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President: Mr. HENRÍQUEZ UREÑA (Dominican Republic).

Present: The representatives of the following countries: Argentina, Australia, Belgium, China, Dominican Republic, France, Iraq, New Zealand, Philippines, United Kingdom of Great Britain and Northern Ireland, United States of America.

Examination of the annual report on the administration of the Trust Territory of Nauru for the year ending 30 June 1949 (T/472, T/472/Add.1, T/472/Add.2) (*continued*)

At the invitation of the President, Mr. Reeve, special representative of the Administering Authority for the Trust Territory of Nauru, took his place at the Council table.

1. The PRESIDENT called upon the Council to consider the questions relating to economic advancement raised in the annual report on the Trust Territory of Nauru.¹

2. Mr. INGLES (Philippines) said that according to the petition from Mr. John Harris (T/Pet.9/3) Nauruans wishing to leave the Territory to visit relatives on neighbouring islands met with some difficulties. It was stated in section 124 of the annual report that movement of the indigenous inhabitants outside the Territory, though not forbidden, was discouraged. It could also be seen from the report that the indigenous inhabitants were unable to find accommodation on ships. Although, according to the answer to question 28 (T/L.94), no records were available of travel applications which were not granted, John Harris' petition claimed that it was at present more difficult than in the past for the indigenous population to obtain permission to leave the island, and that even those who had received such permission had not yet been able to go. He asked the special representative for some clarification of that point.

3. Mr. STIRLING (Australia) recalled that the petition from John Harris was one of those in respect of which the Administering Authority had asked (23rd meeting) that consideration should be postponed until

¹ See Report to the General Assembly of the United Nations on the administration of the Territory of Nauru from 1st July, 1948, to 30th June, 1949: Commonwealth of Australia, Sydney, 1950.

the following session; nevertheless he was sure that the special representative would be able to give some information on that point.

4. Mr. REEVE (Special representative for Nauru) explained that the only way to leave Nauru was by sea. Shipping facilities existed only to the nearest island, which was Ocean Island, and they were most infrequent. Natives wishing to visit islands in the Gilbert and Ellice groups had to take a vessel going to Ocean Island and then take one of the smaller vessels which plied between the many islands of that area.

5. To go further, as far as the Marshall or Fiji Islands for example, was a very lengthy process as there were no regular services.

6. The movement of Natives outside the Territory was almost entirely controlled by the Council of Chiefs. A Nauruan wishing to leave the island submitted an application to the Native Affairs Officer, who examined it and passed it on to the Council of Chiefs for decision. That decision was then submitted to the Administrator, who practically always approved it. The rejection of an application was, therefore, the result of a decision by the Council of Chiefs. Thus the movement of Natives depended, first, on the approval of the Council of Chiefs and, secondly, on the availability of shipping. The special representative added that, while he was in New York, he was studying the possibility of making transport facilities available to the Marshall and Caroline Islands, as requested by the petitioner.

7. Mr. INGLES (Philippines) said that in the petition received from Chief Thoma, on behalf of the Aiwo people (T/Pet.9/4), it was stated that the British Phosphate Commissioners had placed its discarded equipment on private land without asking the owners' permission. His delegation would like to know whether the owners received compensation or were paid rent for the use of their land.

8. Mr. REEVE (Special representative for Nauru) said that he would prefer questions on that petition to be held over. He could, however, state that the British Phosphate Commissioners did pay rent to the land-owners concerned.

9. Mr. INGLES (Philippines) noted that according to the same petition the British Phosphate Commis-

sioners occupied two-thirds of the district belonging to the Aiwo people and that the rental paid during the German occupation had been 5 pounds per acre. The present rate appeared to have been reduced to 3 pounds and in some cases to only 10 shillings per annum.

10. He would like to receive some information on the rentals paid and to learn why they had been reduced.

11. Mr. REEVE (Special representative for Nauru) explained that it had not so far been possible to study the petition in detail. He could not, however, accept the figure quoted by Chief Thoma as being the rental paid during the German occupation. Present rentals were laid down by an ordinance and varied according to whether the piece of land concerned did or did not contain phosphate. In the first case, the annual rental was 45 pounds per acre; in the second, 3 pounds 10 shillings, with a minimum rental of 1 pound.

12. Mr. INGLES (Philippines) raised the question of the implementation of the recommendations made by the Trusteeship Council during its consideration of the annual report in the preceding year.²

13. He recalled that in connexion with economic advancement the Council had requested the Administering Authority to furnish in the following annual report full information on all operations of the British Phosphate Commissioners, including the financial accounts, in order to enable the Trusteeship Council to study all aspects of the question of the phosphate industry. The data on that subject appearing in appendix VII to the report (page 94) were not complete in the sense that, for example, the price per ton of phosphate charged by the Commissioners was not indicated. The representative of the Philippines asked whether it would be possible for the Administration to furnish in its following annual report detailed information on the financial operations of the British Phosphate Commissioners.

14. Mr. STIRLING (Australia) said that it had not been possible to include the figures requested in the annual report for the year ending 30 June 1949. The annual report for the following year was at present in preparation and it might be too late to include those figures in it. He would, however, transmit the Philippine representative's request to the Administering Authority.

15. Mr. REEVE (Special representative for Nauru) said that the British Phosphate Commissioners was a commercial organization not wholly dependent upon the Government. He therefore thought that it would have to be consulted before the Philippine representative's question could be fully answered.

16. Mr. INGLES (Philippines) recalled that the Council's recommendations dated back to the preceding year. He suggested that if it was impossible to incorporate the information requested in the following annual report, the Administration might submit it to the Council at its eighth session in the form of a separate document.

17. The PRESIDENT suggested that the Council should proceed to the consideration of questions relating to social advancement.

18. In reply to a question by Mr. LIU (China), Mr. REEVE (Special representative for Nauru) said that there was no racial discrimination in prisons in Nauru.

19. Mr. LIU (China), referring to written question 33 put by his delegation (T/L.94), asked why the term of agreements for Chinese workmen had been reduced from two years to one.

