



UNITED NATIONS  
GENERAL  
ASSEMBLY



Distr.  
GENERAL  
  
A/6926  
1 December 1967  
  
ORIGINAL: ENGLISH

Twenty-second session  
Agenda item 13

SPECIAL REPORT OF THE TRUSTEESHIP COUNCIL

CONTENTS

	<u>Paragraphs</u>	<u>Page</u>
INTRODUCTION . . . . .	1 - 3	2
THE FUTURE OF NAURU . . . . .	4 - 6	2
TERMS OF REFERENCE OF THE UNITED NATIONS VISITING MISSION TO NEW GUINEA, 1968 . . . . .	7 - 9	3
COMPOSITION OF THE TRUSTEESHIP COUNCIL . . . . .	10 - 15	4
PETITION CONCERNING THE TRUST TERRITORY OF NAURU . . . . .	16	6

ANNEXES

- I. TRUSTEESHIP COUNCIL RESOLUTION 2149 (S-XIII)
- II. TRUSTEESHIP COUNCIL RESOLUTION 2150 (S-XIII)
- III. COMPOSITION OF THE TRUSTEESHIP COUNCIL
- IV. PETITION CONCERNING THE TRUST TERRITORY OF NAURU
- V. RECORDS OF THE TRUSTEESHIP COUNCIL DURING ITS  
THIRTEENTH SPECIAL SESSION

## INTRODUCTION

1. By a letter dated 10 November 1967 (T/1670) addressed to the Secretary-General, the Permanent Representative of Australia requested, under rule 3 of the rules of procedure of the Trusteeship Council, that a special session of the Council be convened. His request had the support of the delegations of New Zealand and the United Kingdom of Great Britain and Northern Ireland. The Australian Government wished formally to report to the Council that, following the resumed talks between representatives of the Nauruan people and of the partner Governments of the United Kingdom, New Zealand and Australia, it had been agreed that Nauru should accede to independence on 31 January 1968. As a consequence of this decision, the Administering Authority wished to request the Trusteeship Council to recommend to the General Assembly that it resolve that the Trusteeship Agreement between the United Nations and the Administering Authority, approved by the General Assembly on 13 December 1946, cease to be in force upon the accession of Nauru to independence on 31 January 1968.
2. The letter from the Permanent Representative of Australia also stated that as a consequence of the impending independence of Nauru, it would also appear necessary to amend the Trusteeship Council's resolution 2148 (XXXIV) of 29 June 1967 so as to delete the references to a visiting mission to Nauru in 1968.
3. The thirteenth special session of the Council was therefore convened on 22 November 1967, according to rule 3 of the rules of procedure of the Trusteeship Council.

## THE FUTURE OF NAURU

4. The representative of Australia informed the Council at its 1323rd meeting that, following the resumed talks between representatives of Nauru and representatives of the Governments of the United Kingdom, New Zealand and Australia, it had been agreed that Nauru should accede to independence on 31 January 1968. It was the earnest hope of the joint Administering Authority that the Trusteeship Council would recommend to the General Assembly that the latter decide, in agreement with the Administering Authority and in consultation with the Nauruan delegation, to terminate the Trusteeship Agreement for Nauru. In order to give

effect to the agreement which had been reached between the Nauruan authorities and the Administering Authority, it was necessary that the General Assembly should agree to do so during its current session.<sup>1/</sup> The representatives of New Zealand and the United Kingdom endorsed the statement made by the representative of Australia on behalf of the Administering Authority.

5. In the general discussion on this item which followed at the same meeting, all members of the Council participated. Head Chief Hammer de Roburt, speaking as Special Adviser to the Australian delegation, made a statement.<sup>2/</sup>

6. At the 1323rd meeting, on 22 November 1967, the representative of Liberia submitted a draft resolution (T/L.1134) on the future of Nauru. The draft resolution was unanimously adopted at the same meeting (see annex I below).

TERMS OF REFERENCE OF THE UNITED NATIONS VISITING MISSION  
TO NEW GUINEA, 1968

7. At the 1323rd meeting, on 22 November 1967, China and the United Kingdom submitted a draft resolution (T/L.1135) to amend the Council's resolution 2148 (XXXIV) of 29 June 1967 concerning the terms of reference of the United Nations Visiting Mission, 1968. The representative of the United Kingdom, introducing the draft resolution, said that, as a result of the decision that Nauru should accede to independence on 31 January 1968, it would no longer be appropriate for the 1968 Visiting Mission to include Nauru in its itinerary. The draft resolution sought to amend the Mission's terms of reference accordingly.

