



TRUSTEESHIP COUNCIL

Twenty-ninth Session

OFFICIAL RECORDS

Thursday, 5 July 1962,
at 3.30 p.m.

NEW YORK

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President: Mr. Jonathan B. BINGHAM
(United States of America).

Present:

The representatives of the following States: Australia, Bolivia, China, France, India, New Zealand, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United States of America.

The representative of the following specialized agency: United Nations Educational, Scientific and Cultural Organization.

Examination of petitions (continued)

[Agenda item 4]

QUESTION OF PROCEDURE CONCERNING EIGHT PETITIONS RELATING TO NAURU (T/PET.9/21-28)

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

1. The PRESIDENT pointed out that eight petitions relating to Nauru (T/PET.9/21-28) had been transmitted to the Secretary-General by the United Nations Visiting Mission to the Trust Territories of Nauru and New Guinea, 1962. They had not been included in the annex to the agenda because they had not, as provided in rule 86, paragraph 1, of the rules of procedure, been received by the Administering Authority two months before the opening of the Council session.

He asked whether the Administering Authority wished that rule to be applied in so far as the examination of those petitions was concerned.

2. Mr. HOOD (Australia) said that his delegation had not yet been able to have the Administering Authority's comments on those petitions circulated. The special representative nevertheless had a certain amount of information in that respect which he could supply at the current session of the Council.

3. The PRESIDENT considered that the point at issue was whether the Administering Authority was willing to waive the two-month rule. That matter could in any event be settled at a later time during the session.

4. Mr. McCARTHY (Special Representative) said that inasmuch as the Australian Government and he himself had to prepare the final statement of the Administering Authority concerning Nauru, he would prefer that the Council should adopt the suggestion made by the President.

It was so decided.

Examination of conditions in the Trust Territory of Nauru (continued):

- (i) *Annual report of the Administering Authority for the year ended 30 June 1961 (T/1589, T/1599, T/1600, T/L.1039);*
- (ii) *Report of the United Nations Visiting Mission to the Trust Territories of Nauru and New Guinea, 1962 (T/1595 and Add.1)*

[Agenda items 3 (c) and 5 (a)]

QUESTION CONCERNING THE DRAFTING OF THE COUNCIL'S REPORT ON THE TERRITORY

5. The PRESIDENT invited the Council to come to a decision on the question of setting up a drafting committee for Nauru.

6. Mr. KOSCZIUSKO-MORIZET (France) thought that the best procedure might be to ask the Secretariat to prepare a document consisting of the recommendations of the Visiting Mission, and a summary of the opinions expressed by the different members of the Council. The document would also contain whatever observations might be presented by the Administering Authority. It could be examined directly and, as appropriate, be adopted or amended.

7. Mr. HOOD (Australia) considered that it would be more practical to set up a drafting committee for Nauru. If that course was adopted, the Secretariat would be spared work, and the Council would have before it a draft report which, having been drafted by a group of Council members, would represent a more satisfying consensus of the entire membership.

8. Mr. SALAMANCA (Bolivia) pointed out that one question which was still pending was the final decision of the Administering Authority and the Nauru Local Government Council on the various recommendations that had been made by the Visiting Mission. With

regard, moreover, to the new proposals presented by the Nauruans (T/1600), the initiative lay with the Administering Authority rather than with the Trusteeship Council. He therefore considered it preferable to adopt the French representative's proposal, for in that way the Administering Authority would have time to come to a decision and the Nauruans would have time to examine the various offers made to them.

9. Sir Hugh FOOT (United Kingdom) thought that it was the Trusteeship Council's duty to refer the report of the Visiting Mission (T/1595 and Add.1) to the General Assembly—and more specifically to the Fourth Committee—and to make sure that the views expressed in the Council, and in particular the views of the Head Chief of Nauru, were faithfully recorded for the information of the Fourth Committee. Since the debate had not been long, it would seem possible for the Secretariat, within a few days, to prepare a short summary of the statements which had been made in the Council so that, together with the Visiting Mission's report, they might be transmitted to the Fourth Committee.

10. Mr. OBEREMKO (Union of Soviet Socialist Republics) agreed that the question of Nauru should be referred to the Fourth Committee, a body that was better suited than the Trusteeship Council to take decisions about the Territory. He hoped that the Fourth Committee would have before it not only the Visiting Mission's report, but also the proposals made by the Nauruan people on 19 June 1962 (T/1600) and the statements made in the Council, which might be summarized by the Secretariat. At the same time, the Council should obviously recommend that the Fourth Committee should give particular attention to the question. The delegation of the Soviet Union thought that, viewed in that light, the French representative's suggestion should be acted on.