20. Mr. REEVE (Special representative for Nauru) replied that the term of agreements of Chinese workmen had been reduced from two years to one because it had been suggested that Chinese employees were kept away too long from their homes. The measure fully met the conditions laid down by the International Labour Organisation, according to which a worker not accompanied by his family might not be engaged for more than two years if he had to make a long and expensive journey in order to reach his place of employment.

21. Mr. LIU (China) asked whether the reduction of the term of agreements did not oblige the workers to travel more frequently and consequently to incur higher expenses.

22. Mr. REEVE (Special representative for Nauru) explained that travelling costs were not paid by the worker but by the employer. There were now 1,400 Chinese working in Nauru; the British Phosphate Commissioners arranged for transport facilities to China every twelve months.

23. Mr. LIU (China) recalled that the Council had adopted a recommendation in the preceding year noting that the Chinese workers were brought to Nauru without their families, and had recommended that the Administering Authority should endeavour to find some humane solution to that problem. He wondered whether the Administering Authority intended to follow that recommendation by shortening the period of sojourn of Chinese workers on the island, in which case the latter would no longer have to bring their families with them.

24. Mr. REEVE (Special representative for Nauru) replied that the measure taken by the Administration should be regarded as a gesture of goodwill. The problem raised by the Council was now under consideration. He could assure the representative of China that the Administration did not feel it had carried out the Council's recommendation by reducing the term of agreements.

25. In reply to another question by Mr. LIU (China), Mr. REEVE (Special representative for Nauru) explained that Chinese workers could have their contracts renewed at the end of their engagement if they so desired. The employer had the right to accept or reject the request for renewal. An application from a worker whose work was not satisfactory could therefore be rejected. He emphasized that no Chinese worker was forced to sign a new contract and thus to remain on the island.

26. Mr. LIU (China) noted with regret that neither the Chinese employees of the Administration nor the Chinese workers and employees of the British Phosphate Commissioners had received the salary increase of 7 pounds per annum which had been granted to the

² See *Official Records of the fourth session of the General Assembly*, Supplement no. 4 pages 76 and 77.

Nauruan employees of the Administration. He asked whether something could be done to ensure equal treatment in that respect.

27. Mr. REEVE (Special representative for Nauru) said that the question of wages throughout the Territory was currently under consideration. The increase granted to the Nauruan employees of the Administration could not be regarded as a final measure. The Administration had simply wanted its employees to receive the same wages as other Nauruans working on the island. The question of wages as a whole would be settled later.

28. Miss BERNARDINO (Dominican Republic) remarked that in section 132 of the report it was stated that women enjoyed the same educational facilities as men. No woman had, however, yet been sent to study overseas. She asked the special representative whether that was due to the fact that up to the present no woman had shown a desire to receive a higher education.

29. Mr. REEVE (Special representative for Nauru) recalled that he had already mentioned at the 22nd meeting that an indigenous girl was now taking a course in Australia. However, students had to pass certain examinations before they were sent abroad; the girls of the island had not yet reached a sufficiently high standard in their studies to justify their being sent overseas to complete their education.

30. Miss BERNARDINO (Dominican Republic) cited section 134 of the report where it was stated that there were no laws in Nauru debarring women from any occupation. Further on it was indicated that women were engaged in occupations conforming to their sex, including domestic science, teaching, and office work; the employment of Nauruan women in the Administration was still in its infancy. She asked the special representative whether it was because Nauruan women did not receive the necessary training that they did not fill other posts to which they ought to have access by virtue of the equality of rights that, according to the report, had been granted to them or whether, on the contrary, women were kept out of certain types of employment by prejudice.

31. Mr. REEVE (Special representative for Nauru) replied that indigenous women showed no desire to take part in public life. The Administration had endeavoured to arouse their interest in the various occupations open to them and, if they had shown greater interest, would gladly have tried to extend the field in which they might be engaged.

32. In reply to another question by Miss BERNARDINO (Dominican Republic) Mr. REEVE (Special representative for Nauru) said that up to the present there was not equal pay for equal work as between male and female employees on the island.

33. Mr. SAYRE (United States of America) observed that the report (page 55) showed that only seven medical orderlies were currently employed, while in the preceding year the number of medical orderlies had been nine. In the same field, only one Nauruan was employed as a hygiene and sanitation orderly, while in the preceding year there had been three. He asked the special representative to throw some light on that point.

34. Mr. REEVE (Special representative for Nauru) explained that, with the exception of a certain number of devoted employees, the Nauruans were a very indolent people and were interested in their work only when they needed money. For that reason, the number of Nauruans employed in the various departments of the Administration was subject to considerable fluctuations. The report showed the number of personnel on 30 June 1949. It was quite likely that a few weeks later the missing employees would have returned to their work. It should not be inferred that the Administering Authority had wished to reduce the number of employees or to restrict the public health services.

35. Mr. INGLES (Philippines) noted from the reply to question 30 put by the United States delegation (T/L.94) that the publication of the weekly news-sheet of the Territory had been suspended after the departure of the European Native Affairs Officer. He asked the special representative whether it would not be possible for another member of the Administration staff, either European or Nauruan, to resume the publication of the news-sheet.

36. Mr. REEVE (Special representative for Nauru) said that the Administration would be very glad to have the news-sheet published again. However, the new Native Affairs Officer did not feel capable of undertaking that work.

37. The Administration had also studied the possibility of setting up a radio broadcasting service in the island. That service might well replace the suspended news-sheet, as it would distribute local and world news and might also broadcast educational programmes.

38. Mr. INGLES (Philippines) asked how far technical work for the creation of such a service had progressed and whether the necessary staff had already been recruited.

39. Mr. REEVE (Special representative for Nauru) replied that when the Administration had ordered the transmission equipment for the broadcasting service, it had been advised that owing to certain technical factors it would be better to set up a loudspeaker diffusion service in Nauru rather than a broadcasting service. The Administration was at present studying the respective advantages and disadvantages of the two systems.

