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TRUSTEESHIP COUNCIL

Fifth Session

VERBATIM RECORD OF THE EIGHTH MEETING
(Transcription from sound recording)

Lake Success, New York
Monday, 27 June 1949, at 2.30 p.m.

President:

Mr. Roger GARREAU

France

Note: The Official Records of this meeting, i.e. the summary record, will appear in provisional mimeographed form under the symbol T/SR.172 and will be subject to representatives' corrections. It will appear in final form in a printed volume.

The PRESIDENT (Interpretation from French): I declare open the eighth meeting of the fifth session of the Trusteeship Council.

EXAMINATION OF ANNUAL REPORTS

NAURU, YEAR ENDED 30 JUNE 1948 (T/233, T/347)

(Discussion Continued)

The PRESIDENT (Interpretation from French): We will now proceed with the continuation of the discussion of the report on the Island of Nauru. The Council will recall that during its last meeting it had begun examination of the question of political conditions in Nauru. This discussion was suspended because of the late hour.

We will therefore continue the discussion on political conditions. Who would like to put questions to the special representative? I think that the representative of the USSR expressed a wish to put a number of questions on this subject.

Mr. SOLDATOV (Union of Soviet Socialist Republics) (Interpretation from Russian): I should like to have some explanations regarding the questions and answers contained in page 6 of document T/347. In the reply to question 4, it is stated:

"As a matter of practice Nauruans are advanced to more important positions in the Administration when they demonstrate their capacity to fill such positions."

In this connexion I should like to ask what form such a demonstration of capacity would take: how do they demonstrate their capacity to fill higher positions in the Administration? Are there any organs in which the inhabitants of Nauru could demonstrate their capacity? Who decides whether any given inhabitant of Nauru is capable of occupying a more important position in the Administration?

It would be desirable in this connexion to receive information as to the following: what was the situation in this regard in 1939, 1940 or 1941? In other words, how many Nauruan inhabitants were in important administrative positions in those years; and how many during the present year under consideration?

/Mr. HALLIGAN

Mr. HALLIGAN (Special Representative for Nauru under Australian Administration): I have figures which will enable me to reply to that question.

Taking one part of the question -- who decides whether Nauruans are qualified to occupy higher positions -- the Administrator and his staff would decide whether the Nauruans were capable of occupying a higher position in the Administration.

With regard to the comparison with the years 1939-1941 which was requested, I will go a little further, and say that in 1920 a few Nauruans were employed in the police force. That was the extent of the employment of Nauruans in that year.

In 1923 minor positions were filled by Nauruans, and that went on progressively until 1948. In 1939 a Nauruan medical practitioner who had been trained in the Fiji Medical School was added to the Administration staff, and in 1948 the number of Nauruans in the Administration was 209. In the medical service there were 27 Nauruans, including 3 Nauruan medical practitioners. Those were Nauruans who had been trained at the Fiji Medical School and had qualified there, and obtained a certificate as a native medical practitioner. The others were employed as dispensers, health inspectors and laboratory assistants.

In the police there are 44; native affairs and survey 7; in the secretariat Nauruans are employed in such positions as clerks, storeman, time-keeper; in the post office as postal clerks and switch-board attendants. Three of those are females.

There is a native supervisor of education, a head teacher and five teachers. In the Public Works Department there are 90 Nauruans, consisting of works foremen, carpenters, concreter, painters and plumbers. In the radio service there are seven males, ^{including} three operators and a technician.

Mr. SSIDATOV (Union of Soviet Socialist Republics) (Interpreter from Russian): I do not think that these positions could be considered as important positions in the Administration: they could not be considered as key positions.

If we are to consider that the population of Nauru is quite small and that the over-all Administration is therefore small, it seems to me that the most important and responsible positions, as has already been said, would not have to meet such rigid and serious requirements as would be necessary, for instance, in the case of an Administration of an area
/where several

where several million people lived. Here is a matter of a small island with a very small population, and the special representative has just listed for us a number of more or less semi-qualified, and in some cases qualified, workers carrying out skilled and semi-skilled duties. But I am speaking of administrative positions.

In the reply to question 4 it is stated that:

"The Administration staff consists of 12 Europeans and 200 Nauruans."

We know from the report that the 12 Europeans occupy the most important posts in the Administration, while the 200 Nauruans occupy subsidiary posts.

The question which interested me was the following: how will these 12 posts which are now held by Europeans go over to Nauruans, and what preparation is being made for that? I am not at the moment interested as to how many skilled carpenters or radio operators there are. I am at this time interested in the responsible key posts in the Administration. That is the first clarification I should like to have.

The second is this. The special representative did not reply to my question as to whether there was any special body in which the Nauruan inhabitants could demonstrate their ability to fill responsible posts in the Administration.

/Mr. HALLIGAN

Mr. HALLIGAN (Special Representative): In reply to the first enquiry, I think I might be able to clarify the position if I were to indicate the positions that the Europeans occupy. They are those of Administrator, official secretary and accountant, Director of Police, Supervisor of Native Education, works supervisor, Post-Master and telephone mechanic, assistant accountant, works foreman, mothercraft nurse, confidential typist, Director of Public Health, surveyor, Director of Education, teacher in the native high school, Native Affairs Officer, Medical Assistant, and hospital sisters. Those are the positions occupied by Europeans, and, taking those in conjunction with the positions occupied by Nauruans, it may be seen that Nauruans have been progressively brought forward to all but the top positions in the Administration. In other words, they are occupying important and responsible positions, but under European supervision.

In regard to one of the positions I mentioned, Native Affairs Officer, that position has recently been transferred to a Nauruan after a certain rearrangement of duties. That was effective about a month ago, and the position is now occupied by a Nauruan who is in charge of that branch. That, I think, replies to the enquiries made in the first part of the question.

With regard to the second: the enquiry was whether there is any special body or organ which decides whether Nauruans are capable of occupying key positions. My reply is that the person who determines whether a Nauruan is able to occupy a position higher than that in which he is at present engaged is the Administrator, with the advice of his European staff -- that is, with the advice of the staff in charge of the Department in which the Nauruan is working.

Mr. SOLDATOV (Union of Soviet Socialist Republics) (Interpretation from Russian): It may be that in the translation Mr. Halligan did not get my full question. I shall repeat it. I asked him whether there are any bodies or organs in the Island in which the Nauruan inhabitants may demonstrate their capacity to take over administrative posts. Is there any body in which they may demonstrate this?

Mr. HALLIGAN (Special Representative): Possibly the translation, either from me to the representative of the Soviet Union or vice-versa, has given one of us or both of us the wrong impression. I have replied as fully as I can to the enquiry as I /understand it;

understand it; I would now ask the representative of the Soviet Union if he could assist me by indicating what type of body, organization or organ he would expect to find in an Administration which would perform the function regarding which he is making his enquiry.

Mr. SOLDATOV (Union of Soviet Socialist Republics) (Interpretation from Russian): I am interested in knowing what bodies do exist in the Trust Territory with whose assistance the inhabitants of the Territory may demonstrate their capacity to fill important key posts. Are there any elective or judicial bodies in which they participate? Are there any social organs in which the indigenous inhabitants of the Island participate? Are there any cultural or educational societies in which the inhabitants may participate and thus demonstrate their capacity for participating in the Administration? There may be a number of other bodies, not only administrative and judicial ones, but, as I said, cultural and educational societies or bodies in which the inhabitants of the Island may participate, and in which it may be shown that this person or that person is capable of taking a responsible key post in the Administration of the Island.

I am asking whether there exist, in the Trust Territory such organs as would help the Administration to determine the ability of the population to fill responsible posts in the Administration of the Island.

The PRESIDENT (Interpretation from French): Before calling upon the Special Representative, I should like to point out that the report submitted by the Administering Authority does give a very complete picture of existing branches of the Administration in Nauru, and that, therefore, all members of the Council know what bodies do exist in the political field or in any other branch of the Administration.

We have also discussed at length the question of the Council of Chiefs.

I take the liberty of making this remark in order to accelerate our debate somewhat, because it is desirable that this meeting and tomorrow's meeting should be sufficient to complete the examination of the report on Nauru.

Mr. HALLIGAN (Special Representative): The explanation given by the representative of the Soviet Union made his question
/somewhat clearer

somewhat clearer to me, and the enquiry as I now understand it is: are there any bodies outside the Administration itself in which Nauruans participate not as part of their official functions, but in the social or cultural field, in which, outside office hours and their official duties, they may demonstrate that they have ability beyond what is displayed in the execution of their official duties?

As the President has mentioned, I have explained at some length the function of the Council of Chiefs, and the only other organization would be that associated with the "Domaneab" -- the Nauruan meeting place. There the Nauruans meet in a social, recreational and cultural way as part of their ordinary lives and not associated with their official duties. That is the only organ of any nature which I could describe as coming outside the official duties of the employees in the Administration.

Mr. SOLDATOV (Union of Soviet Socialist Republics) (Interpretation from Russian): My additional questions deal with matters which we have not yet reached. Perhaps I might wait and see what other representatives ask on this question of political advancement.