8. The representative of the Union of Soviet Socialist Republics recalled that his delegation at the thirty-fourth session of the Council had proposed that a joint mission of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples and the Trusteeship Council should be sent to the Territories of Nauru and New Guinea. This proposal had been overruled and he had abstained on resolution 2148 (XXXIV). For the same reason he could not support paragraph 3 of

---

<sup>1/</sup> See also document T/1669 (also issued under the symbol A/6903).

<sup>2/</sup> See T/SR.1323, contained in annex V to the present report.

the draft resolution contained in document T/L.1135. If the paragraphs were voted on separately, he would be able to support paragraphs 1 and 2 but would abstain on paragraph 3.

9. The Council adopted the draft resolution while at the same time taking note of the statement made by the representative of the USSR. The text of the resolution appears in annex II below.

#### COMPOSITION OF THE TRUSTEESHIP COUNCIL

10. At the 1323rd meeting, on 22 November 1967, the President recalled her statement to the Council at its 1322nd meeting, on 30 June 1967, regarding the future composition of the Council in the light of Article 86 of the Charter when Nauru achieved independence. Now that the Council had adopted a resolution recommending termination of the Trusteeship Agreement for Nauru, she thought it was appropriate to request the Secretary-General to submit, at his earliest convenience, a legal study on the future composition of the Council. On the proposal of the representative of Australia, the Council requested that the document be made available to members before the next meeting.

11. Accordingly, at the 1324th meeting, on 23 November 1967, the Under-Secretary for Trusteeship and Non-Self-Governing Territories drew attention to a note by the Secretary-General containing the study on the composition of the Trusteeship Council (T/1674). The text of this note appears in annex III to the present report.

12. At the same meeting, the representative of the Union of Soviet Socialist Republics stated that he had more than once in the past, both in the Trusteeship Council and in the General Assembly, set forth his delegation's views concerning the Council's activities. His appraisal of those activities had been based on the role played in the over-all decolonization efforts of the United Nations by the Trusteeship Council - a body which, under the United Nations Charter, was called upon to promote the political, economic and social advancement of the inhabitants of the Trust Territories and their development towards self-government or independence. The facts showed that, owing to the domination of the Trusteeship Council by the colonial Powers and those who supported their position, the Council had on a number of occasions proved incapable of taking swift, decisive action to

eliminate colonial rule in the Trust Territories, as required by the Declaration on the Granting of Independence to Colonial Countries and Peoples. The Council had consistently disregarded the numerous decisions of the General Assembly and the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples designed to secure the immediate implementation of the Declaration.

13. He vigorously condemned that policy. It was in the light of those circumstances that he approached the question of the composition of the Trusteeship Council, which had arisen by virtue of the fact that New Zealand would cease to be a member of the Council on 31 January 1968, when Nauru became independent. In his opinion, the reference, in paragraph 6 of the Secretary-General's note (T/1674), to the possibility of amending the United Nations Charter had not been made in response to any need and was not based on the provisions of the Charter. It was quite obvious that the provision in Article 86 of the Charter, calling for parity in the Council between those Powers which administered Territories and those which did not, was intended to prevent the first group of Powers from outnumbering the second. At the present time, as the Council was aware, a situation had arisen in which the number of Powers that did not administer Territories was greater than the number of those that did. Consequently, it was not possible now to apply in an artificial manner the provisions of Article 86, paragraph 1 (c), of the Charter. That was because a number of colonial countries had won independence. Accordingly, it would not be contrary to the requirements of the Charter if the Trusteeship Council was curtailed in its composition, i.e., if New Zealand was not a member. At the same time, Liberia, which had been elected to the Council in accordance with Article 86 of the Charter, must of course remain a member of the Council until its term expired.

14. His delegation also felt that the question of the future composition of the Trusteeship Council was not in any sense a matter of immediate interest and, in any event, was not one that could require amendments to the Charter. The problems involved in eliminating the remnants of colonialism and fulfilling the requirements of the Declaration on the Granting of Independence to Colonial Countries and Peoples could and must be solved by the Special Committee of Twenty-four and the General Assembly.

15. The Council then decided, without objection, to take note of the Secretary-General's note together with the observation made by the representative of the USSR.

PETITION CONCERNING THE TRUST TERRITORY OF NAURU

16. At the 1324th meeting, on 23 November 1967, the President informed the Council that she had just received a petition from Nauru. In view of the fact that the Council had already adopted resolution 2149 (S-XIII) concerning the future of Nauru, it decided, without objection, to circulate the petition (T/PET.9/L.2 and Add.1) and the observations of the Administering Authority thereon (T/1675) and subsequently to forward them to the General Assembly. The text of the petition and of the comments of the Administering Authority appear in annex IV to the present report.

