



TRUSTEESHIP COUNCIL

Twentieth Session

OFFICIAL RECORDS

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President: Mr. John D. L. HOOD (Australia).

Present:

The representatives of the following States: Australia, Belgium, Burma, China, France, Guatemala, Haiti, India, Italy, New Zealand, Syria, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United States of America.

The representatives of the following specialized agencies: International Labour Organisation; Food and Agriculture Organization of the United Nations; United Nations Educational, Scientific and Cultural Organization; World Health Organization.

Examination of the annual report of the Administering Authority on the administration of the Trust Territory of Nauru for the year ended 30 June 1956 (T/1312, T/1324, T/L.771 and Add.1, T/L.795, T/L.798) (*continued*)*

[Agenda item 4 (c)]

REPORT OF THE DRAFTING COMMITTEE (T/L.771 AND ADD.1, T/L.795, T/L.798)

1. Mr. KESTLER (Guatemala), Chairman of the Drafting Committee, submitted the report of the Committee (T/L.795). Most of the conclusions and recommendations in that report were the result of compromise and the members of the Committee had reserved their right to make observations and proposals thereon.

2. The problem of attainment of self-government or independence was dealt with in a separate section (annex II). The Committee had reached no conclusion, nor had it made any recommendation on the matter. The delegation of Guatemala had reserved its position, as recorded in paragraph 7 of the report.

3. The PRESIDENT suggested putting each paragraph of annex I of the report containing the Committee's conclusions and recommendations to the vote separately.

4. Mr. HAMILTON (Australia) raised no objection with regard to the first part of paragraph 1, although he did not think it served any useful purpose. It was perfectly accurate that no solution to the question of the future of the Nauruan community had been found, but that was only natural. The end of the paragraph, beginning with the words "and that it submit" was not satisfactory. In fact, the Administering Authority was exclusively responsible for the administration of the Territory and should not be obliged to await con-

sideration by the Council of any administrative act before taking action. On the other hand, the provisions of the Charter did not require it to act always in accordance with the wishes of the population, which was often impossible. Finally, it was unnecessary to state that the solution of the problem should be in conformity with the provisions of the Charter and the Trusteeship Agreement, for the Administering Authority could not put forward any plans which were inconsistent with those provisions. For those varied reasons, he suggested that the last part of paragraph 1 be amended.

5. Sir Andrew COHEN (United Kingdom) shared the point of view of the representative of Australia and proposed replacing the last part of the sentence, beginning with the words "and that it submit to the Council..." by the words "on the lines of the recommendation adopted by the Council at its eighteenth session".¹

6. Mr. BENDRYSHEV (Union of Soviet Socialist Republics), commenting on the statement made by the representative of Australia, pointed out that the questions dealt with in that paragraph were not administrative matters; they concerned the future of the Nauruan population. Such a problem could be solved only in accordance with the provisions of the Charter and the Trusteeship Agreement, and in conformity with the wishes of the population. The text submitted by the Drafting Committee was in very general terms. It left to the population and the Administering Authority the necessary latitude for finding appropriate methods for solving the problem satisfactorily and it did not pre-judge in any manner whatsoever the final solution. The Soviet delegation would not be able to vote in favour of the amendment proposed by the representative of the United Kingdom.

7. The PRESIDENT put the amendment proposed by the representative of the United Kingdom to the vote.

The amendment was rejected by 6 votes to 5, with 3 abstentions.

8. Mr. HAMILTON (Australia) asked that the last part of the paragraph, beginning with the words "and that it submit to the Council" be put to the vote separately. He would be obliged to vote against those words.

9. The PRESIDENT put to the vote the first part of paragraph 1, up to and including the words "practical solution".

The first part of paragraph 1 was adopted unanimously.

10. The PRESIDENT put to the vote the remainder of paragraph 1, beginning with the words "and that it submit to the Council..."

The remainder of paragraph 1 was adopted by 8 votes to 5, with 1 abstention.