The PRESIDENT (Interpretation from French): Are there any other questions?

Mr. INGLES (Philippines): In the answer to question 5 on page 15 of document T/347, which has been classified under Economic Advancement but which properly pertains to Political Advancement, it is indicated that the Nauru Agreement of 2 July 1919 between the Governments of the United Kingdom, Australia and New Zealand is "the supreme law of the land", and that: "the Administrator is empowered to make ordinances subject to the terms of the agreement. Such ordinances cannot, therefore, be inconsistent with the terms of the agreement."

/That agreement

That Agreement is based on, and refers explicitly, to the mandate and simply vests powers of government in the Administrator. This Agreement was subsequently amended in 1923 in order to make further provision for the good government of the Island under the terms of the mandate.

Since the Territory was placed under trusteeship there has been no amendment of this Agreement. In answer to question 2 on page 6 of document T/347 it is stated: "An amendment of the 1919 Agreement is not in contemplation."

I should like to ask if the Administering Authority does not consider that it would be in the spirit of the Charter and to the advantage of the inhabitants to write a new constitution for the Territory which would be based on the Charter and the Trusteeship Agreement and which would set forth certain specific means by which the inhabitants are to be brought towards the objectives of the Charter?

Mr. HALLIGAN (Special Representative): It was stated by the representative of the Philippines that the Agreement was the supreme law of the Territory. That is hardly correct under the mandate because the mandate is the basis. Following the idea that nothing could be inconsistent with the mandate, the Agreement was made under the mandate and thereafter that Agreement, which has been in force since 1919 and amended in 1923, was in force and in operation when the mandate ceased and the Territory was placed under trusteeship.

The Trusteeship Agreement provides now the supreme law or the basis of the administration and constitution of the Territory and the Agreement is still subsidiary to that Trusteeship Agreement and not in any way inconsistent with it. It has not so far been considered, nor is it now considered, necessary that there should be any change in the Agreement to enable the Trusteeship to be given full force and effect.

Mr. HOOD (Australia): I should like to add something to what the special representative has said, subject to any further questions from the representative of the Philippines if he has any on this point.

Mr. INGLES (Philippines): I am referring to the organic law for the Territory. It is true that the Trusteeship Agreement
/and the Charter

and the Charter may be considered to prevail in the Territory, but it is useful to provide in the Territory for a constitutional organic law which is separate from the Trusteeship Agreement and the Charter.

The purpose of my question is to find out whether the Administering Authority is willing to incorporate in the organic law of the Territory as it now stands -- that is, to amend the Agreement of 1919 which was made as a consequence of the mandate -- in order to make it conform to the more recent provisions of the Charter and the Trusteeship Agreement.

The mandate system, for example, did not provide for self-government as the aim of the mandate, whereas the Charter provides self-government as one of the aims of the Trusteeship System and, therefore, applicable to the island of Nauru.

Mr. HOOD (Australia): I feel that there is some confusion here due, probably, to the use of the term "the supreme law of the land" in the original question, question 5 on page 15 of document T/347. That phrase conveys a meaning which is not borne out in the circumstances of the case. There is no supreme law of the land in the sense of an organic constitution for Nauru anymore than there is for the Territory of New Guinea. What there is is an Administering Authority which, subject to the general provisions of the Trusteeship Agreement and the Charter, administers the Territory in accordance with the laws pertaining to the metropolitan country concerned, the country of the Administering Authority.

There is no organic law or no specific constitution which is applicable to Nauru and it can only lead to misunderstanding to suggest that such an organic law or constitution is essential for the administration. The administration is to be conducted by a specified authority in accordance with the general terms of the Trusteeship Agreement.

The 1919 Agreement, in itself, is a purely inter-governmental arrangement outlined at that time in accordance with the circumstances prevailing at that time. If the members of the Council will refer to the text of the Agreement which is on page 89 of the report, they will note that it is concerned mainly with the practical arrangements for the disposal of the phosphate deposits and the inter-governmental arrangements thereby necessitated. It is, in no sense, a constitution for the Territory and was never intended to be such.

/In fact, Article 1

In fact, Article 1 of the Agreement states that "The Administrator shall have power to make ordinances for the peace, order, and good government of the Island...", so the constitutional authority, in so far as this Agreement makes any reference to it, is clearly laid under Article 1 of the Agreement on the Administrator.

The Agreement is not to be regarded as a constitution or the organic law of the Territory of Nauru. It is one of the instruments according to which the Administration is to be guided, but it is not the supreme instrument. As the special representative has pointed out, the existing directive for the Administration lies in the Trusteeship Agreement itself.

I hope this explanation has served to clarify the question put by the representative of the Philippines.

Mr. INGLES (Philippines): Article 1 of the Agreement of 1919 says in the third paragraph, "The Administrator shall have power to make ordinances for the peace, order, and good government of the Island, subject to the terms of this Agreement" -- meaning the Agreement of 1919.

That is why, in answer to question 5 on page 15 of document T/347, it is stated, "The Administrator is empowered to make ordinances subject to the terms of the agreement." It is said further, "Such ordinances cannot, therefore, be inconsistent with the terms of the agreement." The agreement referred to is the Agreement of 1919.

/If, for example,

If, for example, the Administering Authority should contemplate the establishment of a legislative body to take over the ordinance power of the Administrator, it is possible that that could not be carried into effect unless this agreement of 1919 were amended, because here the ordinance-making power is vested in the Administrator.

Mr. HOOD (Australia): In the contingency which the representative of the Philippines has mentioned the situation would be so entirely different as to amount to the cessation of the Trusteeship administration of the Territory. The whole point of the Trusteeship administration is that you have an Administrator, designated and empowered to act by the Administering Authority.

If the powers of administration are, in fact, delegated to a local body that is tantamount to liquidation of the Trusteeship.

Mr. INGLES (Philippines): To illustrate further my question: In the last ^{paragraph} of the supplementary agreement of 1923 it is provided that the reports on the administration of the Mandate shall be rendered to the Council of the League of Nations. If it was necessary in 1923 to make provision for submitting reports on the administration of the Mandate to the League of Nations, does not the same consideration arise now, requiring that reports on the administration of the Trust Territory should be submitted to the Trusteeship Council -- as in fact this report is being submitted to the Trusteeship Council?

Mr. HALLIGAN (Special Representative): Paragraph 4 of the amending agreement of 1923 would automatically become inoperative since it relates to the Mandate, so that when the Mandate ceased to be effective that clause would also be ineffective. The Trusteeship Agreement contains provision that reports shall be made annually to the General Assembly and, that being so, there is no need to make specific provision or to amend the agreement to have that report submitted to the General Assembly for the Trusteeship Council.

Mr. INGLES (Philippines): My point is that under the League of Nations it was required that the Administrator should submit a report to the Council of the League of Nations, yet in spite of that it was necessary to consecrate that requirement in a supplementary agreement. My question therefore is as to whether the same
/ considerations

considerations do not apply at the present time.

Mr. HALLIGAN (Special Representative): I could not give a firm opinion, without further consideration, as to whether it would be necessary to amend the agreement. I do not think it would be, in that detailed item.

I might mention that there is a question of the amendment of this agreement in relation to some routine matters such as the appointment of an Acting Administrator. I will take a note of the views expressed by the representative of the Philippines in regard to item 4 of the supplementary agreement to see whether it would be desirable and necessary to change this item to bring it up to date with the Trusteeship agreement.

Mr. INGLES (Philippines): I have a question on political advancement.

In answer to Question 3 on page 6 of document T/347 it is stated that "consideration is at present being given to proposals for the Nauruans to be given a greater share in administrative responsibility."

Will the special representative please elaborate on what these proposals are?

Mr. HALLIGAN (Special Representative): I am not at present able to give any details as to what those proposals might be or what the decision is likely to be. Those proposals from the Nauruans were received by the Minister and myself when I accompanied him to Nauru about six weeks ago and full consideration had not been given to them before I left Australia; they are being considered now.

Mr. INGLES (Philippines): I only wanted to ask whether and the action taken thereon those proposals/ will be described in the next report.

Mr. HALLIGAN (Special Representative): Yes, complete details will be supplied in the next report.

Mr. SOLDATOV (Union of Soviet Socialist Republics)
(Interpretation from Russian): My question refers to the reply to Question 6 on page 7 of document T/347. It is said there: "It is the aim of the Administering Authorities so to plan the education / of the Nauruans

of the Nauruans that in time they will be qualified to fill senior as well as subordinate positions in the Administration."

In this connexion I would like to ask for some information regarding concrete or specific plans for this work. How much money has been assigned to this plan and what period of time is contemplated for its execution?

/ Mr. HALLIGAN

Mr. HALLIGAN (Special Representative): Details of the education at present provided for the Nauruans is given in another section of the report and also information as to the expenditure for education.

The further plans that are mentioned in reply to item 6 have relation to a recent point that our visit to Nauru indicated desirable, namely, not in all cases to confine the education of Nauruans to a general standard of education but, when Nauruans show a capacity to proceed in any particular line, our plans now are -- and they have not been developed beyond initial stages -- to so plan the education of any such Nauruan that he will be specializing in the particular line in which he shows aptitude. That will be, of course, over and above the general education that he is receiving either on Nauru or in the case of those who come to Australia.