40. Mr. INGLES (Philippines) noted that according to section 138 of the report newspapers of other countries were freely admitted to the Territory. He wished to know how those foreign newspapers were distributed.

41. Mr. REEVE (Special representative for Nauru) replied that the Administration subscribed to a number of Australian newspapers and periodicals which, on receipt, were placed in the library in the *Domaneab* (Nauruan meeting place), where they were available to the indigenous population.

42. Mr. INGLES (Philippines) was surprised to note that the working week of Chinese and Nauruan employees was 44 hours while that of Europeans was from 36 to 44 hours, and that of British employees of the British Phosphates Commissioners was 40 hours (section 151 of the report). He wished to know what special circumstances had prevented the Administering Authority from reducing the working hours of Chinese, Nauruan and Gilbertese employees.

43. Mr. REEVE (Special representative for Nauru) said that the question of working hours was being considered and would be settled together with that of wages. The working week of Nauruan employees ranged from 34½ to 44 hours.
44. Mr. INGLES (Philippines) wondered whether the different treatment in regard to working hours, rest periods and holidays for Europeans, Nauruans and Chinese did not in fact constitute a certain discrimination.
45. Mr. REEVE (Special representative for Nauru) said that he would refer that observation to the Administering Authority.
46. Mr. INGLES (Philippines) observed that it was stated in section 164 of the report that there was no necessity for the indigenous inhabitants to seek work outside the Territory and that they had not expressed any desire to do so. He wished to know whether the Nauruans had the right to seek employment outside the Territory and how many persons had asked for permission to do so.
47. Mr. REEVE (Special representative for Nauru) replied that no Nauruan had ever to his knowledge asked for permission to leave the Territory in order to find employment. There was ample work within the Territory for those who wanted to work.
48. Mr. INGLES (Philippines) recalled that at the fifth session of the Council the special representative had stated that the Administration assessed the rates of wages of the Nauruan workers according to their qualifications, capacities and standard of requirements. The Philippine delegation in its written question 35 (T/L.94) had asked the special representative to explain the last of those terms. The reply had been that the Administration assessed the rates of wages according to the worker's occupation, length of service, efficiency and skill. The Philippine delegation noted that that explanation referred only to the qualifications and capacities of the worker; it did not explain what was meant by "standard of requirements". It wondered whether that expression referred to the standard of living of the worker.
49. Mr. REEVE (Special representative for Nauru) thought that "standard of requirements" simply meant the standard of efficiency and skill of the worker.
50. Mr. INGLES (Philippines) observed that in many parts of the report it was stated that there was employment available for all workers in the Territory. The appendix to the report (page 82) showed, however, that there were seventy-nine unemployed persons in Nauru.
51. Mr. REEVE (Special representative for Nauru) said that that number included all male persons over sixteen years of age who were not employed. Some of the above were still at school; some were in prison; some were fishermen or merchants working on their own; some were unemployed of their own volition.
52. In reply to another question by Mr. INGLES (Philippines), Mr. REEVE (Special representative for Nauru) said that the Administrator could not order the deportation of indigenous prisoners from the Territory.
53. Mr. INGLES (Philippines) pointed out that, according to the report (section 144) the main protection for the interests of arrested persons was the right to a writ of *habeas corpus* in all cases of illegal imprisonment or detention without legal justification. The Philippine delegation fully recognized that the right of *habeas corpus* was one of the safeguards of individual liberty but wondered how it could be applied in the Territory, since, as the Council had been told in the previous year, there were no lawyers in Nauru.
54. Mr. REEVE (Special representative for Nauru) replied that the judicial procedure of the island provided for a series of appeals. Furthermore the district chief also looked after the interests of individuals involved in court cases. Lastly, appellants were not imprisoned while their appeals were under consideration.
55. Mr. INGLES (Philippines) recalled that in 1949 the Council had had before it a petition from the Nauruan Council of Chiefs (T/Pet.9/1) and that the petition had subsequently been withdrawn (T/Pet.9/Add.1). It appeared from an article in the May 1949 number of *Pacific Island Monthly* that the Australian Acting Minister for External Territories had visited Nauru at the end of March 1949 and that the Council of Chiefs had undertaken to withdraw its petition to the Trusteeship Council in return for certain promises which, it was reported, had been made to them concerning the construction of houses, education, sanitation and medical services, review of wages and working conditions, and war damages. The Philippine delegation would like to know whether that report was accurate and how far the promises in question had been kept.
56. Mr. REEVE (Special representative for Nauru) replied that the Administering Authority was not responsible for the publication of the *Pacific Island Monthly*. The Australian Acting Minister for External Territories had not gone to Nauru to seek the withdrawal of the petition of the Council of Chiefs but to inform himself on the conditions which had given rise to it. The Council of Chiefs had not undertaken to withdraw its petition. It had withdrawn it because, as a result of discussions with the Acting Minister for External Territories, certain matters which had been under consideration for some time had been brought nearer to a final decision. The construction of houses had been started and a Director of Education had been appointed. The question of war damages was a difficult one since it had not yet been possible to determine the extent of the losses suffered, but it was hoped that the question would be settled in the near future.
57. Mr. FLETCHER-COOKE (United Kingdom) pointed out that the word "unemployed" in appendix I of the report (page 82) did not appear to correspond exactly to the categories mentioned by the special representative. A more accurate term might possibly be found for use in future reports.
58. Mr. REEVE (Special representative for Nauru) took note of that observation.
59. Mr. RYCKMANS (Belgium) asked whether Nauruan society was organized as a real matriarchy in which responsibility for children devolved upon the eldest brother of the mother rather than upon the

father. He wondered whether conversion to Christianity had not helped to alter that custom.

60. Mr. REEVE (Special representative for Nauru) replied that there had been no changes. The Nauruan family was a real family. Responsibility for the maintenance of the family rested upon the man, but the mother or senior woman of the family was the property owner. Nevertheless, when a man died his own children and not the children of his sister inherited his property.