11. Mr. KOCIANCICH (Italy), supported by Mr. HUDDLESTON (United States of America), proposed the deletion of the words "legislative and"

* Resumed from the 813th meeting.

¹ See A/3170, p. 324 and 325.

after the words "as yet no representative" in paragraph 2. It was inaccurate to say that there was as yet no legislative organ in the Territory. Indeed, the text went on to correct that statement. Although the Nauru Local Government Council had only limited legislative powers, it was nonetheless a genuine legislative organ.

12. Mr. HAMILTON (Australia) said that the Local Government Council had full legislative powers in respect of local government, but in the territorial field its powers were only consultative. It was, therefore, necessary to amend the first part of paragraph 2. The Administering Authority endorsed the first recommendation in the paragraph unreservedly. But, in recommending to the Administering Authority to grant the Local Government Council additional legislative powers, the Council would be inconsistent, since at its eighteenth session it had asked the Administering Authority to encourage the Local Government Council to exercise its powers more fully, so that new powers could be granted to (A/3170, p. 328). The Administering Authority felt that it could not extend the legislative powers of the Local Government Council it exercised fully those powers which had been granted to it already. At the present stage, it would be premature to take measures for the establishment of a representative executive organ. The most important thing was to encourage the Nauruans to participate in the administration of the Territory. He asked the Council to amend the text of paragraph 2 in the light of the explanations which he had just given.

13. Mr. DAVIN (New Zealand) said he was prepared to amend formally paragraph 2, with due regard to Mr. Hamilton's observations.

14. Mr. KOCIANCICH (Italy) withdrew his delegation's amendment (T/L.798, para. 1) to paragraph 2.

15. Mr. BENDRYSHEV (Union of Soviet Socialist Republics) noted a tendency to hold the Council back from making any progress in its recommendations.

16. Sir Andrew COHEN (United Kingdom) thought it was most important not to approve confused texts.

17. Mr. HAMILTON (Australia) said that the only aim of his delegation was to prevent the Council from contradicting itself.

18. The PRESIDENT suggested that consideration of paragraph 2 be deferred until the text of the amendment proposed by the representative of New Zealand was ready.

Paragraph 3 was adopted by 10 votes to none, with 4 abstentions.

19. Mr. HAMILTON (Australia) observed that the words "with one exception" appearing in paragraph 4 were inaccurate. The Administering Authority considered several posts occupied by indigenous persons to be leading posts.

20. He suggested that the words "work out concrete training plans" be replaced by the words "develop and implement its concrete training plans which provide", deleting the word "will" from the English text, so as to emphasize the fact that those plans developed by the Administering Authority were already being implemented. He requested a separate vote on the word "will" and on all that part of the sentence following the words "on-the-job training".

21. Mr. HUDDLESTON (United States of America) proposed that the words "work out" be replaced by the words "develop and implement its".

The amendment of the representative of the United States was adopted by 7 votes to 3, with 4 abstentions.

The first part of paragraph 4, as amended, up to and including the words "training plans which", was adopted by 10 votes to none, with 4 abstentions.

The word "will" was rejected by 5 votes to 4, with 5 abstentions.

The words "provide not only for the necessary technical education but also for subsequent on-the-job training" were adopted unanimously.

The words "so that these goals may be fulfilled as soon as possible" were adopted by 7 votes to 4, with 3 abstentions.

Paragraph 4 as a whole, as amended, was adopted by 12 votes to none, with 2 abstentions.

Paragraph 5 was adopted unanimously.

Paragraph 6 was adopted by 12 votes to none, with 1 abstention.

22. Mr. KOCIANCICH (Italy) said that the amendment to paragraph 7 proposed by his delegation (T/L.798, para. 2) did not change the substance of the operative part and made only a slight change. He thought that the Drafting Committee's text had not taken account of the fact that the Administering Authority had already begun negotiations with the Nauru Local Government Council with a view to increasing royalty rates, and that it had already submitted information on the financial operations of the British Phosphate Commissioners. The amendment was intended only to clarify those two points.