I think I mentioned at an earlier time that there are four Nauruans receiving education in Australia at the present time. Those Nauruans have come to Australia without any special arrangement being made as to the course of studies they should pursue beyond the fact that their general education should be improved. We propose to look at those courses -- some of them have been at school there for twelve months -- to see the progress they make in the various subjects and, in their subsequent studies, to select their studies with the object of enabling them to qualify to take over executive positions in the Administration.

Mr. SODATOV (Union of Soviet Socialist Republics)
(Interpretation from Russian): In connexion with this question the special representative cannot give us data regarding the concrete plans and funds which have been allocated for this new plan for education? I understand that he does not have this at his disposal at the moment.

The PRESIDENT (Interpretation from French): I should point out that the special representative replied a while ago to a similar question which had been put by the representative of the Philippines and he told us that in the next report there would be an indication with the maximum of information as to the measures at present being studied by the Australian Government in this connexion.

Mr. HALLIGAN (Special Representative): In reply to that enquiry I shall just say that the answer is "yes" and point out that

/the plans are

the plans are in the initial stage. Therefore we have not yet the concrete plans or an estimate of the money that will be required to give effect to them but, of course, as the plans develop those full details will be made available.

Mr. SOLDATOV (Union of Soviet Socialist Republics)
(interpretation from Russian): My next question refers to page 8 of the same document, T/347. From the answer to questions 7, 8 and 9 it becomes clear that in this Trust Territory there are no ^{legislative,} executive, or judicial bodies in which the inhabitants of the Territory participate, to say nothing of legislative, executive and judicial bodies in which the leading roles would be played by indigenous inhabitants of the Trust Territory.

At one time a petition was received from the Nauruan Council of Chiefs, a petition which asked for the possibility of being granted to the inhabitants of Nauru to govern their own island. As a result of certain reasons which are not quite clear to us we find that this petition was withdrawn by the petitioners.

We were told that one of the Australian Ministers visited the island of Nauru and gave the Nauruans certain promises. The question is what affirmations were made by the representative who visited Nauru and what legislation is envisaged by the Administering Authority to arrange for the participation of the indigenous inhabitants in the legislative, executive and judicial organs of Nauru?

Mr. HALLIGAN (Special Representative); The opening part of the statement by the representative of the USSR referred to the petition and stated that it was a request that the Nauruans had made that they should govern their own island. I think the terms of the petition are on record with the Council and my recollection is that the petition was that a visiting mission should visit the island in order to discuss with the Nauruans the question of taking a greater share in the administration of the island and not exactly as the representative of the USSR described it. On that petition the Council has also received a letter from the petitioners in which they withdrew the petition ...

The PRESIDENT (Interpretation from French): Did the USSR representative wish to clarify something?

/Mr. SOLDATOV

Mr. SOLDATOV (Union of Soviet Socialist Republics)
(Interpretation from Russian): In Russian I said exactly the following: that at one time a petition came to the Trusteeship Council from the Council of Chiefs which contained a request to give the inhabitants of the Trust Territory a possibility of governing their own island. Those are the exact words which I said and I am asking the interpreter to interpret this exactly. That is not the same thing that the special representative understood from my words.

Mr. HALLIGAN (Special Representative): I do not know the distinction which was made there but the matter could, of course, be clarified by reference to the petition. The point is that the petition was a request from the Nauruans that a visiting mission should go to the island and discuss with the Nauruans the question of them taking a greater share in the administration of the island. But the Trusteeship Council has received a subsequent communication from the petitioners in which they withdrew. During the visit of the Australian Minister for External Territories many matters, including the question of the Nauruans being given a greater share in the administration, were discussed and it was decided by the Minister that the representation then made in detail by the Nauruans would be considered by the Administering Authority and a decision taken.

Just a little earlier I stated that those proposals -- this was in relation, I think, to question 3 on page 6 -- were being considered but the time from the visit to Nauru until I left Australia was not sufficient for decisions to be taken and complete consideration to be given.

Mr. SOLDATOV (Union of Soviet Socialist Republics)
(Interpretation from Russian): Therefore it would be correct to understand the special representative as follows: that at the present time the Australian Government is considering the question of legislative and other measures which would ensure the participation of the indigenous inhabitants in the legislative, executive and judicial bodies of the Territory. Is that the correct way in which to understand your statement?

Mr. HALLIGAN (Special Representative): Without going into detail such as the representative of the USSR has -- legislative, executive and judicial -- at the moment I shall confine myself to

/the statement

the statement in general terms: a greater share by the Nauruans
in the administration of the Territory.

/Mr. SOLDATOV

Mr. SOLDATOV (Union of Soviet Socialist Republics) (Interpretation from Russian): In connexion with the reply given to question 11 on page 8 of the same document, I would like to ask the special representative for information as to how elections for a chief are carried out. How is a member of the Council of Chiefs elected? Who participates in these elections --men, women and of what age-- and in general what^{are}/the electoral requirements? Who can vote in the election of a member of the Council of Chiefs, and at what age? Who carries out the elections? Who offers the candidates? How many candidates are voted for usually, and what is the form of vote?

Mr. HALLIGAN (Special Representative): Chiefs are elected for each district by a secret ballot of adult residents of the particular district. Any adult residence of the district is eligible to stand for election. There is no detailed law in regard to the electorate, but normal electoral practices are followed in the election. ^{in the office of chief} When a vacancy occurs, notification of that vacancy is made in the Government Gazette and I have here a notification in respect of a vacancy for chief in the Boe District. Possibly by reading this I may reply to some of the detailed questions asked.

"Nominations to the above vacant position will be received by the Administrator from persons registered in Boe District who are 21 years of age or over, up to noon on Saturday 31 July 1948. In the event of more than one nomination being received, a poll will be taken on a date to be notified in the Gazette.

"Procedure to be adopted: Persons who may be nominated -- male persons 21 years of age or over, registered in Boe District. Persons who may vote at the election -- persons registered in Boe District, male or female, 21 years of age or over. Voting at the election will be compulsory."

Mr. SOLDATOV (Union of Soviet Socialist Republics) (Interpretation from Russian): I would like to ask the special representative who nominates the candidates. There was an election for one of the council chiefs which took place recently I think. How was it carried out? How many candidates were nominated? Who nominated the candidates? What were the results of the vote?

In this connexion, do the voters have the right on their own initiative to recall a chief who has been elected to the Council of Chiefs from their district? In other words, what are the rights
/of the electors

of the electors in this particular question?

Mr. HALLIGAN (Special Representative): I have not readily available such details as the number of candidates in the last election.

In reply to another question, I gave details of an election -- the only election in the Territory since the Territory was placed under Trusteeship -- in August 1948 when a vacancy occurred in the office of the Boe District, the one to which I referred in the advertisement. An election was held, the appointee however resigned and a further election was held.

I think there were on the first occasion four candidates and on the second occasion I think there were three. The actual form of nomination can be mentioned. The nomination is lodged by the candidate himself or by other people in the district. I think the form would be that the nominations would be lodged by supporters of that candidate for chief, but I cannot be precise on that.

With regard to the last part of the question, do the voters have right to a chief, the/recall/ I think it has been made clear in other answers here that the chiefs are appointed for an indefinite term and ~~as~~ there is no specified term, but they may be, and have been, removed by the Council of Chiefs.

Mr. SOLDATOV (Union of Soviet Socialist Republics) (Interpretation from Russian): The electors, therefore, do not have any power to recall their candidate whom they have elected to the Council of Chiefs? Furthermore, that election may not be approved by the Administration. Is my understanding correct, that the Administration may refuse to confirm the election of a particular candidate even if he has received the necessary number of votes in the election?

Mr. HALLIGAN (Special Representative): No. I think the USSR representative in both those cases has not got it clearly. In the first case the elector, once having voted and the candidate having been selected as the result of a vote by all the electors, the elector does not have any further say until another election is held; that is, there is no right of recall while that elected chief occupies the office and there is no question of the appointee or the

/successful

successful candidate being approved by the Administrator. Once the candidate who receives the greatest number of votes has been elected, no further approval is necessary.

Mr. SOLDATOV (Union of Soviet Socialist Republics) (Interpretation from Russian): What rights and privileges are enjoyed by the members of the Council of Chiefs in comparison with the other inhabitants of their district, and is there any sort of traditional tribute which the residents of the district have to give to the elected chief such as used to exist and still exists in certain tribal systems and societies which exist in certain Pacific islands and in certain parts of Africa?

Mr. HALLIGAN (Special Representative): There are no specific rights, in fact I do not think the chiefs have any rights -- and certainly not any privileges -- which the other Nauruans of their district do not have except the privilege of looking after them and seeing that their wants and needs are properly represented to the Council of Chiefs and that their wellbeing is attended to. There is ~~nothing in the~~ nature of tribute from the inhabitants to the chief.