61. Mr. RYCKMANS (Belgium) hoped that the following report would contain information on the question of inheritance.

62. The PRESIDENT invited the Council to consider the questions relating to educational advancement.

63. Mr. DE MARCHENA (Dominican Republic) asked why there were no facilities for higher education in the Territory itself and why it was impossible to re-establish the secondary schools which had been open before the last war.

64. Mr. REEVE (Special representative for Nauru) replied that so far it had been impossible to obtain the necessary teaching staff and the materials with which to erect suitable buildings. The question was being considered by the recently-appointed Director of Education.

65. Mr. DE MARCHENA (Dominican Republic) asked whether the student teachers whose salaries ranged from 1 pound 10 shillings to 5 pounds 10 shillings were satisfied with their salaries.

66. Mr. REEVE (Special representative for Nauru) replied that the lowest salaries were paid to student teachers who were sixteen years old and who had just left school and just begun their teaching careers. He did not think that they were satisfied with their salaries.

67. Mr. DE MARCHENA (Dominican Republic) asked the special representative what measures had been taken to ensure that new teachers to replace the European teachers who had resigned would reach the Territory as soon as possible.

68. Mr. REEVE (Special representative for Nauru) replied that the Director of Education would ask for other teachers to be sent as soon as his plans were completed.

69. Mr. DE MARCHENA (Dominican Republic) wished to know how and in what language education was given to the Chinese community, which constituted an important section of the Territory's population.

70. Mr. REEVE (Special representative for Nauru) explained that there were no Chinese children in Nauru. On one occasion recently an interpreter had had his two children with him for a short time; those children had attended the European school and had been taught in English.

71. Mr. DE MARCHENA (Dominican Republic) asked whether there was any possibility of merging the Chinese and the Nauruans in a single racial class and whether there was strict separation between the Chinese community and the Nauruan population.

72. Mr. REEVE (Special representative for Nauru) replied that the two sections of the population maintained active trade relations with each other. A large number of Chinese and all except the oldest Nauruans had some knowledge of English.

73. Mr. DE MARCHENA (Dominican Republic) asked in connexion with section 241 of the report whether the films shown to the European community were also distributed to the Chinese and Nauruan communities.

74. Mr. REEVE (Special representative for Nauru) explained that the same films were shown to all film-goers whatever the community to which they belonged.

75. Mr. DE MARCHENA (Dominican Republic) asked whether films of the United Nations or the specialized agencies were shown in the island.

76. Mr. REEVE (Special representative for Nauru) replied that educational films were shown through the Administration Filming Organization. When he had left the Territory, the films on the United Nations which had been ordered had not yet arrived. They would certainly be shown as soon as they were received.

77. Mr. DE MARCHENA (Dominican Republic) stated that his delegation would like the following report to indicate steps taken to show any noteworthy films that might be supplied to the Administering Authority by the United Nations and its specialized agencies.

78. He asked whether a decision by the censor referred to in section 241 of the report was final and could not be appealed and whether it applied to all films, both those intended for Europeans and those intended for the Chinese community or the indigenous inhabitants.

79. Mr. REEVE (Special representative for Nauru) replied that the censor's decision was final. No film was admitted to the island unless it had first been passed by the Australian censor. The censor was free to lay down regulations governing the showing of any film. He could decide that certain films considered acceptable for Europeans were not suitable to be shown to other audiences.

80. In reply to a question by Mr. RYCKMANS (Belgium), Mr. REEVE (Special representative for Nauru) stated that drinking fermented coconut milk constituted an offence. He did not know how the medical officers in the island felt about that prohibition or about the nutritional value of the drink, but he was sure that the liquid was extremely potent when absorbed in excessive quantities.

81. Mr. SAYRE (United States of America) asked whether the Supervisor of Native Education would continue to act both as director of indigenous schools and as director of the European school, or whether he would devote all his time to indigenous education.

82. Mr. REEVE (Special representative for Nauru) replied that at present the Director of Education was devoting his whole time to indigenous education and that another teacher was responsible for the European school.

83. Mr. SAYRE (United States of America) asked whether the buildings intended for the library had been

completed and to what extent that library was being used by the indigenous population.

84. Mr. REEVE (Special representative for Nauru) replied that the library was currently housed in the Nauruan *Domaneab*, where the Council of Chiefs and the people held their meetings. The books had to be treated with a special preparation to protect them from pests. A large proportion of the reference library had been made available to the Council of Chiefs with a request that they should either lend the books to those Nauruans who could read them and would take care of them, or else make them available for consultation in the library. It was only during the previous October that the books had been placed in the library. He hoped that the population would use them more and more.

85. Mr. SAYRE (United States of America) shared that hope and thought it would be interesting if the following report were to indicate the extent to which the Nauruans were using the library facilities.

86. In reply to a question by Mr. FLETCHER-COOKE (United Kingdom), Mr. REEVE (Special representative for Nauru) said that approximately 50 per cent of the people in a district attended the weekly meetings of the adult population mentioned in paragraph 234 of the report. Such meetings were held now in one district, now in another.

87. Mr. FLETCHER-COOKE (United Kingdom) requested that, in future reports, the figures of the pupils attending primary schools given in the table in appendix XIII should be arranged so as to show the age groups in the different classes.

88. In reply to a question by Mr. INGLES (Philippines), Mr. REEVE (Special representative for Nauru) said that the Chinese child mentioned in the table in appendix XIII of the report attended the European school.

89. Mr. INGLES (Philippines) observed that both the European school and the indigenous schools were supported by public funds and based on the Australian standards. That being so, he wondered how the separation of the two classes of children studying in the public schools could be justified.

90. Mr. REEVE (Special representative for Nauru) replied that it would not be practicable to place the Nauruan children in the same class as the European children who had already had some education in Australian schools and were therefore much further advanced in their studies.

91. Mr. INGLES (Philippines) pointed out that it appeared from the figures in appendix XIII of the report that there were 13 European children under six years of age and 9 of about six years of age, and 7 Nauruan children under six years of age and 25 of about six years of age. He asked whether it would be possible for those Nauruan and European children to start their studies at the same time at the same school.