I. TRUSTEESHIP COUNCIL RESOLUTION 2149 (S-XIII)

The future of Nauru

The Trusteeship Council,

Recalling the Trusteeship Agreement for the Territory of Nauru as approved by the General Assembly on 1 November 1947,

Recalling the conclusions and recommendations which the Trusteeship Council formulated at its thirty-second, thirty-third and thirty-fourth sessions concerning the future of the Nauruans,

Recalling further General Assembly resolutions 2111 (XX) of 21 December 1965 and 2226 (XXI) of 20 December 1966,

Mindful of the relevant provisions of the Charter of the United Nations as well as General Assembly resolution 1514 (XV) of 14 December 1960 containing the Declaration on the Granting of Independence to Colonial Countries and Peoples,

Having considered the future of the Trust Territory of Nauru at its thirteenth special session,

1. Notes the formal announcement by the Administering Authority that, following the resumed talks between representatives of the Nauruan people and of the Administering Authority, it has been agreed that Nauru should accede to independence on 31 January 1968;<sup>a/</sup>

2. Welcomes the statements made in the Trusteeship Council by representatives of the Governments of Australia, New Zealand and the United Kingdom of Great Britain and Northern Ireland as the Administering Authority, and by the representatives of the Nauruan people, that the Administering Authority has agreed to meet the request of the representatives of the Nauruan people for full and unqualified independence;

3. Recommends that the General Assembly at its twenty-second session resolve, in agreement with the Administering Authority, that the Trusteeship Agreement for the Territory of Nauru approved by the General Assembly on 1 November 1947 shall cease to be in force upon the accession of Nauru to independence on 31 January 1968.

1323rd meeting,  
22 November 1967.

II. TRUSTEESHIP COUNCIL RESOLUTION 2150 (S-XIII)

Terms of reference of the United Nations  
Visiting Mission to New Guinea, 1968

The Trusteeship Council,

Recalling that at its thirty-fourth session it had decided to dispatch a periodic visiting mission to the Trust Territories of Nauru and New Guinea in 1968,

Bearing in mind its resolution 2149 (S-XIII) of 22 November 1967, which recommends that the General Assembly agree to terminate the Trusteeship Agreement for the Territory of Nauru upon the attainment of its independence on 31 January 1968,

1. Decides that it is no longer appropriate to dispatch a visiting mission to Nauru in 1968;

2. Decides accordingly to amend its resolution 2148 (XXXIV) of 29 June 1967 in such a manner as to delete references to the Trust Territory of Nauru;

3. Directs the Mission to visit only the Trust Territory of New Guinea in 1968 in accordance with the terms of reference set forth in its resolution 2148 (XXXIV).

1323rd meeting,  
22 November 1967.



### III. COMPOSITION OF THE TRUSTEESHIP COUNCIL\*

#### Note by the Secretary-General

(Submitted in accordance with the decision  
taken by the Trusteeship Council at its  
1323rd meeting, on 22 November 1967)

1. In the light of a letter dated 7 November 1967 from the Permanent Representative of Australia to the United Nations (A/6903) advising the Secretary-General of the Administering Authorities' intention to seek the termination of the Trusteeship Agreement on Nauru on 31 January 1968, the Secretary-General wishes to draw attention to the future composition of the Trusteeship Council.
2. The Trust Territory of Nauru is at present administered by Australia on behalf of itself, New Zealand and the United Kingdom of Great Britain and Northern Ireland. Under the provisions of Article 86 of the Charter, with Nauru's gaining of independence, New Zealand will no longer be a member of the Trusteeship Council since it will not have any other Trust Territories under its administration. The United Kingdom will change its status from that of an administering member, (under sub-paragraph 1 (a) of Article 86) to that of a non-administering member (under sub-paragraph 1 (b) of Article 86). Australia will remain on the Council (under sub-paragraph 1 (a) of Article 86) as a member administering the Trust Territory of New Guinea, and Liberia elected for a three-year term (under sub-paragraph 1 (c) of Article 86) will, in accordance with past practice, continue as a member until 31 December 1968.
3. The composition of the Council on 1 February 1968 will be as follows:

<u>Administering Powers</u>	)	Automatically under sub-paragraph 1 (a)
Australia	)	of Article 86
United States of America	)	
<u>Non-administering Powers</u>	)	
Republic of China	)	Automatically under sub-paragraph 1 (b)
France	)	of Article 86
Union of Soviet Socialist	)	
Republics	)	
United Kingdom	)	
Liberia	)	Elected under sub-paragraph 1 (c)
	)	of Article 86

---

\* Previously circulated under the symbol T/1674.