Mr. SOLDATOV (Union of Soviet Socialist Republics) (Interpretation from Russian): On page 9 of document T/347 in respect to the reply to question 14 and in connexion with the replies to a number of other questions, it has become quite clear to me that in the Trust Territory there are no legislative, judicial or executive bodies in which the indigenous inhabitants can really participate. Further, the Administering Authority has not considered giving any rights in legislative and budgetary respects to the Council of Chiefs.

On the other hand, we do have information from the Administering Authority that they are considering measures for the increased participation of the indigenous inhabitants in the administration of the Territory and the Administering Authority is considering proposals to this effect.

/In this connexion,

In this connexion, I would like to find out concretely what affirmations were made specifically regarding the functions of the Council of Chiefs. Was anything specifically said regarding the broadening of the functions of the Council of Chiefs, and what concrete commitments were made, if such were made?

Mr. HALLIGAN (Special Representative): No concrete commitments were made. I think also, in reply to another question here, I pointed out that the over-all review of the situation to determine what, if any, further participation in the administration should be given to the Nauruans, that the functions of the Council of Chiefs would necessarily come under review in the consideration of those proposals.

Mr. SOLDATOV (Union of Soviet Socialist Republics) (Interpretation from Russian): Furthermore, in the reply to question 14, it is said that the Council of Chiefs for a number of years functioned as a consultative body. I would like to have some examples of the consultative findings of the Council of Chiefs on certain important measures which were carried out by the Administration, if such examples can be given to us.

Mr. HALLIGAN (Special Representative): The Council of Chiefs normally meets once a month with the Administrator in the chair and discusses all matters relating to the welfare of the Territory and of the Nauruans in their districts. Information is available as to these discussions, but I have not with me now such information with which I could give details as have been requested by the representative of the USSR.

Mr. SOLDATOV (Union of Soviet Socialist Republics) (Interpretation from Russian): In other words, the special representative has not a single example that he could give us as an illustration. I understand, of course, that it is difficult to supply information occasionally, but this is the sort of matter which I think he dealt with quite often, since the Administration has taken many steps, passed many measures, and the Council of Chiefs has given its consultative opinions. Since this has to do with one of the main principles and functions of the Trusteeship System under its Charter, it seems to me it should have been easy to give us one or two examples of the

/type of consultative

type of consultative opinions given and how they were given. If it cannot be done at this time, perhaps we could get information in this regard within the next few days.

Mr. HALLIGAN (Special Representative): I mentioned that I had not them available at the moment, but as an indication of the things that would be discussed have been the question of water supply in an area, the building and repair of catchments, because ^{to provide} the water supply there in each district an iron-roofed building has to be constructed from which rainwater is caught and retained in tanks, and other matters -- such as, ~~the~~ building of schools, what particular location they would be built on. I would be quite happy to obtain further details of this nature to enable me to give them to the Council during this present session.

Mr. SOLDATOV (Union of Soviet Socialist Republics) (Interpretation from Russian): I have still another question on this section, if the President will allow me.

On page 12 of document T/347, in question 28, the problem is raised regarding the customs of land tenure, land ownership. I would like to ask the special representative: What are these local customs of land tenure? Could he, further, give us some information regarding the distribution of land ownership?

The report says that the indigenous inhabitants have 5,245 acres of land. This, to a certain extent of course, refers to the next section of our work, but in order not to split up these questions, I would like to ask how is this land divided among the owners. In other words, how much land belongs to the Head Chief?

Mr. HALLIGAN (Special Representative): The question, as I understand it, has relation to question 28 on page 12. Some of the remarks during the enquiry have relation to other questions in later Parts in which answers were given, and that is the amounts of land held by Nauruans.

The custom relating to land is that land is obtained by descent on the mother's side. That is a general statement of how land is passed along to the generations.

On the other, the tenure and marking of land, there is nothing definite, nothing written about it. A certain amount of confusion

/has not yet

has not yet been overcome since the Japanese invasion, because land had been marked by signs placed on trees, or ^{have} certain rocks indicated the boundaries. These have disappeared or been moved, and the Administration is assisting the natives to redetermine those areas.

We shall deal with the other part, which the representative of the USSR has just mentioned incidentally, I think when the later Chapter of the report is discussed -- as to who owns the land and how much they get from it.

Mr. SOLDATOV (Union of Soviet Socialist Republics) (Interpretation from Russian): My question in the second part dealt with the distribution of land, and in view of the fact that the special representative feels that it would be more convenient to answer that in Chapter III, I feel, of course, that that is up to him, but I was interested in knowing how land is distributed among the owners: For instance, there are so many people who own a hundred acres of land; and there are so many who own 200 acres of land; there are so many who own 5 acres of land, 10 acres, and so forth -- a breakdown of this sort, in order that we could get an idea of how land is distributed among those who own it, and how many people there are who are landless, how many inhabitants of the Trust Territory who have no land at all, if there are any such inhabitants.

Since the special representative feels it would be more convenient to do this under ^{Chapter} III "Economic Advancement," I would ask him at that time to give us this sort of information when we come to that Chapter. I have no more questions.

The PRESIDENT (Interpretation from French): Are there any other questions to be put on political conditions?

Then we will pass now to Chapter III "Economic Advancement," in document T/347. Does anybody wish to put any questions concerning these economic conditions?

If you have no questions on economic conditions, we will pass to social conditions -- the following Chapter, Chapter IV.

/Mr. SOLDATOV

Mr. SOLDATOV (Union of Soviet Socialist Republics) (Interpretation from Russian): I have some points I should like to have clarified on Chapter III, and some explanations which I should like to have from the special representative.

In the answer to question 3 on page 14 of document T/347, mention is made of a private company from whom the Governments of the United Kingdom, Australia and New Zealand purchased the deposits:

"The Governments of the United Kingdom, Australia and New Zealand purchased the deposits from a private company and established the British Phosphate Commissioners consisting of a representative of each country to mine and dispose of the deposits."

I should like to have some idea of what sort of a company this was -- this private company from which the monopoly of the British Phosphate Commissioners purchased the deposits. How was this company formed, what sort of a company was it, and ^{on} what grounds did it enjoy its rights?

I should like to know this very briefly, if possible. I do not have this information on hand. It may be contained somewhere but I could not find it, and I should be grateful to the special representative if he could very briefly tell us something about this private company.

Mr. HALLIGAN (Special Representative): The company was the Pacific Phosphate Company, Limited. It was a company incorporated in England and, I think, registered in Australia, although I am not certain on that.

I have extensive notes here but I will give as briefly as I can the points that will answer the enquiry. In 1888 the German Government granted to the Jaluit Gesellschaft the exclusive right to exploit the phosphate deposits existing in the Marshall Islands Protectorate, subject to the rights of third parties, i.e., the land owners. This agreement was confirmed in 1905 and was extended for a period of 94 years from 1 April 1906.

Nauru formed part of the Marshall Islands Protectorate and in 1905 the Jaluit Gesellschaft, with the approval of the German Government, transferred its rights to exploit the deposits of Nauru, subject to the restriction referred to above, to the Pacific Phosphate Company -- a company registered in Great Britain. Under this agreement the Pacific Phosphate Company, in 1906, commenced to work the deposits of Nauru.

/In addition to

In addition to its rights regarding the Nauru deposits the company had obtained also a concession to work the deposits on Ocean Island, an adjacent island belonging to Great Britain.

The interests of the Pacific Phosphate Company in the phosphate deposits of these two islands were in 1919 purchased by the Australian, United Kingdom and New Zealand Governments at a cost of 3,500,000 Australian pounds.

That, briefly, is the history of the company, leading up to the purchase by the three Governments mentioned.

Mr. SOLDATOV (Union of Soviet Socialist Republics) (Interpretation from Russian): Perhaps the special representative could tell us what relationship existed between the Pacific Phosphate Company and the owners of the deposits themselves, what agreement was reached on this question and what were the basic provisions of the agreement reached between the company and the owners of the deposits.

Mr. HALLIGAN (Special Representative): That is, between the Pacific Phosphate Company and, in the case of Nauru, the Nauruans: is that the enquiry?

Mr. SOLDATOV (Union of Soviet Socialist Republics) (Interpretation from Russian) : Yes.

Mr. HALLIGAN (Special Representative): It would need a reference to certain documents to reply to that, and I do not have the documents in front of me, but I will refer again to that brief statement I made, when I mentioned that in 1888 the Imperial German Government granted to the Jaluit Gesellschaft the exclusive right to exploit the phosphate deposits existing in the Marshall Islands Protectorate, subject to the rights of third parties, i.e., the land owners.

The information now asked for would be of the arrangement made between the German Government and the land owners in 1888. I do not have that readily available.

Mr. SOLDATOV (Union of Soviet Socialist Republics) (Interpretation from Russian): When will it be possible to get this information?

Mr. HALLIGAN

Mr. HALLIGAN (Special Representative): It would need a reference to Australia. Without giving a commitment as to when it would be, we could undertake to do it as quickly as possible.

Mr. SOLDATOV (Union of Soviet Socialist Republics) (Interpretation from Russian): I have a question with reference to question 7 and sub-paragraph (3) of the reply thereto, on page 15 of document T/347.