92. Mr. REEVE (Special representative for Nauru) replied that that would be possible.

93. Mr. INGLES (Philippines) asked whether the Administering Authority considered that the training

of selected students in Australia was an adequate substitute for the re-establishment of secondary schools in the Territory.

94. Mr. REEVE (Special representative for Nauru) replied that that method was not a satisfactory substitute for the re-establishment of schools in the Territory, but it was the only way in which the selected pupils could receive their education until the secondary schools were reopened.

95. In reply to a further question by Mr. INGLES (Philippines), Mr. REEVE (Special representative for Nauru) said that he did not know how many pupils had attended secondary schools in the Territory before the war.

96. Mr. INGLES (Philippines) asked whether the six pupils who were attending schools in Australia and at Suva were the only children in the Territory who were qualified to receive a secondary education.

97. Mr. REEVE (Special representative for Nauru) replied that that was probably not the case. It should be borne in mind, however, that not all the parents of children qualified to receive a secondary education would agree to send them overseas.

98. Mr. INGLES (Philippines) concluded from the special representative's reply that the only way in which the need for secondary education could be properly met would be to re-establish the secondary schools in the Territory.

99. Mr. REEVE (Special representative for Nauru) explained that the Administering Authority was in fact planning to re-establish the secondary schools on the island. The Director of Education was currently working out plans for that purpose.

100. Mr. INGLES (Philippines) recalled that the Council had recommended in the previous year that the expenditure for education should be paid out of the budget proper and not out of the Nauruan Royalty Trust Fund. It appeared from appendix IV of the report that the expenditure for education during the year 1948-1949 had still been charged against the Nauruan Royalty Trust Fund and that, under the budget estimates for 1949-1950, that would again be the case in the present year. His delegation wished to know whether the Administering Authority intended to take the necessary steps to charge the education of the indigenous population to the budget proper instead of to the trust fund.

101. Mr. STIRLING (Australia) remarked that the recommendation had been adopted in July 1949 when the financial year under review had already ended. The figures referred to by the representative of the Philippines were for the year ending 30 June 1949.

102. Mr. INGLES (Philippines) observed that he had also quoted the estimates for 1949-1950 in which Native education was also charged against the trust fund.

103. Mr. REEVE (Special representative for Nauru) pointed out that that estimate had been prepared at the same time as the figures for the report. He added that effect had not yet been given to the recommendation of the Council.

104. Mr. INGLES (Philippines) drew attention to a petition submitted by the Nauruan Council of Chiefs (T/Pet.9/6) where it was stated under the heading of "Education" that only one Nauruan held a key position in the Administration and that he had already occupied that position in 1925-1931. He wondered whether that referred to the Head Chief and whether the latter had occupied the post of Native Affairs Officer from 1925 to 1931.

105. Mr. REEVE (Special representative for Nauru) assumed that the reference was to the Head Chief. He assured the representative of the Philippines that the petition would be examined and that all the information requested would be furnished.

106. Mr. INGLES (Philippines) thanked the special representative for replying to all the questions relating to education.

107. The PRESIDENT said that on the following day the Council would take up the general observations and thus complete the examination of the annual report on the administration of Nauru.

Mr. Reeve, special representative of the Administering Authority for the Trust Territory of Nauru, withdrew.

The meeting was suspended at 4.35 p.m. and was resumed at 5.5 p.m.

Examination of petitions (continued)

108. The PRESIDENT invited the Council to proceed to the general discussion of the Ewe question.

109. Mr. FLETCHER-COOKE (United Kingdom) said that having heard the representatives of the petitioners, and particularly Mr. Sylvanus Olympio, his delegation had come to the conclusion that the intentions stated in document T/702, the joint observations of the Government of France and of the Government of the United Kingdom of Great Britain and Northern Ireland on the special report of the Visiting Mission concerning the Ewe problem, had to a certain extent been misinterpreted. He hoped to clear up the misunderstanding by his remarks.

110. The plan for an enlarged Consultative Commission had been put forward in good faith and was in no sense a device for securing further delay in the solution of the problem. The two Administering Authorities wished to see an early and satisfactory solution which would do justice to the many points of view on the matter.

111. It had been said in the course of the discussion that the two Administering Authorities were not fully aware of the political significance of the problem. It had been contended that document T/702 did not take due account of that aspect.

112. However, a careful reading of document T/702 would show that the political aspect of the problem had been fully considered. The representative of the United Kingdom wished to quote certain passages of that document.

113. The fifth paragraph contained the following statement: "... the problem has now assumed a political

aspect". Further on it was stated that "undertakings were given by the representatives of the United Kingdom and France that further efforts would be made to eliminate the non-political aspects of the problem and also that the two Governments would seek a political or administrative solution . . ." That showed that the Visiting Mission's report had been taken into account.

114. In the eighth paragraph, it was stated: "... there is no one political solution which readily offers itself as being clearly preferable to the present state of affairs".

115. In the tenth paragraph there was the following explicit statement: "The functions of the Commission have hitherto been limited to the adjustment of frontier difficulties and the supervision of co-operation between the two Trust Territories. The Administering Authorities have decided that its functions should now be expanded and that it should be charged with the responsibility of submitting to the two Governments its views as to the practical means of satisfying, within the framework of French and British administration, the wishes of the inhabitants of all parts of the two Trust Territories."

116. The Commission's functions had been enlarged to enable it to deal with the political questions referred to in the passages quoted above. Mr. Fletcher-Cooke hoped there would be no further misunderstanding on that point.

117. In 1947 political questions had been specifically excluded from the purview of the Consultative Commission. In 1950 they formed its prime function. As it was emphasized in document T/702, that change of emphasis was due above all to the analysis of the situation given in the Visiting Mission's report (T/463). He felt that the Visiting Mission had also contributed to the solution of the problem by its proposal that the Consultative Commission should be enlarged. In that connexion he quoted the following passage from document T/702 (ninth paragraph): "The Visiting Mission in paragraph 10 of chapter V of its report expresses the view that the Standing Consultative Commission for Togoland Affairs 'is a most valuable institution which might be further developed'."