11. Mr. KOSCZIUSKO-MORIZET (France) thought that the Council should not simply submit the Visiting Mission's report to the General Assembly, but should endorse the Mission's conclusions.

12. The PRESIDENT asked the French representative to explain the procedure he would like the Council to follow.

13. Mr. KOSCZIUSKO-MORIZET (France) said that the Council could submit to the Assembly a report consisting of two main parts: the Visiting Mission's recommendations, on which the Council should express its views; and an annex containing the individual opinions of members of the Council.

14. Mr. OBEREMKO (Union of Soviet Socialist Republics) said that he understood the French representative to mean that the working paper drafted by the Secretariat would contain not only the proposals made in the Visiting Mission's report but also the Nauruan people's proposals, which the Mission had been unable to examine. If that was the French representative's intention, there was no reason why the Secretariat should not draft such a working paper for the Council.

15. Mr. KIANG (China) thought that the question was whether the Council, because of the reduction in its membership, should dispense with a drafting committee and drew up its own recommendations with regard to a Territory. The French representative had proposed that the Council should ask the Secretariat to draft a working paper which would be circulated to the members of the Council rather than to the members of a drafting committee, with the result that the proposed

procedure was almost the same as the usual one. The working paper would contain all available information, and particularly document T/1600, which the Chinese delegation agreed was very important. His delegation thought that the Council could ask the Secretariat to draft such a working paper.

16. Mr. HOOD (Australia) said that he did not intend to press any objections to the form of the Council's report to the General Assembly, provided it was understood that the form was to be the same as that of previous reports.

17. The only difficulty was that, at some point in the drafting, the Visiting Mission's recommendations would have to be elicited from its report after careful study and then classified. He asked whether such a task should be left to the Secretariat. It was obvious that the Council would then consider the working paper which had been prepared and would make its own selection of the conclusions, if necessary.

18. Sir Hugh FOOT (United Kingdom) said it seemed that all members of the Council wished to forward a report in standard form to the Fourth Committee, indicating which recommendations of the Visiting Mission they supported and attaching the statements of the Head Chief of Nauru and the main comments made in the Council.

19. The PRESIDENT said it seemed that the Secretariat was able to prepare the working paper, which the Council could consider at the beginning of the following week.

It was so decided.

20. Mr. OBEREMKO (Union of Soviet Socialist Republics) asked the Secretariat to develop the section of chapter I of document T/L.1039 which dealt with the future of the Nauruans, by giving the views of the Nauruan people as expressed in the memoranda which had been submitted to the Visiting Mission (T/1595/Add.1).

21. The Nauruan people's later proposals, particularly those of 19 June 1962, should also be given as much emphasis as possible.

22. Mr. PROTITCH (Under-Secretary for Trusteeship and Information from Non-Self-Governing Territories) said that, if the Council agreed, the Secretariat would revise working paper T/L.1039, which had been drafted before the latest proposals had been made.

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

Examination of petitions (continued)

[Agenda item 4]

PETITIONS CONCERNING THE TRUST TERRITORY OF THE PACIFIC ISLANDS (T/L.1042, T/PET.10/34) (concluded)*

23. The PRESIDENT suggested that the petition concerning the Trust Territory of the Pacific Islands (T/PET.10/34) should be examined before the report of the Drafting Committee (T/L.1043). He recalled that a draft resolution relating to the petition (T/L.1042) had been submitted by the delegation of the Soviet Union.

*Resumed from the 1187th meeting.

24. Mr. SALAMANCA (Bolivia) said that he was preparing certain amendments to the draft resolution of the Soviet Union. He asked for a suspension of the meeting while he discussed the matter with the Soviet delegation.

The meeting was suspended at 4.15 p.m. and resumed at 4.30 p.m.

25. Mr. SALAMANCA (Bolivia) said that he was ready to submit an amendment to the Soviet draft resolution. He recalled that the Administering Authority had informed the Council that it had taken the necessary action in the United States Congress to enable the difficult problem of the justified claims of landowners of the Kwajalein Atoll to be submitted to the United States Court of Claims. Any legal procedure followed in the settlement of the dispute should in his opinion, be completely free of all political implications. He understood the reasons why the Soviet draft resolution had been submitted, but he wished to make the text more flexible by providing that arbitration should be resorted to if the Administering Authority did not eventually refer the problem to the United States Court for settlement. The rights of the inhabitants of Kwajalein would then be protected whatever happened.