I should like to know what system of taxation exists as regards the monopoly, the British Phosphates Commissioners. It is known that during the year under review this monopoly shipped out 527,014 pounds sterling -- I do not know whether that is Australian or English pounds sterling. I should like to know how much of this fund went into the Treasury of the Trust Territory in the form of taxation, if any, and also do the British Phosphates Commissioners put their capital into the development of the welfare of the indigenous inhabitants of the Trust Territory in any other way, in addition to the payment of taxes?

Mr. HALLIGAN (Special Representative): All figures in the report are Australian and not sterling.

There is no ^{direct} taxation in Nauru in relation to the operations of the British Phosphate Commissioners. Payments in the nature of taxation are those of royalties to the land owners and to the Administration.

I have and can make available for the information of the Trusteeship Council, if so desired, a copy of the trading account and balance sheet of the British Phosphates Commissioners for the year ending 30 June 1948.

Mr. SOLDATOV (Union of Soviet Socialist Republics) (Interpretation from Russian): Therefore, no income or any other taxes are paid by the monopoly of the British Phosphates Commissioners to the Treasury of the Trust Territory, other than those royalties which the special representative has just mentioned.

Does any other Treasury -- the Treasury of Australia, New Zealand or the United Kingdom -- receive taxes from the British Phosphates Commissioners? What sort of taxes do they pay?

/Mr. HALLIGAN

Mr. HALLIGAN (Special Representative): There is no direct taxation, as I mentioned before. Payments in the nature of taxation are the royalties and also customs duties and other indirect taxes levied under the laws of Nauru.

In the case of the British Phosphates Commissioners those are not paid individually but are computed into an amount at a rate of 1,000 pounds per month, and 12,000 pounds is paid by the British Phosphates Commissioners in respect of taxation and other charges under the laws of Nauru.

There is no taxation in Australia with regard to the operations of the British Phosphates Commissioners. I am unable to state in regard to the United Kingdom or New Zealand.

/Mr. SOLDATOV

Mr. SOLDATOV (Union of Soviet Socialist Republics) (Interpretation from Russian): I understand that the Special Representative is not in a position at the present moment to give us a break-down analysis of the £527,014 which is indicated as the value of the exported phosphates in 1948. If the Special Representative has that analysis, I should be glad if he would give it to the Trusteeship Council.

Mr. HALLIGAN (Special Representative): Is that figure, £527,014, the one mentioned in question 7?

Mr. SOLDATOV (Union of Soviet Socialist Republics) (Interpretation from Russian): It is in question 8.

Mr. HALLIGAN (Special Representative): No, I do not have that analysis, and the report of the British Phosphate Commissioners which is now available does not enable me to give a breakdown of that figure.

Mr. SOLDATOV (Union of Soviet Socialist Republics) (Interpretation from Russian): Will the Special Representative tell us when the Council will be able to have the complete analysis of the figures referred to in his answer to question 8?

Mr. HALLIGAN (Special Representative): I am just reading the reply to question 8 again to see the extent of the breakdown that has been asked for.

I shall endeavour to make a breakdown of those figures with such information as is available, but I do not think I shall be in a position within the next few days to give a complete breakdown. If necessary, I shall endeavour to obtain further information from Australia and to give such breakdown as it is possible to make during the present session.

Mr. SOLDATOV (Union of Soviet Socialist Republics) (Interpretation from Russian): I have a question which refers to question 12 on page 16 and to the reply thereto on page 17.

Could the Special Representative explain to us the last sentence of the reply to question 12? It is on page 17 and reads as follows: "The Nauruans themselves prefer that the actual land-owners should receive the largest part of the royalty payments."

/I should like

I should like a clarification as to what Nauruans are referred to here. Where is this desire or preference of the Nauruans expressed? In what document is it expressed, if there is such a document?

Mr. HALLIGAN (Special Representative): There is no such document; this view was ascertained by the Administrator in 1927, I think it was, on the last occasion when negotiations were under way for an amendment of the rates of royalties under the agreement with the British Phosphate Commissioners. During those discussions, the Administrator put forward a proposition that the present system, under which a few people secure a large royalty payment while the majority get practically nothing, should be replaced by a different system providing for a more equitable distribution among all the people. This was debated, but the Nauruan representatives there -- who would be the Chiefs -- rejected the proposal.

It is one that the Administering Authority commissioned the Administrator to take up with the Nauruans, as the distribution of the moneys obtained from the phosphate royalties is -- as will be seen from a reference I made elsewhere in replies to conditions in 1941 -- very uneven. A number of people are receiving considerable sums, but the majority are receiving very little; and it is the aim of the Administering Authority to guide and advise the Nauruans that they would be wise to change the system whereby the actual landowners get an increasing amount of the royalties paid, and the people who own no land get practically nothing.

That is something that will be pursued, but up to the present the Nauruans have not been able to accept that advice. That is what the statement in the last part of the answer to question 12 is intended to convey.

Mr. SOLDATOV (Union of Soviet Socialist Republics) (Interpretation from Russian): Therefore, from the explanation given by the Special Representative, it is not the general inhabitants of Nauru who prefer that the actual landowners receive the largest part of the royalties payments, but the actual landowners themselves. If we were to speak of the inhabitants of Nauru, they would prefer the opposite, that they should receive a larger portion.

Mr. HALLIGAN (Special Representative): No, it is not the actual landowners because the people at that discussion were the

/Chiefs

Chiefs who represent all the Nauruans, not only the landowners. No doubt the people who have no land would favour a revision of the present scheme, however, whereas the people who own land would think the present scheme all right.

A further part of the notes I have in relation to the Administrator's discussion with them says that his proposal was rejected on the grounds that there have always been "haves" and "have nots" among the Nauruans, and also that the landowners have been most generous in giving the larger part of what they receive for the benefit of the people whilst retaining only a small amount for themselves. They then put forward certain other arguments, but the result of the discussion was that they would not consider the proposal that had been put forward.

However, that is something that will be placed before the Nauruans again, and the wisdom of the proposal will be pointed out to them.

Mr. SOLDATOV (Union of Soviet Socialist Republics) (Interpretation from Russian): I am interested in the following: perhaps the Special Representative would give us an answer now to the question which was left over from ^{Chapter} / II, that is the question referring to the distribution of land among the inhabitants of Nauru. Also he might give us an answer as to whether the members of the Council of Chiefs are landowners, what percentage of the land of the Island belongs to them, and what percentage to the Head Chief.

/Mr. HALLIGAN

Mr. HALLIGAN (Special Representative): The chiefs on the Council of Chiefs are not landowners because of the mere fact that they are chiefs. The answer to that is that, as chiefs, they are not entitled to nor do they have land. If they have land, it would be in their personal right and would have nothing to do with their occupation of the office of chief.

The records are incomplete owing to war destruction but are being reconstructed. So far the phosphate lands are held by the Nauruans. There is one point on which I wished to obtain full information and the staff at Nauru informed me that it would take considerable research to find out what people owned land. I was trying to get the information by individual names so as to have clearly a statement of our own. I anticipated that the Trusteeship Council would be interested in finding out how many Nauruans, out of a population of 1800, held land and to what extent.

A number of the population held land before and still hold land now but it is worthless land, having been worked out. Others own land that has now been worked out and are receiving an income, and others hold land which will not be worked out for some time in the future.

That was what I had in mind when I said the records were incomplete. That data is now being prepared on Nauru and will be valuable information not only for the Administering Authority, but will also be made available to the Trusteeship Council when the information is complete.

Mr. SOLDATOV (Union of Soviet Socialist Republics)(Interpretation from Russian): I asked for information regarding the landownership of members of the Council of Chiefs in general. I did not ask whether they received land as members of the Council of Chiefs. I just wanted to find out whether the members of the Council of Chiefs own land or whether they do not. Specifically, I asked whether the Head Chief was landless or whether he was a landowner, irrespective of being a member of the Council of Chiefs. It was not a question of the relationship between membership in the Council of Chiefs and land ownership.

Perhaps the special representative has information for 1940 and 1941 regarding the distribution of land. I would ^{be} quite satisfied at this time if such information could be given to the Trusteeship
/Council in

Council in anticipation of the information which the special representative promises to submit to the Council.

Mr. HALLIGAN (Special Representative): There are some figures available for 1941. Copies of the report are available to the Council so I shall make reference to page 13. Although not directly answering the inquiry as to what people own land, an examination of the table on that page will show how the land is distributed generally because the table there is a statement of the receipts by Nauruans during that year of the phosphate royalties which total 15,112 pounds. Two hundred and eleven Nauruans participated in the payment of that royalty. Of those 211, 176 shared the amount of 4,500 pounds and 35 shared the balance of 11,600, so that, while not directly stating what people own land and what people do not, at least gives some indication that the distribution and ownership of land is unbalanced between the population as a whole.

I give this information just as some indication in reply to the inquiry pending the possibility of being able to give the full information desired.

Mr. SOLDATOV (Union of Soviet Socialist Republics)(Interpretation from Russian): Perhaps the special representative could furnish such information regarding the members of the Council of Chiefs, particularly since in 1940 the composition of that Council was the same as it is now with the exception of one member.