118. If it was accepted that the new Consultative Commission would have political functions, two questions might be asked: first, why was it provided in the terms of reference of the Commission (T/702) that it should be entrusted with the task of continuing the work of the old Commission? The reply was easy: it would take the new Commission several months to prepare for the election and to study all the different points of view. Then, the two Administering Authorities would have to consider the recommendations and reach their conclusions. It was therefore essential that the Commission should continue to have the powers of the old Commission so that it could give advice on additional measures which might be taken.

119. Moreover, although the two Administering Authorities had reluctantly come to the conclusion that the establishment of a conventional zone was not desirable, the joint Anglo-French working party had reached certain conclusions on minor methods of improving the

situation on the ground. The new Consultative Commission might wish to make a report on those proposals. Such action by the Consultative Commission might take the form of interim reports which would contain suggestions as to how the day-to-day position could be improved pending a final settlement of the long-term issues. The functions set forth in paragraph II of the new Commission's terms of reference were, however, clearly secondary; its principal functions were described in paragraph I.

120. The second question was divided into two parts. First, was there anything in the terms of reference which would preclude the consideration of any particular point of view? Secondly, was there anything which would preclude the Commission from reaching a conclusion of a particular nature?

121. On the first of those points, he had already stated that paragraph I (a) of the terms of reference required a study of any representations which had or might be made. The fact that the Governor of the Gold Coast and the Commissioner of the French Republic for Togoland under French administration had been appointed Co-Chairmen of the Consultative Commission should ensure the strict observance of that provision of the terms of reference.

122. As regards the conclusions which the Commission might submit to the two Administering Authorities, there had been some misunderstanding about the words "within the framework of British and French administration", in paragraph I (c) of the terms of reference. Mr. Fletcher-Cooke believed that he had clearly indicated that the Commission had a political task to perform; however, to remove any doubts which might persist, he wished to state that in agreement with the representative of France it was proposed to clarify paragraph I (c) of the terms of reference by the addition of the words "and not precluding the unification of any parts of the two Trust Territories" after the words "the interests of the peoples concerned".

123. He understood, even if he did not wholly share, the reactions of the Ewe people to the content of document T/702, as described by Mr. Sylvanus Olympio. The Ewe people feared that the proposed measures were only procedural, and that their own particular point of view would not be considered and could not form the basis of a conclusion by the Commission. He had already dealt with the second of those points, and would now show why the two Administering Authorities had felt it necessary to concern themselves with the question of procedure instead of deciding immediately on the substance of the matter.

124. The question was an extremely complex one; as it was stated in the eighth paragraph of document T/702, there was no one political solution which readily offered itself as being clearly preferable to the present state of affairs.

125. Mr. Sylvanus Olympio was primarily concerned with the future of his people, but the Administering Authorities were obliged to take a wider view because of their duty to all the peoples of both Trust Territories. That was why his Government was firmly resolved that all points of view should be fairly represented in the

Consultative Commission. To that end Mr. Fletcher-Cooke gave an assurance, which he was sure the French representative would endorse, that all the different points of view would be fairly represented in the Commission. It was also intended that only Natives of the Togoland areas concerned should represent those areas in the Consultative Commission.

126. It would obviously be impossible to reach substantive decisions before all views had been examined. Decisions could be taken only when the Commission had made its recommendations to the Administering Authorities. Those decisions might prove disappointing to the Ewes and to some others in the two Territories; it was clear, however, that a thorough investigation was required before any decision was taken. That was the justification for the Commission's existence. Mr. Fletcher-Cooke emphasized that the investigation would not be undertaken by the Administering Authorities but by the people most directly concerned. For the peoples of the two Trust Territories, that exchange of views would represent both a challenge and an opportunity. Their leaders would have a chance to show by their readiness to listen to the other side, by their patience in reconciling opposing views, by their fairness in ensuring that due weight was given to the views of minorities, that they were progressing in the art of government and, in particular, in the art of self-government. The question under discussion could be solved only by patient and self-disciplined deliberation. For the reasons which he had explained, the United Kingdom delegation did not favour any form of plebiscite which was unlikely to produce any results of value in such a complex situation.

127. In conclusion, Mr. Fletcher-Cooke wished to make some observations on certain remarks made by Mr. Sylvanus Olympio at the 22nd meeting to the effect that if the Ewes did not secure immediate unification he would not be responsible for the consequences. The work of the Trusteeship Council did not involve it in those questions of violence and aggression with which other organs of the United Nations had to deal and it was therefore strange that anyone in the Council should allude to possible resort to violence. Threats of violence, however discreet they might be, could have no part in the deliberations of the Council. Any suggestion to the contrary would betray the very principles on which Chapters XII and XIII of the United Nations Charter were based.

128. He had no hesitation in associating himself with the remarks made at the 22nd meeting by the special representative who had paid tribute to the courtesy, self-restraint and love of justice of the Ewe people. In fairness to Mr. Sylvanus Olympio, it should be emphasized that the main body of his statement contained no reference to possible disturbances, and that it was only following a question by a member of the Council, perhaps inappropriately put, that the subject had been lightly touched upon.

129. Lastly, Mr. Sylvanus Olympio had made it clear that his people had been disappointed with the procedure contemplated by the Administering Authorities and that the Ewe people might find it difficult to participate in the work of the new Consultative Commission. Mr. Fletcher-Cooke hoped that the explanations and assur-

ances that he had been able to give, in particular with regard to paragraph I (c) of the Commission's terms of reference, would lead the members of the Council to the conclusion that the Ewes would be missing a great opportunity if they decided not to co-operate. No one at the Council table could predict the conclusions which the Consultative Commission would reach, but all the petitioners who were there, together with all other interested parties, would have the opportunity of participating in its work.

130. His delegation felt that all points of view should be discussed when the Commission attempted to formulate its conclusions. If any specific section of the population in the two Territories declined to participate in the elections, at least the Council would note the fact that they had had their chance to do so and would also note that the two Administering Authorities had done, and would continue to do, everything in their power to reach a solution of the problem which would give the maximum satisfaction to the maximum number of the people concerned, which was the very essence of the United Nations Charter.