23. Mr. HAMILTON (Australia) stated that the Administering Authority's difficulties in presenting complete and exclusive information on Nauru arose from the fact that the British Phosphate Commissioners conducted operations on other islands as well. Furthermore, the Administering Authority could not make public figures which were presented to it confidentially. The annual report² nevertheless provided very detailed information: pages 66 and 67 furnished a full report on the operations of the British Phosphate Commissioners, including the balance sheet and the auditor's statement on it. From the information given on page 63 on the amount and value of the phosphate exported, the price of the product could be determined. All the above information showed that just under 2 million tons of phosphate had been sold for a sum slightly exceeding £3 million. Thus, the margin of profit of £18,000 made by the British Phosphate Commissioners was a small one. A rapid calculation would show that approximately one-fifth of the cost of the phosphate went directly or indirectly to the Nauruans themselves. Although those figures might call for further clarification, it had to be admitted that a fairly accurate picture of the situation could be gained from the information provided. Therefore, it was difficult to accept the text submitted by the Committee. With regard to the text proposed by the representative of Italy, the Administering Authority would have no objection to its adoption, if that text did not mean that the Administering Authority was called upon to make public information of a confidential nature. In conclusion, he said that the Nauruans were receiving a very fair return from the phosphate industry.

² Commonwealth of Australia, Report to the General Assembly of the United Nations on the Administration of the Territory of Nauru from 1st July, 1955, to 30th June, 1956 (Canberra, A. J. Arthur, Commonwealth Government Printer, 1957). Transmitted to members of the Trusteeship Council by the Secretary-General under cover of document T/1312.

It should be remembered, too, that the Administration was even then conducting negotiations for an increase in certain royalty rates.

The Italian amendment (T/L.798, para. 2) to paragraph 7 was adopted by 7 votes to 6, with 1 abstention.

24. Mr. KOCIANCICH (Italy) felt that the text of paragraph 8 submitted by the Committee did not take sufficient account of the facts and merely expressed vague misgivings. Thus, there was not sufficient reason for suggesting that the Administering Authority should review its present arrangements, since the Administering Authority considered them more satisfactory than the previous ones. In the circumstances, it would seem preferable to ask the Administering Authority for additional information on how the system operated. The Italian delegation was satisfied with the information already supplied, and that was why it had proposed its amendment (T/L.798, para. 3).

A vote was taken on the Italian amendment (T/798, para. 3).

There were 6 votes in favour, 6 against, and 2 abstentions.

After a brief recess in accordance with rule 38 of the rules of procedure of the Trusteeship Council, a second vote was taken.

There were 6 votes in favour, 6 against, and 2 abstentions. The amendment was not adopted.

Paragraph 8 was adopted by 8 votes to 6.

25. Sir Andrew COHEN (United Kingdom) stated that he had voted against the Committee's text because it did not take into consideration the statement made by the Administering Authority in the paragraph which the Council had just adopted.

26. Mr. HAMILTON (Australia) explained that the British Phosphate Commissioners exercised no pressure on the framing of the budget. The Administration drew up its budget in complete independence, and under the present system the contribution made by the Phosphate Commissioners to the Administration's budget had been greatly enlarged.

27. Mr. HUDDLESTON (United States of America) said that the United States delegation found the present arrangements perfectly satisfactory. It had approved the recommendation contained in paragraph 8 both in the Council and in the Drafting Committee, because of the fears expressed by a number of delegations on that score.

28. Mr. BENDRYSHEV (Union of Soviet Socialist Republics) proposed the addition at the end of paragraph 9 of the words "and considers that this land should be returned to the Nauruans".

29. Mr. HAMILTON (Australia) objected to the Soviet Union representative's proposal. No such suggestion could be made before the results of the investigation now in progress to determine who owned the land were known.

The Soviet amendment was rejected by 7 votes to 3, with 4 abstentions.

