will be able to tell us who is responsible for the administration of matters relating to persons employed by the Phosphate Commissioners, since they are not subject to the jurisdiction of the Local Government Council. Are matters pertaining to these people in the hands of the Phosphate Commissioners alone?

Mr. JONES (Special representative): Like the people who are in any other country for purposes of employment or business, they are subject to the laws of that particular Territory and the emigrant population in Nauru is subject to those laws.

Mr. BENDRYSHIEV (Union of Soviet Socialist Republics) (interpretation from Russian): I did not quite understand the reply of the special representative. It is well known that certain powers with regard to affairs relating to the indigenous inhabitants are held to some extent by the Local Government Council. I was talking about the other part of the population of the Territory, who are not Nauruans. Are there any organs responsible for the solution of questions concerning health protection, education and the life of that community? Do they depend directly on the Administration or are those questions placed under the exclusive jurisdiction of the Phosphate Commissioners?

Mr. JONES (Special representative): The only responsibility of the British Phosphate Commissioners toward their employees is that which is usual between an employer and an employee, and this is covered by the specific agreements which all these employees enter into with the Phosphate Commissioners before they come to Nauru.

With regard to the over-all administration of these particular people, that is the responsibility of the Administration in Nauru, but as I mentioned the laws in Nauru pertain to health, labour and other matters; naturally they all come within the jurisdiction of those particular laws.

Mr. BENDRYSHEV (Union of Soviet Socialist Republics) (interpretation from Russian): In the preliminary statement of the special representative it was said that the Administration had replaced Mr. Cook, who was an employee of the Postal Administration, but no information was given as to the person who replaced him. Perhaps the special representative can tell us who the head of the Postal Service is at present. Is he an indigenous inhabitant or a European?

Mr. JONES (Special representative): In the absence of a Nauruan who has the necessary and required qualifications and experience for the position, that position is being filled for the time being by an officer from the Postal Department in Australia who has been seconded for a specific period.

Mr. BENDRYSHEV (Union of Soviet Socialist Republics) (interpretation from Russian): If I understood the special representative correctly, his explanation as to the reason for this replacement of Mr. Cook by an Australian employee resides in the fact that no qualified persons are available among the indigenous inhabitants. Perhaps the special representative can tell me how long it will take for such a qualified person to be trained by the Administering Authority.

Mr. JONES (Special representative): That is of course very difficult for me to say. It is just a matter of whether or not any of the Nauruans present in Australia, and particularly some of those who are sitting for the more senior of the examinations, can be trained for the position. At the present time, working in the post office under the Postmaster, there are four Nauruan assistants and it is

(Mr. Jones,
Special representative)

hoped that perhaps one or other of these assistants will eventually become competent and suitable for appointment to this particular position.

Mr. BENDRYSHEV (Union of Soviet Socialist Republics) (interpretation from Russian): As far as I can gather from the answer of the special representative, he is in no position to indicate the time when such specialists will become available. I am not pressing this question for the moment because we will probably deal with it again when we consider the field of education.

This is my last question. A statement is made in the report of the Visiting Mission to the effect that not a single Nauruan is presently filling any responsible position in the administration of the British Phosphate Commissioners. Did any change take place in the meantime? Were any specialists trained who could fill any responsible posts?

Mr. JONES (Special representative): No Nauruan has yet reached the stage of competence where he could be appointed to a senior position with the British Phosphate Commissioners.

Mr. BENDRYSHEV (Union of Soviet Socialist Republics) (interpretation from Russian): Mr. President, I wish to thank the special representative for his answers, and with your permission I will ask further questions with regard to the economic and educational fields at a later meeting.

The PRESIDENT: I think it will be possible to conclude the questioning of the special representative by the end of the week without the Council's meeting twice tomorrow, as had been originally proposed. We will meet again tomorrow afternoon but exceptionally, in order to ensure that we do finish this week, I think we should meet at 2 o'clock.

The Drafting Committee on Somaliland under Italian Administration will meet tomorrow at 10.30 a.m.

The meeting rose at 5.55 p.m.