131. Mr. GARREAU (France) stated that he had nothing to add to the statement made by the United Kingdom representative, with which he whole-heartedly associated himself.

132. Mr. RYCKMANS (Belgium) stressed that the question, which had appeared on the Council's agenda for the past three years, was a very important one; its solution concerned a large number of people. It had been included in the Council's agenda once again partly because, owing to the force of circumstances, the Council's previous recommendations as set forth in its resolution 14 (II) had not been implemented in the manner advocated.

133. The Ewes had complained about the composition of the Commission and the inadequate results it had so far achieved. Mr. Ryckmans believed that the Trusteeship Council would admit that, generally speaking, the results obtained had not been as good as might have been hoped. That was why the problem had assumed political importance and why the Ewes were now insisting on the immediate unification of all the Ewe people.

134. His delegation believed that their request was sincere and corresponded to the wishes of the people on whose behalf it was presented. The Council should therefore examine it with the utmost goodwill.

135. He believed that most of the Ewes were in favour of unification. That had been the impression gained by the Visiting Mission and he thought that that would also be the impression of the majority of the Council.

136. The Ewes, however, were far from being unanimous. Mr. Pedro Olympio, who represented another faction of the Ewes, was opposed to unification; the exact size of the group he represented was not known, but the group certainly existed.

137. Above all, the Council must recognize that, in the view of the Ewes, the problem had been incompletely and ambiguously set out. It had been stated that the Ewes were in favour of unification. That was a little

like saying that a man was prepared to buy the house which he rented, without stating at what price.

138. All the Ewes were in favour of unification but each one wanted unification under the regime to which he was accustomed.

139. Mr. Pedro Olympio had quite rightly pointed out that the vast majority of the Ewes favoured unification but that it also wished to avoid any change of Administering Authority. Nevertheless, for half the Ewe people, unification under a single administration would mean a change of Administering Authority. To decide that the Ewes should be unified before deciding under what administration that unification should take place would be a mere deception. Two plebiscites on two separate questions had been suggested. For any thinking person the reply to the question "Are you in favour of unification?" must depend on the reply to the question "Under what administration shall the united Territory be placed?"

140. Mr. Ryckmans believed that Mr. Olympio was right in saying that the vast majority would vote in favour of unification, but that the majority, or at least the *élite*, would be opposed to any change of Administering Authority. As for the mass of the people, if it replied that it did not want any change of Administering Authority, there would be no point in the plebiscite; if it replied that it did not care whether a change took place, that would prove that the existing situation was no obstacle to the eventual unification of the Ewe people.

141. He pointed out that even if the Ewes could agree on a change of Administering Authority, their reply would not be enough to solve the problem since they were not the only people involved; all the peoples of both Togolands were entitled to be heard. The Ewe petition raised a question of principle: if the Council allowed the Ewes alone to decide the question of unification, it would implicitly decide the question of the right to secede, and it would thus establish a precedent of incalculable importance, since there were numerous other territories, now independent, whose original frontiers had been arbitrarily drawn.

142. The unification of the Ewes would inevitably affect the decision which would be adopted with regard to the rest of Togoland. A frontier could not be suppressed but only shifted; if that was done, all the people in the frontier zones were entitled to be heard.

143. His delegation felt that it was competent to give its advice on any frontier question since Belgium had recently been placed in a similar situation in connexion with the unification of Bugufi and Urundi, and had adopted the same attitude as in the case of Togoland.

144. Mr. Ryckmans had been in Urundi thirty years earlier, when the territories had been separated. On returning there recently to study the question on the spot, he had seen that the frontier, originally an artificial one, had become a reality. In order to demonstrate that in the case of Togoland, too, an artificial frontier might have become a reality, he reminded the Council that a large number of petitions asked that the frontiers of the former German Togoland should be re-established; yet when those frontiers had been drawn, they had been purely artificial. The existing frontier, dating

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from 1919, was not perhaps very fortunate; at all events it raised a very real problem.

145. The Second World War had made that problem more acute than ever before. The frontier between Togoland under French administration, which had been under the Vichy regime and therefore neutral, and Togoland under British administration, which had fought on the side of the Allies, had become more marked than it had ever been.

146. Mr. Ryckmans admitted that the reforms introduced in Togoland since 1947 had not had the scope envisaged by the Trusteeship Council when it had made its recommendations contained in resolution 14 (II). One example was the question of teaching in the vernacular in Togoland under French administration, which had not been as effectively solved as the Council might have hoped, although the introduction of the Ewe language into the school curriculum was now being considered.

147. Similarly, Mr. Ryckmans felt that if the Administering Authorities attempted to solve the problem of the establishment of a conventional zone without prejudice to existing arrangements for exchange control, they would find it impossible to eliminate the inconveniences caused by the existence of the frontier. He was afraid that the Council's recommendations in that field had not been entirely implemented by the Administering Authorities.

148. He attributed the increasingly political character of the question to the lack of success of the measures adopted by the Administering Authorities. The Ewe people could be compared to a sick person who was tired of palliatives and demanded an operation. It was quite understandable that, as various speakers had said and the Visiting Mission had noted, feeling should run high. The members of the Council, however, had no right to allow themselves to be carried away.

149. He pointed out that the Council must consider the Ewes who opposed unification as well as those who were in favour of it. Furthermore, the Council was responsible for the fate not only of the Ewes but of all the people of Togoland.

150. Even if the question concerned the Ewes alone, he would not attempt to solve the problem without further study. The petitions submitted to the Council, both those presented orally and the innumerable ones received in writing, conveyed an impression of great confusion. He was therefore convinced that a more thorough study was required. It was such a study that the Administering Authorities invited the Council to undertake in announcing the creation of a Consultative Commission with a considerably enlarged membership and terms of reference.

151. It must be made clear to the population that such a study was neither a delaying tactic nor a dismissal of the case. Mr. Ryckmans had been gratified to hear the statement made by the United Kingdom representative, which had been supported by the French representative.