Paragraph 9 was adopted by 11 votes to none, with 3 abstentions.

30. Mr. KOCIANCICH (Italy) said that his delegation had proposed (T/L.798, para. 4) the deletion of the words "without proper consultation with the indigenous population" in paragraph 10, because that statement was incorrect. Although the special representative had said that, to his knowledge, there had been no con-

sultations, that did not mean that the population had not been consulted. The Council should ask the Administering Authority to provide the relevant information in its next report.

31. Mr. HAMILTON (Australia) said that originally the Administering Authority had consulted with the then representatives of the population, i.e. with the Council of Chiefs. It had not subsequently made any decision to take over more land; it had merely decided to extend the air strip by utilizing the land already taken over. At the time of the expropriation the Council had received a number of petitions. He recalled that in resolution 325 (VIII) of 15 March 1951 the Council had expressed the view that the Administering Authority could better serve the interests of the population of Nauru as a whole by retaining the existing air strip, provided that the petitioners received just compensation and that the Administering Authority took the necessary steps to arrive at a settlement with the Nauruan Council of Chiefs. Moreover, the United Nations Visiting Missions to Trust Territories in the Pacific, 1953 and 1956, had felt that an air strip was necessary (T/1076, para. 59, T/1279, para. 72). The Council and the Administering Authority were thus in complete agreement on the matter.

32. The Council was not in a position to determine whether the air traffic would compensate for the advantages to be derived from the use of the land by individuals; such considerations were not a matter of arithmetic. He would support the amendment submitted by the representative of Italy; at the same time he called for the deletion of the last part of paragraph 10 beginning "in order that the Council...", and for a separate vote on that last phrase.

33. Mr. JAIPAL (India) said he was prepared to agree that the Administering Authority had to some extent consulted with the indigenous population, but he was not sure that it had obtained its consent.

34. Mr. HAMILTON (Australia) said that the Local Government Council had not notified the Administering Authority of any decision. Only some of the owners were opposed to the acquisition of the land in question.

35. Sir Andrew COHEN (United Kingdom) proposed an amendment which adhered strictly to the facts, on the following lines: "The Council, noting that the Administering Authority has decided to expand the air strip, making use of land which was included in the area about which the Council of Chiefs was originally consulted...".

36. Mr. KOCIANCICH (Italy) said that his delegation would accept the United Kingdom amendment and was prepared to withdraw its own.

37. Mr. JAIPAL (India) observed that the Territory of Nauru suffered from a shortage of arable land. The fact that the land had been acquired some years previously was irrelevant.

38. Mr. BENDRYSHEV (Union of Soviet Socialist Republics) thought it was clear from the Administering Authority's own report that the majority of the owners of the land had been opposed to the expropriation.

39. Mr. HAMILTON (Australia) remarked that the majority of the population of Nauru.

The United Kingdom amendment was adopted by 7 votes to 5, with 2 abstentions.

The text of paragraph 10, as amended, down to the words "to use the air strip...", was adopted by 8 votes to 3, with 3 abstentions.

The words "in order that the Council..." down to the end of the paragraph were rejected by 5 votes to 3, with 4 abstentions.

At the request of the Soviet Union representative the complete text of paragraph 10, as amended, was put to the vote.

Paragraph 10 as a whole, as amended, was adopted by 7 votes to 3, with 4 abstentions.

The meeting was suspended at 4.30 p.m. and resumed at 4.50 p.m.

40. The PRESIDENT put to the vote paragraph 11 of annex I of the Committee's report (T/L.795).

The first sentence of paragraph 11 was adopted by 11 votes to none, with 3 abstentions.

41. Mr. HAMILTON (Australia), referring to the concluding sentence of paragraph 11, pointed out that, in the absence of qualified Nauruans, the Administration was compelled to call upon Europeans or non-indigenous persons to fill important positions. It was normal to offer a non-indigenous person, who agreed to come to work on that small island, higher salaries than a local applicant could expect. The Council's suggestion therefore seemed impracticable.