4. It will be noted that the number of Administering Authorities will be reduced from four to two, while the number of non-administering Member States which will remain permanently as members of the Trusteeship Council will be increased from three to four.

5. Members of the Council may wish to take into account the following considerations.

(a) Article 7 of the Charter of the United Nations establishes the Trusteeship Council as a principal organ of the United Nations. By virtue of Article 85, paragraph 2, it functions under the authority of the General Assembly in assisting the latter in the discharge of its responsibilities for Trust Territories. Pursuant to Articles 87 and 88 of the Charter, the Trusteeship Council, under the authority of the General Assembly, is vested with certain specific functions, including consideration of reports submitted by the Administering Authority, acceptance and examination of petitions, and provision for periodic visits to Trust Territories. In terms of the Trusteeship Agreements, the Administering Authority undertakes to co-operate with the Trusteeship Council in the discharge of these functions, this undertaking not expressly extending to any other organ to which the General Assembly might entrust similar functions.

(b) Continuance of a permanent majority of non-administering members on the Council will render inoperative sub-paragraph 1 (c) of Article 86 as the conditions it was designed to meet, namely an excess of administering Powers over non-administering Powers in the Council, is unlikely to recur. The practical result will be that supervision of the administration of Trust Territories based on an equal balance on the Council between administering and non-administering members will disappear and will be replaced by supervision effected under a permanent majority of non-administering members.

(c) It is to be noted that the Charter provided for parity between administering and non-administering Powers only at the Trusteeship Council stage and did not seek to apply the concept either in the Fourth Committee or in the General Assembly, under whose authority the Council operates. The purpose of Article 86, 1 (c) was to provide a composition of the Council which would permit adequate outside supervision by non-administering members of the conduct of the administering Powers in order to ensure the paramountcy of the interests and

well-being of the inhabitants of Trust Territories. These vital objectives may be equally well achieved with administering members forming a permanent minority in the Council, as it would not seem that a lack of parity in the form of a permanent majority of non-administering members of the Council could prejudice the interests of the Territories as reflected in the provisions of the Charter. Should the administering Powers consider that their loss of parity would be prejudicial to their interests, it would be open to them to raise the matter for consideration through appropriate procedures.

(d) In any event, it will be recalled that the Trusteeship Council has functioned with a majority of non-administering members over administering members on several occasions. For example, during the twenty-sixth session of the Trusteeship Council from 28 April 1960 to 30 June 1960, the Council functioned with a majority of eight non-administering members to six administering members. During the eleventh special session of the Trusteeship Council, which met on 10 April 1961, and the twenty-seventh regular session, which met from 1 June to 19 July 1961, the Council functioned with a majority of eight non-administering members to five administering members. During the second part of the twenty-ninth session of the Trusteeship Council, which met from 2 July to 20 July 1962, the Council functioned with a majority of five non-administering members to four administering members.

(e) No amendment of the Charter could restore parity between administering and non-administering Powers while retaining all the permanent members of the Security Council on the Trusteeship Council.

6. In view of the foregoing, it may be concluded that, on Nauru's obtaining independence on 31 January 1968, the membership of the Trusteeship Council (see paragraph 3 above) may continue until the normal expiration of the three-year term of the member previously elected under sub-paragraph 1 (c) of Article 86 on 31 December 1968, and that thereafter the Council be composed of members automatically appointed under sub-paragraphs 1 (a) and 1 (b) of Article 86 until all Trusteeship Agreements have been terminated or, in the case of an amendment to the Charter, until the amendment comes into force.

IV. PETITION CONCERNING THE TRUST TERRITORY OF NAURU

A. Petition from Mr. I.V. Eoaeo, Member of the Legislative Council of Nauru, concerning the Trust Territory of Nauru\*

The President,  
Trusteeship Council,  
United Nations Organization,  
NEW YORK

(through the Administering Authority)<sup>a/</sup>

Dear Madam President,

On behalf of certain citizens of the Trust Territory of Nauru, I humbly beg that the Trusteeship Council withhold its resolution of granting full independence for Nauru by 31 January 1968.

I have taken this action with great reluctance because of the tremendous amount of work and difficulty this matter has incurred but I feel compelled to express the majority view of the Island's population with regard to independence.

It is a great pleasure to extend to you and the Council our sincere gratitude for the work and assistance you have exerted in the deliberation of Nauru's problems.

It is our earnest desire to make it clear that this request is not against the principle or idea of independence. We have agreed to a discussion of the matter by our Nauruan mission but not to the decision of the independence date envisaged by both the Nauru delegation and the Trusteeship Council.