26. He proposed that operative paragraph 2 of the Soviet draft resolution should be amended to read as follows:

"2. Recommends that, failing agreement of the inhabitants of Kwajalein to the procedure now contemplated by the Administering Authority for the settlement of the question of compensation to the inhabitants of Kwajalein, the issue should be determined without delay by arbitration, as recommended by the 1961 Visiting Mission, the procedure for arbitration being agreed upon between the parties."

27. He hoped that the delegation of the Soviet Union would not find the amendment incompatible with its views.

28. Mr. NOYES (United States of America) said the Soviet draft resolution presented serious problems to the United States delegation, and he would be forced to vote against it if it was not amended. The amendment proposed by Bolivia was a considerable improvement, because it would enable the Trusteeship Council to make certain recommendations which would make arbitration possible if the procedure now under consideration did not prove satisfactory.

29. If the Bolivian amendment was adopted, he would, for obvious reasons, abstain from voting.

30. Mr. RASGOTRA (India) suggested that the words "the issue should be determined", in the Bolivian amendment should be replaced by "the issue should be settled", for it was not a matter of determining a legal issue, but of settling the question of compensation.

31. Mr. KIANG (China) suggested that the word "issue" should be replaced by the word "question".

32. Mr. SALAMANCA (Bolivia) accepted the amendments suggested by the representatives of India and of China.

33. Mr. OBEREMKO (Union of Soviet Socialist Republics) said that his delegation preferred the text of

the draft resolution that it had drawn up. The Council had adopted two resolutions on the subject (resolutions 2006 (XXIV) and 2063 (XXVI)), yet, although much time had elapsed, those resolutions had not been put into effect. A time-limit should be set beyond which the Administering Authority would be compelled to submit to an arbitration procedure if the question was not settled, and a paragraph to that effect should be included in the resolution.

34. Mr. SALAMANCA (Bolivia) thought that the Administering Authority would not object to the inclusion in the draft resolution of a recommendation requesting it to report to the Trusteeship Council at its next session on the steps that it had taken.

35. Mr. NOYES (United States of America) said that he had no objection to that proposal.

36. Mr. SALAMANCA (Bolivia) asked whether the Soviet representative would be good enough to draft such an amendment and to specify the place in which it should be inserted in the draft resolution.

37. Mr. OBEREMKO (Union of Soviet Socialist Republics) replied that he would not introduce any amendment that would tend to weaken the draft resolution which he had submitted and in which a time-limit of three months was mentioned.

38. Mr. SALAMANCA (Bolivia) pointed out that even if a time-limit of three months were fixed, the Council would only be able to take cognizance of the situation, and to ascertain that its resolution had been implemented, in 1963. He therefore thought that it would be more suitable to indicate that the Administering Authority should report to the Council at its next session on the steps that it had taken to implement the resolution.

39. Mr. KOSCZIUSKO-MORIZET (France) pointed out that the submission of such a report on the question was mandatory; it was superfluous to specify that a report should be submitted, because that was taken for granted.

40. Mr. RASGOTRA (India) proposed an amendment to the Bolivian amendment: in view of the importance that had been attached to the time element, there should be added to the draft resolution a third operative paragraph, reading: "3. Expresses the hope that the Administering Authority will be able to report satisfactory settlement of this question at the thirtieth session of the Council."

41. Mr. SALAMANCA (Bolivia) accepted the new paragraph suggested by the representative of India.

42. The PRESIDENT put to the vote the Bolivian amendment, as amended,^{1/} to the Soviet draft resolution (T/L.1042).

The amendment was adopted by 7 votes to none, with 2 abstentions.

The draft resolution submitted by the Soviet Union (T/L.1042), as a whole, as amended, was adopted by 7 votes to none, with 1 abstention.

^{1/} Subsequently circulated as document T/L.1045.

Examination of conditions in the Trust Territory of the Pacific Islands: annual report of the Administering Authority for the year ended 30 June 1961 (T/1590, T/L.1040 and Add.1, T/L.1043) (continued)

[Agenda item 3 (b)]

**REPORT OF THE DRAFTING COMMITTEE
(T/L.1043)**

43. The PRESIDENT suggested that if no member of the Council desired a separate vote on any paragraph of the annex to the Drafting Committee's report (T/L.1043), the draft recommendations and conclusions contained therein should be considered as a whole.