Mr. HALLIGAN (Special Representative): I do not have available the information as to what land was held by the persons who are now chiefs and members of the Council of Chiefs. I should, if so desired by the Trusteeship Council, endeavour to obtain that information in anticipation of the full information which will take a very considerable time to prepare.

Mr. SOLDATOV (Union of Soviet Socialist Republics)(Interpretation from Russian): I have a few more questions on the second part of this Chapter, "Economic Advancement." I could wait with these questions if any other member of the Trusteeship Council wishes to ask some questions. If not, I could continue with mine.

The PRESIDENT (Interpretation from French): You may continue

Mr. SOLDATOV (Union of Soviet Socialist Republics)(Interpretation from Russian): On page 18 of document T/347 in reply to question 15 a table is appended in sub-paragraph (a). From this

/table it is seen

table it is seen that the Council of Chiefs asked $22\frac{1}{2}$ pence as the total sum for each ton of phosphate. The agreement provides for only 13d.

It seems to follow that the monopoly position of the British Phosphate Commissioners dictates a low price for a ton of phosphate. I should like to know what possibility the indigenous inhabitants of the Trust Territory have to conclude negotiations with any other company which would give them a more profitable condition for the exploitation of the phosphate. Or does the indigenous population have no such possibility.

Mr. HALLIGAN (Special Representative): The whole of the phosphate deposits on Nauru are covered by the rights held by the British Phosphate Commissioners. Therefore there is no possibility such as that envisaged by the representative of the USSR.

Mr. SOLDATOV (Union of Soviet Socialist Republics)(Interpretation from Russian): In regard to the reply to question 22 on page 21 of document T/347, I should like to have some information, by items, as to how the 200,000 Australian pounds will be spent.

In question 22 by the Philippine delegation, it is said: "In addition the sum of 200,000 pounds for reconstruction and rehabilitation of the Island was agreed to be advanced up to June 1950." I should like to know for what budgetary items will this money be applied.

/Mr. HALLIGAN

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Mr. HALLIGAN (Special Representative): That amount, as explained in the report, was obtained in order to provide the necessary funds for carrying on the administration, and the items which are debited against this and other revenues of the Territory are shown in ^{detail in} the financial statement of the report. I do not know whether the request is for further information to that given in the statements, or merely a reference that a statement is desired. Reference to the statements at the back of the report will give the information asked for.

Mr. SOLDATOV (Union of Soviet Socialist Republics)
(Interpretation from Russian): When I asked that question I wanted to clarify as to whether it would be correct to say that this sum is being applied for the "reconstruction of official buildings and European staff-quarters destroyed by the Japanese, and purchase of mechanical equipment and stores." I wanted to see whether that statement is correct, and the money applied thereto.

Mr. HALLIGAN (Special Representative): I take it that the representative of the Soviet Union is now looking at the financial statements at the back of the report, which are contained in Appendix IV on pages 71 and 72. If after an examination of those figures he wishes to have further information, I have statements here which I may be able to use in supplying that further information. But I think that the representative of the Soviet Union will find that those statements are fairly complete.

Mr. SOLDATOV (Union of Soviet Socialist Republics)
(Interpretation from Russian): It would be well if the special representative could read to us the information which he has in hand, if he has no objection to doing so.

Mr. HALLIGAN (Special Representative): I have no objection. It is just a matter of putting my hand on the condensed statement.

The PRESIDENT (Interpretation from French): In Appendix IV on page 71 of the report there is a complete table. I would remind the

/ representative of

representative of the Soviet Union of this. I wonder whether it is necessary to read it in detail. The representative of the Soviet Union must have read it himself. If he has questions to put concerning certain figures then he could put them to the special representative.

Mr. SOLDATOV (Union of Soviet Socialist Republics) (Interpretation from Russian): The question was quite clear. I left the question as it was. The special representative said that he could make a brief statement and I expressed my satisfaction and said that if he could make this statement in connexion with my question I would be quite pleased. If he does not object to doing that now I do not think anything serious would happen. I do not think it is a very lengthy statement.

Mr. HALLIGAN (Special Representative): There are a number of figures which it may be necessary to take down to follow it.

The statement I have here shows the expenditure from 1 January 1942 to 30 June 1947, that is just immediately prior to the period which the report covers. That period is taken because it is the complete period from the cessation of the Administration until the commencement of reports under the Trusteeship Agreement.

The revenue was LA74,000, the expenditure LA 107,000 during that period, carrying forward a debit of LA 33,000.

LA 60,000 of the advance of LA 200,000 was therefore used during that period to supplement the other funds available. That accounts for LA 60,000 and it was used on general expenditure of the Administration, buildings, stores, works, anything at all upon which the Administration is required to spend money.

For the year 1947-48 the revenue, plus the accumulated funds, amounted to LA 50,000, the expenditure to LA 96,000, leaving a debit of LA 46,000. There again LA 50,000 of the special fund of LA 200,000 was used to cover that debit. That accounts for LA 110,000 of

For the year 1948-49 the ^{estimated} revenue and accumulated funds would amount to LA 43,000, the expenditure to LA 84,000, leaving a debit of

/ LA 41,000

LA 41,000, and LA 50,000 more would be used to cover that debit, making an expenditure of LA 160,000 from the total arranged advance of LA 200,000. The balance of course will be used in 1950 when the arrangement expires and it is anticipated that the revenue of the island should be sufficient to meet the expenditure.

Mr. SOLDATOV (Union of Soviet Socialist Republics)
(Interpretation from Russian): I wish to thank the special representative for this statement. To a very substantial extent it clarifies the question that I asked. I have no further questions on this section of the report.

Mr. NORIEGA (Mexico) (Interpretation from Spanish):
I have a question to put which has, at the same time, a judicial and a practical interest.

In Question 4 on page 14 of document T/347 we have the situation as a result of the 1919 Agreement and Article 76(d) of the Charter, showing the difference existing between the two. I would like to know if article 10 of the 1919 Agreement is at present in force.

Mr. HALLIGAN (Special Representative): Article 10 of the 1919 Agreement reads: The Commissioners shall not, except with the unanimous consent of the three Commissioners, sell or supply any phosphates to, or for shipment to, any country or place other than the United Kingdom, Australia or New Zealand."

That section is in force.

Mr. NORIEGA (Mexico) (Interpretation from Spanish):
If this agreement is in force I do not understand why, in the reply of the special representative, it is indicated that the situation in this respect -- that is the fact that article 10 is in force -- is consistent with the provisions of the Charter. Because if the special representative would be good enough to read the paragraph of Article 76 of the Charter he would see -- unless he has indicated that there should not be a monopoly in this question of phosphates -- that there is a monopoly here which completely annuls paragraph (d) of Article 76.

/ Mr. HALLIGAN

Mr. HALLIGAN (Special Representative): The enquiry, I take it to be, is in relation to question 4 on page 14. Drawing particular attention to article 10 of the 1919 Agreement, following on the answer that I have given that the whole of the Agreement is considered to be compatible with the Charter; therefore, article 10 is considered to be compatible also. There is no inconsistency between them. I mentioned in the reply that the terms of that Agreement have been in operation for a number of years and give effect to the arrangements whereby the three Governments bought the rights from a private company for the development of the phosphate deposits and that Agreement, in its entirety, was in operation and was effective at the time that the Trusteeship agreement was drawn up and approved by the General Assembly in 1947.

Mr. NORIEGA (Mexico) (Interpretation from Spanish): The situation does not seem to me to be very clear. I note that there are two legal instruments which are contradictory: one is article 10 of the 1919 Agreement and the other is Article 76 (d) of the Charter. They are both completely contradictory. Which is the valid text in this case?

Mr. HOOD (Australia): I would like to be of some help at this point. It is the opinion of the Administering Authority, as stated in reply to this question, that the existence of the 1919 Agreement in this respect is not incompatible with the obligations which Australia has assumed as the Administering Authority of the Territory.

The obligations are to be read as a whole and not only is Article 76 (d) of the Charter relevant to the compatibility or otherwise of this Agreement but we would maintain, also, that Article 80 of the Charter is equally relevant. Article 80, you will recall, specifically states:

"...nothing in this Chapter" -- that is the Trusteeship Chapter -- "shall be construed...to alter in any manner the rights whatsoever of any states or any peoples or the terms of existing international instruments to which Members of the United Nations may respectively be parties."

In other words, the 1919 Agreement is to be looked at, not merely in the light of Article 76 (d), but also in the light of Article 80 and

/that position

that position, as the reply very briefly states, was perfectly well-known at the time of the formulation of the Trusteeship agreement. It was in the light of that situation -- the continued validity of the 1919 Agreement -- that the General Assembly ultimately approved the Trusteeship agreement for Nauru, having in mind all the relevant provisions of the Charter.

Mr. NORIEGA (Mexico) (Interpretation from Spanish): I was a member of the committee which was entrusted with drawing up the Trusteeship agreement on Nauru. Unfortunately I do not recall when we discussed the question of the text concerning Nauru that there was any intention on the part of the representative of Australia of explaining to us that article 3 of the Trusteeship agreement should contain any escape clause of any kind which would make the paragraph of Article 76 inapplicable when that is one of the fundamental Articles of the Charter and of the trusteeship principles.