42. Mr. DORSINVILLE (Haiti) felt that the second sentence of paragraph 11 was not altogether clear. The Drafting Committee had no doubt intended to say that a single pay scale should be established for the different types of employment and the text should be revised accordingly. With regard to the position of non-indigenous persons coming from a distance to work in the Territory, there was no reason why an expatriation or cost-of-living allowance should not be added to the base pay. The sentence might be revised to that effect.

43. Sir Andrew COHEN (United Kingdom) agreed with the representatives of Haiti and Australia that the text should be amended.

44. Mr. HUDDLESTON (United States of America) explained that the Drafting Committee had been under the impression that there were not different pay scales for the Nauruan and immigrant groups. If there really was a difference between the wages paid for the same work, the words "inference of" became meaningless and he formally proposed their deletion.

The United States amendment was adopted by 7 votes to none, with 7 abstentions.

45. Sir Andrew COHEN (United Kingdom) thought that the text of the second sentence would be more intelligible if the words "with appropriate allowance for expatriation" were added.

46. Mr. HAMILTON (Australia) felt that the difference between the pay scales was largely academic, so that Sir Andrew Cohen's suggestion would not serve any very useful purpose.

The second sentence of paragraph 11, as amended by the United States, was adopted by 6 votes to 4, with 4 abstentions.

Paragraph 11 as a whole, as amended, was adopted by 7 votes to 3, with 3 abstentions.

47. Mr. KOCIANCICH (Italy) said he had abstained in the vote on the second sentence of paragraph 11 because in his view the first sentence, containing the words "equal pay for equal work", was quite sufficient.

48. Mr. DORSINVILLE (Haiti) said he had abstained in the vote on the second sentence and on the paragraph as a whole because the meaning of the second sentence seemed obscure.

Paragraph 12 was adopted by 11 votes to none, with 3 abstentions.

49. Mr. HAMILTON (Australia) thought it would be clearer to say in paragraph 13 "The Council notes with satisfaction the progress that has been made..." inasmuch as great progress had been made in that field.

50. Mr. HUDDLESTON (United States of America) formally proposed the change suggested by the representative of Australia.

The amendment was adopted by 12 votes to none, with 2 abstentions.

Paragraph 13, as amended, was adopted by 11 votes to none, with 3 abstentions.

In successive votes, paragraphs 14 and 15 were adopted by 13 votes to none, with 1 abstention.

51. Mr. BENDRYSHEV (Union of Soviet Socialist Republics) requested that paragraph 16 be voted upon in parts. The first sentence referred to education in general, but satisfaction could hardly be expressed with the progress made in secondary and higher education.

The first sentence of paragraph 16 was adopted by 11 votes to none, with 3 abstentions.

52. Mr. KOCIANCICH (Italy) recalled his suggestion (T/L.798, para. 5) to insert in the third sentence in paragraph 16 the words "as additional qualified students come up" between "hopes that" and "the Administering Authority".

That amendment was adopted by 6 votes to 3, with 5 abstentions.

Paragraph 16 as a whole, as amended, was adopted by 9 votes to none, with 5 abstentions.

53. Mr. HAMILTON (Australia) referring to paragraph 17, did not think it was logical to recommend that the Administering Authority increase its efforts to prepare specialists with higher education among the Nauruans while at the same time congratulating it on the progress achieved in primary and secondary education. The efforts to extend primary and secondary education would inevitably result in opening up opportunities for higher education. Consequently, he suggested that the last part of the paragraph should be replaced by the wording "... and it recommends that the Administering Authority continue its efforts to provide Nauruan students with higher education".

54. Mr. HUDDLESTON (United States of America) formally proposed the wording suggested by the representative of Australia.

55. Mr. BENDRYSHEV (Union of Soviet Socialist Republics) asked what efforts were to be continued when no attempt was being made to give a single Nauruan the opportunity to obtain a higher education.