In view of the time-table (see attached copy) proposed by the Administering Authority and the Nauru delegation, it is always contended that by attainment of independence by 31 January 1968, it would be possible to follow generally the objective aim of the United Nations Charter with ultimate success.

---

\* Previously circulated under the symbol T/PET.9/L.2 and Add.1.

a/ The text of this petition was transmitted under covering letters dated 23 and 28 November 1967 from the Permanent Representative of Australia.

Unfortunately, there is no evidence to support this belief and there are important reasons why it is unlikely. The political and economical unsettlement under independence of Western Samoa and some African States are some glaring examples.

With all due respect, I humbly submit that the basic objection of the people toward independence by 31 January 1968 is threefold. Firstly, it is felt that birth of Nauru independence without relationship with the Australian Government is too hazardous and undesirable. Secondly, it is noted with distress that the period between the first meeting of the Constitutional Convention and proposed independence date is most inadequate for the people to make a thorough and careful study of the Constitution. Lastly, it is to be regretted that Nauru was denied the opportunity of plebiscite as wisely decided by the Trusteeship Council before independence for Western Samoa had been attained.

In view of the foregoing facts, I trust that your Council will give serious consideration to the postponement of full and unqualified independence for Nauru.

Your assistance in this matter will be greatly appreciated.

Humbly submitted,

Yours faithfully,

(Signed) Victor Eoaeo, M.L.C.

TIME-TABLE

- |                        |  |
|------------------------|--|
| 17 November 1967       | - Legislative Council meets and the constitutional bill is introduced.   |
| 19 November 1967       | - Nauruan delegation departs for New York.   |
| By 24 November 1967    | - Administrator in Council to make regulations and appoint returning officer. Bulletin to be issued giving details of the elections and stating method of nominating.  |
| By 1 December 1967     | - Settling of draft parts of Constitution already prepared by the draftsman. Settling instructions for remaining parts of the Constitution.  |
| 8 December 1967        | - Nominations close.   |
| By early December 1967 | - Nauruan delegation returns to Australia and Nauru. Working party settles remaining parts of the Constitution as drafted, so that the proposed Constitution is ready for presentation to the Convention. Settlement of outstanding matters relating to monetary arrangements, postal and telephonic services, phosphate, etc. |
| 11 December 1967       | - Bulletin distributed listing candidates and their nominators, places for polling, etc. Arrangements for elections to be completed.   |
| 14 December 1967       | - Charter aircraft to Nauru.   |
| 16 December 1967       | - Elections held. Results of elections declared.   |
| 4 January 1968         | - First meeting of the Constitutional Convention.  |
| By 12 January 1968     | - Convention approves of parts of Constitution relating to the Legislative Assembly and to the election of members of the first Legislative Assembly, so that elections can proceed.   |
| 12 January 1968        | - Nominations for election to the Legislative Assembly open.   |
| 19 January 1968        | - Nominations close, final election arrangements made.   |
| 27 January 1968        | - Elections held. Results of elections declared.   |
| 31 January 1968        | - First meeting of the Legislative Assembly held. Legislative Assembly appoints Speaker, and then members of the Council of State are appointed. Council of State appoints Chairman.   |

B. Letter dated 23 November 1967 addressed to the President of  
the Trusteeship Council from the Permanent Representative  
of Australia\*

With reference to my letter of 23 November 1967, transmitting to you the text of a petition addressed to yourself from I.V. Eoaeo, Member of the Legislative Council of Nauru, the following are the comments of the Administering Authority:

(a) The petitioner is the only member of the Nauru Legislative Council who has publicly questioned the proposals put to the Administering Authority by the Nauruan delegation that Nauru should become fully independent on 31 January 1968;

(b) The last aspect of the proposals of the Nauruan delegation that was discussed was the fixing of a date for independence. Because of doubts whether administrative and other requirements could be met by that date the question was, at the request of the Administering Authority, referred to the Nauru Local Government Council which is a fully elected body consisting of nine Nauruans. The members of the Nauru Local Government Council are in fact the same persons as the elected members of the Legislative Council. The Local Government Council endorsed the proposal of the Nauruan delegation for independence on 31 January 1968, with only one dissident.

(c) The bill to set up the Constitutional Convention was passed by the Nauru Legislative Council on 20 November. The petitioner, Mr. Eoaeo, spoke against the bill but without support from other elected members and the bill was passed without a division.

(Signed) Patrick SHAW  
Permanent Representative

---

\* Previously reproduced under the symbol T/1675.

ANNEX V

RECORDS OF THE TRUSTEESHIP COUNCIL DURING ITS THIRTEENTH SPECIAL SESSION

/See T/SR.1323 and 1324/

-----