I know that, of course, we cannot enter into practical questions in this field at the present stage but if this were possible I would like this legal question to be clarified.

Mr. INGLES (Philippines): I should like to supplement the observations of the representative of Mexico inasmuch as he raised a legal question.

I should like to call attention to Article 103 of the Charter which provides:

"In the event of a conflict between the obligations of the Members of the United Nations under the present Charter and their obligations under any other international agreement, their obligations under the present Charter shall prevail."

However, I am concerned merely with trying to distinguish between the effect of article 10 of the 1919 Agreement under the mandate system and under the Trusteeship System. Under the Mandate System the Territory of Nauru was a class C mandate and under a class C mandate, as distinguished from other classes, there was no provision for equality of economic opportunity in mandated territories for nationals of the States Members of the League whereas under the Charter, as pointed out by the representative of Mexico, there is this economic equality provision in Article 76 (d) of the Charter which is specifically mentioned in article 3 of the Trusteeship agreement.

/I should like

I should like to ask some questions on other aspects of economic advancement. Looking at the annual report, on page 114 we find, if we compute the figures applied, that since 1940 the value of phosphate has trebled from 13/- a ton to 40/- a ton. Yet, according to the answer in question 13 under "Economic Advancement" it appears that the royalty has increased only from 8d. to 13d. In other words, the royalty has increased by only slightly more than 50% while the value of the phosphate has increased by 200%. Will the special representative explain this disparity?

Mr. HALLIGAN (Special Representative): The figures quoted -- 13/- per ton for 1940 and 40/- per ton for the year under review -- are the cost of production figures F.O.B. at the island. The payment of royalty is not related directly to the cost of production except in relation to the agreement of 1947, I think it was, when it was provided that the royalty should not be reduced beyond a stated figure when the cost of production got less than 12/-.

/Mr. INGLES

Mr. INGLES (Philippines): Would the special representative, then, try to distinguish between the market value of phosphate and the cost of production?

Mr. HALLIGAN (Special Representative): If the representative of the Philippines will look at the reply to question 16, in the latter part, I think he will find there the reasons for stating that there is a difference between the market price and the cost of production. The concluding part of the answer to question 16 is what I refer to.

Mr. INGLES (Philippines): Coming back to the investment of the royalties from the phosphate industry, the investment of the royalty pertaining to land owners and the royalty pertaining to the community of Nauru as a whole, which on page 38 of the report is estimated for both these funds to exceed £3,000,000 each; in question 1, General, on page 3, however, it is stated that the long-term investment fund and the funds invested on behalf of the individual land owners will together exceed £3,000,000.

I should like to find out whether this latter figure is a correction and is the accurate statement.

Mr. HALLIGAN (Special Representative): The representative of the Philippines is using a mimeographed copy of the report and the statement to which he referred in front is an errata sheet intended to be a direction to typographical errors which occurred in the preparation of the report.

If the representative of the Philippines will refer to the paragraph from which he first quoted, I will read it as it is now in the printed report, which is correct and which that errata sheet was intended to correct in the mimeographed report:

"Phosphate remaining on the island has been assessed at over 70,000,000 tons and by the time it has been mined it is estimated that both these funds will together exceed..."

Between the time that mimeographed report was prepared and the printing of the report was completed, that error was noticed and corrected with that later sheet which was sent with the mimeographed report, so the correct figure is £3,000,000 together.

/ Mr. INGLES:

Mr. INGLES (Philippines): Can the special representative give us information as to how these funds are being invested, and what rate of interest they bear?

Mr. HALLIGAN (Special Representative): The funds are invested in Commonwealth of Australia Government Bonds; the rate of interest varies but I think $3\frac{1}{4}\%$ is the current rate. Some of them carry a slightly higher rate.

The PRESIDENT (Interpretation from French): Are there any more questions on economic questions in Nauru?

Mr. GREEN (United States of America): May I refer once more to question 4 on page 14 of document T/347 and ask a question of fact? The appendix to the original report, on page 114, to which the representative of the Philippines referred a moment ago, showed that all of the exports of phosphate go to Australia and New Zealand. Does that mean that the exports go directly to the Governments of Australia and New Zealand, or to commercial companies in those two countries?

Mr. HALLIGAN (Special Representative): The exports do not go to the Governments. They are handled by the British Phosphate Commissioners as a business undertaking and on delivery at the port in either country they are transferred to the superphosphate manufacturers who in turn prepare the superphosphates for the farmer. The phosphates are sold by the British Phosphate Commissioners to the companies and people who manufacture the superphosphates. They are not handled by the Government at all.

Mr. CANAS (Costa Rica) (Interpretation from Spanish): I would like a point of clarification. In respect of the question which has just been put by the representative of the Philippines, according to the reply of the special representative, exports go to companies in Australia or New Zealand or the United Kingdom. I would like to ask if he would be able to tell us if a foreign company which settled in one of the Administering countries would have the right to obtain phosphates also; or is the monopoly directed solely in favour of these companies of Australian, New Zealand or British nationality?

Mr. HALLIGAN: (Special Representative): Any company, foreign or otherwise, operating in Australia would be required to be registered and incorporated under Australian law and once having done that it would be able to carry on business in the same way as any other company in Australia.

Mr. NORIEGA (Mexico) (Interpretation from Spanish): I would simply like to refer to a question which may seem of secondary importance but is nevertheless of considerable importance because it is the only possibility on the part of the inhabitants of Nauru to register any possible control of what is called the Nauruan Royalty Trust Fund.

According to what the special representative said in his written reply, the only form in which the indigenous inhabitants can have any kind of direct control is the control of the Nauruan Royalty Trust Fund -- I am referring to the reply to question 1 on page 14 of document T/347.

I would like to know, in view of the fact that there is no possibility on the part of the indigenous inhabitants of control of the fund in the extracting of these phosphates, how it is possible for them to exercise such a direct control; we also know that it is not the Council of Chiefs which has any kind of control in economic questions over these funds and so on.

In this case, who exercises such control, and how is it exercised?

/Mr. HALLIGAN

Mr. HALLIGAN (Special Representative): The Nauruan Royalty Trust Fund was created especially to govern the expenditure directly in the interest of the Nauruans -- largely education was debited there and some medical expenses. That is not the only expenditure of the Administration from which the Nauruans benefit, but that particular Fund is one which is exclusively for the benefit of Nauruans, and in the determination of what should be expended on that, the Council of Chiefs would be consulted by the Administration, and the Administrator would take from there a more direct request from the Administration in how those funds should be exercised. The actual funds are held in the books of the Administration, and the authorization of them is in the same way as other Governmental funds -- not to give the impression that it is a Fund in which the Nauruans have the final say in how the money should be spent. The object of that Fund is to give the Nauruans a more direct controlling interest. What they request in relation to that would be, in most cases, what would be done in regard to expenditure from that Fund, whereas in the other funds, although their advice may be given, it may not be possible for the Administrator to go as far as the Nauruans would request.

Mr. NORIEGA (Mexico) (Interpretation from Spanish): Therefore I believe that in practice the inhabitants of Nauru have absolutely no control on anything of an economic character.

Mr. HALLIGAN (Special Representative): We are talking about -- and my remarks were addressed to -- control of financial matters. The representative of Mexico has now said "on economic matters." I take it to be the same thing, and my answer would therefore be that the Nauruans have no direct control in financial matters of the Administration.

The PRESIDENT (Interpretation from French): Are there any more questions on economic advancement?

No more questions; very well, we will pass to the next Chapter, which is that on social advancement.

Mr. KHALIDY (Iraq): I have four questions. I hope we can take them all in this afternoon.

The first concerns question 1 on page 25. The Administering Authority expects, according to the answer to the first question on social advancement that "the provision of European type /houses will

houses will...have a marked effect on all aspects of Nauruan life."

What, precisely, is meant by this? When the Nauruans are properly housed, will the Administration, for instance, be more inclined to give them a measure of self-government? What precisely is meant by this?

Mr. HALLIGAN (Special Representative): That was to give an indication, not in any direct way, of what might be expected from the provision for the Nauruans of much better type houses than what they have been accustomed to living in. The houses formerly

known as native type houses were of earthen floors, possibly rough timber uprights, in some cases sawn timber, and in others roofing of coconut matting and other types of that sort. That was the type of native house.

We are now providing the whole community with houses of cement bricks to a height of about four feet, from there to the height of eight foot six, I think, of the ceiling of the house, with wooden floors and fibrolite or galvanized iron roofs.

I putⁱⁿ that remark, "the provision of European type houses will, it is anticipated, have a marked effect on all aspects of Nauruan life," to show that the change-over in just the ordinary everyday living of the Nauruans from the type of house they have been living in to the one I now describe should have a marked effect on all aspects of their life. It will probably take some time before they become used to the better type house, but that should, undoubtedly, raise their standard of living.

Mr. KHALIDY (Iraq): I am thankful to the special representative for describing the nature of the houses, but this is still the question: What exactly is the "marked effect on all aspects of Nauruan life"? I am quoting his own words. What sort of effect will it have?