44. Mr. OBEREMKO (Union of Soviet Socialist Republics) said that he would not object to that procedure.

45. He went on to recall the statement which had been made in the Trusteeship Council at the 1186th meeting by the Soviet delegation and which had underlined the fact that after fifteen years of administration the United States had not yet granted self-government and independence to the inhabitants of the Trust Territory of the Pacific Islands, and had consequently not fulfilled the task entrusted to every Administering Authority by the Charter of the United Nations. On the contrary, the United States had tried to delay the process of liberation of the indigenous population. Not only had it not yet set the date upon which independence would be granted to the people of the Territory, but it was refusing to carry out the recommendations of the Trusteeship Council and to study the measures to be taken for the transfer of authority.

46. No substantial political changes had taken place, and the economic situation was far from satisfactory. The United States Press itself had criticized the situation and had even charged the United Nations Visiting Mission to the Trust Territory of the Pacific Islands, 1961, with taking too optimistic a view of it. It would be noted, for example, that the Administering Authority had decreased the already inadequate funds available for the economic, social and cultural development of the Territory, but that the Drafting Committee had not included in its report any recommendation urging the United States to provide adequate funds for the islands. The education and public health situation was also unsatisfactory. Moreover, the United States was carrying out tests near the Territory which were harmful to the health of the local population.

47. He emphasized that if the Council wished to justify its existence and carry out the tasks entrusted to it, it should immediately take concrete decisions designed to bring about a radical change in the situation and secure the full implementation of the provisions of the Declaration on the granting of independence to colonial countries and peoples, adopted by the General Assembly as resolution 1514 (XV) of 14 December 1960.

48. His delegation regretted that the Drafting Committee had not made any recommendation regarding the specific and immediate measures which were called for, particularly with regard to the granting of independence to the Trust Territory of the Pacific Islands. In fact, the Drafting Committee merely invited the Trusteeship Council to leave the situation

unchanged with respect to the previous year. The Soviet delegation consequently considered that it could not support the draft recommendations and conclusions in the annex to the report, and it had decided to abstain in the vote on them.

49. Mr. SALAMANCA (Bolivia) said that his delegation would experience no difficulty in voting for the annex to the Drafting Committee's report, but felt compelled to make some comments on it, especially with regard to the second paragraph of the proposed conclusions on the question of the establishment of target dates and a final time-limit for the attainment of self-government or independence. In his view, that paragraph was highly satisfactory both from a legal and from a practical point of view. There would, after all, be no point in setting in motion a process leading to independence when political unification had not yet been achieved.

50. He wished to congratulate the Drafting Committee on the accuracy of its report, which he considered to be a constructive document.

51. The PRESIDENT put the annex to the Drafting Committee's report to the vote as a whole.

The annex to the report (T/L.1043) was adopted by 7 votes to none, with 2 abstentions.

52. The PRESIDENT suggested that, in accordance with the recommendation in paragraph 4 of the Drafting Committee's report, the working paper on conditions in the Trust Territory (T/L.1040 and Add.1 and 2) should be used as the basic text for the chapter on that subject in the Council's report to the Security Council.

53. Mr. OBEREMKO (Union of Soviet Socialist Republics) said that he could not support that recommendation because the report of the Drafting Committee and the working paper prepared by the Secretariat did not, in his delegation's view, objectively describe the situation in the Territory.

54. The PRESIDENT took note of the Soviet representative's statement.

The recommendation in paragraph 4 of the Drafting Committee's report (T/L.1043) was adopted.

55. Mr. RAPOPORT (Secretary of the Council) asked delegations kindly to indicate to the Secretariat which of their observations they wished to have included in the report to the Security Council as representing their individual opinions.

**Statements by the President and by the representative of
India**

56. The PRESIDENT thanked Mr. Rasgotra of the Indian delegation, on behalf of all the members of the Trusteeship Council, for the services he had rendered to the Council, which he would be leaving shortly.

57. Mr. RASGOTRA (India) expressed his gratification that the work of the Council, during the years in which he had been associated with it, had proved so fruitful in so far as several Trust Territories were concerned.

The meeting rose at 5.55 p.m.