152. Before going further into the matter, he thought it should be recalled to the people of Togoland that, in conformity with Article 76 b of the Charter and ac-

ording to the Visiting Mission's report (T/463), the political formula that would meet the situation depended to a large degree on the people of the two Togolands themselves. Therefore, the request for new studies did not imply the rejection of the demand for unification; on the contrary, it would help to prepare the ground for the solutions which the people themselves would adopt when they reached autonomy and independence.

153. A supplementary study of the question would not, he was sure, delay for a single day the autonomy of the two parts of Togoland. On the contrary, he thought, like Mr. Pedro Olympio, that the development of the country towards self-government would be retarded if the *élite* of the two Togolands were forced to adapt themselves to a new culture. For example, Togoland students who had commenced their studies in one language might be forced to terminate them in another. As Mr. Pedro Olympio had said, it was a mistake to change horses in mid-stream. The best way to expedite the development of Togoland was to allow each part to develop under the trusteeship of the Administering Authority which had undertaken that work.

154. In the meantime, however, it was essential to take bold decisions. For example, the question of using the Ewe language in education should no longer be considered within the general framework of the educational programme for overseas territories as it had been up to the present, but in the light of the situation peculiar to Togoland. It would be particularly advantageous to the Ewes, who had been trained along the lines of two foreign cultures, to receive a solid education in their mother tongue. A sound knowledge of that common language would help the Ewes to perfect their European culture and at the same time to maintain a common link among themselves.

155. Similarly, the economic question should not be studied within the narrow framework of the exchange control. For instance, according to one petitioner, a funeral had been delayed because of the strict application of certain customs regulations; such practices should not be allowed to persist.

156. He pointed out that the expression "within the framework of British and French administration" which appeared in the terms of reference of the Commission (T/702) might cause some concern among the Ewes, who considered that unification must be carried out under a single Authority. The term used might lead them to think that that unification was precluded in advance. He was therefore glad to note that, according to the new text suggested by the United Kingdom representative, the Commission would be empowered to receive all representations, to study all possible solutions and to submit to the Administering Authorities such proposals as they saw fit to adopt in the light of the circumstances.

157. While appreciating the disappointment which the representative of the All-Ewe Conference must feel if he had to leave Lake Success without having achieved the unification desired by a great number of Ewes, Mr. Ryckmans hoped that the Ewes would understand that the Council must consider other interests besides their own. Furthermore, in the course of the studies to be undertaken the Ewes would have an opportunity to

state their wishes and, possibly, to have them carried into effect.

158. Summing up his remarks, he said that he shared the views of the Visiting Mission to a great extent and was glad that the new Consultative Commission was to assume greater importance. He agreed with the Visiting Mission that there were three types of solutions to be considered: a political solution within the framework of the two existing Togolands, an economic solution within the same framework, and a general solution within a larger framework including both Togolands. None of those solutions was precluded by the two Governments.

159. The intentions of the two Governments as seen from their joint observations and the additional explanations given by the United Kingdom representative could to a large extent satisfy the legitimate wishes of the Ewes. Mr. Ryckmans also hoped that the establishment of the new Commission would facilitate the solution of some of the difficulties created by the existence of the frontier, which had been mentioned by the Visiting Mission. Rigid and inflexible arrangements should be avoided and bold new measures based on thorough studies adopted.

160. Lastly, he stressed that under the Trusteeship System the primary aim was the promotion of Togoland's development towards self-government and independence. In his opinion, an Ewe state was not the only possibility which would face the people when they were in a position to choose their own destiny. The Gold Coast was rapidly progressing toward autonomy and all the peoples of Africa would one day be able to determine the frontiers which suited them best.

161. In conclusion, he recommended to the Trusteeship Council that it should invite the Administering Authorities to submit their reports as quickly as possible. The peoples concerned would thus be assured that the establishment of the new Consultative Commission would not result in the indefinite postponement of the consideration of their claims.

162. Mr. SAYRE (United States of America) feared that the petitioners had somewhat misunderstood the scope of the proposal of France and the United Kingdom for the establishment of an enlarged Consultative Commission. His delegation too had wondered whether under the terms of paragraph I (c) of document T/702

the Commission would have the right to make recommendations for the unification of the Ewe people. In particular he mentioned the expression "within the framework of British and French administration" which had troubled Mr. Sylvanus Olympio and the other petitioners and which, if interpreted literally, seemed to restrict the Consultative Commission's powers with regard to the unification of the Ewe people. Fortunately, those difficulties had been removed by the United Kingdom representative's statement and the goodwill shown by the Administering Authorities in amending and clarifying the end of paragraph I (c) of the Commission's terms of reference. It was now clear that the Commission was authorized to make recommendations regarding the unification of the Ewe people and that such unification could take place either under British, French or Anglo-French administration. He thanked the Administering Authorities for amending their text to meet the petitioners' wishes. Without wishing to speak for the petitioners, he thought that the Council had reached a point at which it could take appropriate action on the proposals of France and the United Kingdom. The objections to which those proposals had given rise had been met in a substantial measure.

163. The Council would probably welcome the opportunity of deliberating overnight on the exact measures it might adopt.

164. The PRESIDENT announced that the *Ad Hoc* Committee on Petitions would meet at 10.30 a.m. on the following day, and the Drafting Committee on Togoland under British administration at 11 a.m.

165. Mr. FLETCHER-COOKE (United Kingdom) remarked that the United Kingdom representatives would have to attend the meetings of both the Drafting Committee and the *Ad Hoc* Committee on Petitions, and asked whether one of those Committees could not meet in the afternoon.

166. After a brief discussion in which Mr. RYCKMANS (Belgium) and Mr. KHALIDY (Iraq) took part, the PRESIDENT announced that the *Ad Hoc* Committee on Petitions should meet on the following morning and that in the afternoon the full Council would complete the examination of the report on Nauru and the general discussion on the Ewe question.

The meeting rose at 6.15 p.m.