56. Sir Andrew COHEN (United Kingdom) pointed out that before the walls of a house were built, the foundation had to be laid.

The amendment was adopted by 11 votes to 1, with 2 abstentions.

Paragraph 17, as amended, was adopted by 11 votes to none, with 3 abstentions.

57. Mr. JAIPAL (India) explained that his delegation had voted in favour of paragraph 17 because it felt that sustained efforts invariably brought results.

Paragraph 18 was adopted by 13 votes to none, with 1 abstention.

Paragraph 19 was adopted unanimously.

58. Returning to paragraph 2 of the report, on which the Council had not taken any decision, the PRESIDENT announced that the Council had before it a New Zealand proposal to replace that paragraph by the following text:

"The Council, bearing in mind that there is as yet no indigenous representation in the executive organ of government in the Territory and that, while the Nauru Local Government Council has full legislative powers in respect of local government, its powers in the territorial field are only consultative, notes the statements of the Administering Authority (a) that the Local Government Council so far has not exercised all the powers with which it has been provided, and (b) that as that body exercises more of its present powers, the Administering Authority will consider granting it additional ones. The Trusteeship Council recommends that the Administering Authority continue to encourage the Nauru Local Government Council to exercise its powers increasingly, and reiterates in that connexion the recommendation adopted at its eighteenth session."

59. Replying to an objection raised by Mr. JAIPAL (India), Mr. DAVIN (New Zealand) said that the executive organ of government was the Administrator.

The new text of paragraph 2 was adopted by 9 votes to 5.

60. Mr. BENDRYSHEV (Union of Soviet Socialist Republics) proposed that paragraph 2 should be completed by the following text:

"The Council recommends that the Administering Authority should fix specific target dates for the development of representative executive and legislative organs and for the extension of their powers in order to speed up the progressive development of those organs in accordance with the provisions of Article 76 b of the United Nations Charter."

61. His reason for proposing that amendment was that the text worked out with great difficulty by the Drafting Committee had been disregarded and that the recommendation adopted made no reference to the development of the representative legislative and executive organs of the Territory.

62. Sir Andrew COHEN (United Kingdom) pointed out that the recommendations adopted at the eighteenth

session (A/3170, p. 328), to which the text just adopted by the Council referred, mentioned the establishment of a legislative organ.

63. Mr. HAMILTON (Australia) thought that the text proposed by the USSR representative was inconsistent with the recommendation on which the Council had just voted. The Administering Authority could not arbitrarily declare that, at a given date, the powers of the Local Government Council would be extended, as Mr. Bendryshev appeared to believe. As soon as the Nauruans effectively exercised the powers they already had, the Administering Authority would give consideration to the extension of their powers. That was the understanding which the Council had approved.

The USSR proposal was rejected by 7 votes to 5.

64. The PRESIDENT called for a vote on the recommendation contained in paragraph 8 of the report of the Drafting Committee (T/L.795).

The recommendation was adopted by 10 votes to none, with 4 abstentions.

65. The PRESIDENT invited the Council members to vote on the text contained in annex II to the report.

66. Mr. KOCIANCICH (Italy) presented the amendments submitted by his delegation (T/L.798, para. 6 and 7). He recalled that the Drafting Committee had been unable to agree on a recommendation. Like the two paragraphs contained in the Drafting Committee's report, the amendments which the Italian delegation was proposing were statements of fact. The Drafting Committee's text noted that the Administering Authority had not given effect to previous resolutions of the Council or the Assembly, but did not state the reasons for that omission. The Italian delegation felt that it would be fair to mention the reasons advanced by the Administering Authority.

67. Mr. JAIPAL (India) proposed the addition at the end of annex II of a recommendation which he read out pending circulation by the Secretariat.

68. Mr. KOCIANCICH (Italy) suggested that, in view of the importance of the Indian proposal, discussion on it should be deferred.

It was so decided.

The meeting rose at 5.55 p.m.