Let us go into it more analytically: Does it mean that it will raise their standard of living socially? Does it mean that it will have a marked effect politically? Does it mean that it will ameliorate their position economically? The question is: What is the "marked effect on all aspects of Nauruan life"?

We know the nature of the houses -- which is all for the better, of course.

/Mr. HALLIGAN

Mr. HALLIGAN (Special Representative): The representative of Iraq will note that is an anticipation -- that is, we expect it. It is expected in a general way that the fact of their living in those better type houses will have an effect on all aspects of their lives. I should venture to say that it will give them a more responsible outlook; ^{improved} living conditions must have an effect on life. Without being specific, or being able to be specific because it is an anticipation, we are not able to give the effects because they are not living in the houses yet. But it is the anticipation that in every way these better type houses should improve the outlook and standard of living of the Nauruans in all aspects.

Mr. KHALIDY (Iraq): I shall go to the second question. It does not mean that I have been satisfied with the answers so far to the first question. I am sorry to say that I have not had an adequate answer, but I shall go to the second question, question 16.

In explaining the position in respect to the re-housing of the Nauruans, the special representative mentioned the difficulty of obtaining materials. Nevertheless, 200 Europeans and 1,300 Chinese who happen to be employed by the ^{British} Phosphate Commission ^{-ers} were adequately housed. If it is argued that the livelihood and the economy of the Nauruans depended on the full restoration of the phosphate industry, may it not be asked whether the Administering Authority might not have aided the Nauruans over with a grant of food and other essentials until the phosphate industry was in full swing and that, in view of the sufferings of the Nauruan people during the war, the Administering Authority would have shown more consideration for their needs?

Mr. HALLIGAN (Special Representative): I am not entirely clear as to the question, but I shall answer it as I think I have understood it -- that is, that it has three parts: one, in relation to houses; the other, in relation to food and other action taken by the Administering Authority to assist the Nauruans; and the concluding part, that more consideration might have been given to the Nauruans' needs and wants.

So far as the housing goes, I have explained at some length that the type of house previously designed for the housing of Nauruans required certain ^a type of material which was ordered but which could not be obtained. In the interval, such materials as were available on Nauru were made available to Nauruans, such as salvaged war materials, and houses
/were built

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were built for them out of that material. Then, as we found that the original idea and the original material could not be obtained, they have changed, in regard to discussions with Nauruans and their acceptance of this type of house, to a house which will be built of cement and local sand.

/The other item

With regard to the other item, that of food, when the Administration returned to the Island such Nauruans who were there were immediately supplied with food by the Administration and this continued for some time. Also approximately 600 who were brought back from Truk were then supplied by the Administration with food and other necessities. Every consideration was given by the Administration to the needs and requirements of the Nauruans, and to anything that may have been desirable to make their lot as light and comfortable as possible in the difficult circumstances following the war.

Mr. KHALIDY (Iraq): We have the assurance that the Administering Authority has the housing project for the Nauruans in hand. Could we have an idea when, generally speaking, the population will be properly housed -- not perhaps on the same scale as the ^{British} Phosphate Commissioners but more or less?

Mr. HALLIGAN (Special Representative): The population of Nauru is 1,400. The number of houses in this present project that is under way is 250. We anticipate a rate of construction of at least 2 per week. It may be possible to accelerate that. That started last May.

Mr. KHALIDY (Iraq): The third question is this: in very plain language, does the answer to question 30 mean that by any standards the Nauruan employees in the Administration are not worth more than the present low salaries paid to them?

Mr. HALLIGAN (Special Representative): The rate of salaries payable to Nauruans is assessed, taking into consideration many factors. The answer to that question is that the salaries paid to Nauruans are assessed in the various categories of employment on the basis of the Nauruans' circumstances in Nauru and their capacity at the present time to carry out those tasks.

Mr. KHALIDY (Iraq): According to that, would the special representative be able to say that, given the opportunity, the Nauruans would be little different in their capabilities of administration from other types of population and other nationalities,

/and therefore

and therefore would be paid equally -- equal pay for equal work?

Mr. HALLIGAN (Special Representative): I should say that that is the case. The maxim "equal pay for equal work" would have to apply according to capacity, and not merely to title only. To give a man the title of "carpenter" does not mean that he immediately becomes capable of doing the type of work that some other person called "carpenter" can do.

It is the value of the work and not merely the title or the classification which he is given that would determine the final value of the work that he does.

Mr. KHALIDY (Iraq): This is the last question. Apart from the fact that their housing needs have had to take second place to those of the phosphate employees, the Nauruans appear from the answers to questions 17, 20 and 21, to be at a further disadvantage in respect of housing in the following two senses: first, whereas free housing is supplied to phosphate employees, the Nauruans are to be asked to pay a rental of 12 pounds a year; secondly, their houses are not being replaced free of charge even as a war damage compensation measure.

These are the three questions arising from this question. Why has it been decided to charge a rental for Nauruan houses; what proportion of the salary of the average Nauruan is represented by the proposed rental of 12 pounds a year?

This is the first part. Would the President want me to go on to the two other parts, or would he prefer that the special representative answer this part first?

The PRESIDENT (Interpretation from French): I think it would be easier for the special representative to answer the first question first.

Mr. KHALIDY (Iraq): Would the special representative like me to repeat the question?

Mr. HALLIGAN (Special Representative): I think I have understood it. The representative of Iraq can correct me if that is needed.

/Why has a rental

Why has a rental been found necessary for Nauruans, and what percentage of the Nauruan's wage does the rental of 12 pounds a year represent? Is that correct?

The houses are being provided for all Nauruans, whether they are in the employ of the Administration, the ^{British} Phosphate Commissioners, whether they are employed at all or whether they work on their own account. So it is a case of providing houses at the nominal rental of 12 pounds per annum, i.e., 5 shillings per week, for the population generally, and not as part of the conditions of employment. It is often the case that employees are provided with houses, but not, I think that the whole population is provided with houses without charge.

It would require some calculation -- which could be made -- against the statement of Nauruan salaries paid which is published in the report, to ascertain the percentage of the Nauruan wages represented by the rental. I have not worked that out so I will not try to do so at the moment.

Mr. KHALIDY (Iraq): Would the Administering Authority not favour rehousing the Nauruans free of cost to themselves, either as a simple war damage compensation measure or as a means of compensating them for their losses and sufferings during the war?

Mr. HALLIGAN (Special Representative): I mentioned in the reply to one of the questions that the question of compensation for war damage was taken up in regard to the provision of these houses. As the representative of Iraq will agree from the description I have given of the pre-war house, it would be very difficult to put a money value on it for war damage purposes, whereas now the houses are being provided and the cost of those houses is somewhere in the vicinity of 900 - 1,000 pounds, for which a rental of 12 pounds per annum is being charged.

It is very difficult to assess the value of a native type house, such as I have described, for war damage purposes. The other type of house will be available. If any of the Nauruans had houses of which the value could be assessed, then those will be taken care of in the assessment of war damage generally. Whether the provision of the house, which has been made, will be sufficient, or whether some other monetary payment will be necessary, is being looked into.

Mr. KHALIDY

Mr. KHALIDY (Iraq): It was not exactly clear to me whether the Administering Authority thought that the building of those houses for the Nauruans was considered as war damage compensation. I have the impression that there was no system of war damage compensation, from reading the report. I think this is correct, and I wonder why not. Why has no system of payment for war damage been introduced?

Mr. HALLIGAN (Special Representative): In reply to another question -- I cannot indicate at the moment which one -- I stated that data were being prepared in final form with a view to monetary payment being made for war damage other than houses, and possibly, in some cases, where the owner had a European type of house, that he might in addition to receiving one of the houses at nominal rental receive some additional monetary payment.

/Mr. CANAS

Mr. CANAS (Costa Rica) (Interpretation from Spanish): In document T/347, page 31, we have the reply to question 26 which was put by my delegation. We were asking for more details on the restrictions on the movements of Nauruans and Chinese after dark. I should like some information regarding page 43, paragraph 147, of the annual report. We put this question because the explanation which we find given in paragraph 147 says: "This legislation was designed in the interests of the indigenous inhabitants to protect them from harmful contingencies and establish respect for the observance of wise living."

I should like the special representative to indicate to us in what way this was intended to teach good habits to the indigenous population, and why there should be this "respect for wise living!"

Mr. HALLIGAN (Special Representative): The provision there, as I have mentioned, was regulated by the Movement of Natives Ordinance of 1921-1922 which required Nauruans to remain in their districts between the hours of 9 p.m. and 6 a.m., I think it is, unless they have permission from the Chief to be out of their districts. It was and still is regarded as a desirable measure that the Nauruans should not be indiscriminately wandering around. That is the only reason which I can give at the present moment. If any other details in addition are required, I shall be pleased to obtain the full details and the full effect of this practice for the information of the Council in the next report.

Mr. CANAS (Costa Rica) (Interpretation from Spanish): I wish to show through this that it would be advisable for the advancement of the population which we are trying to achieve through the Trusteeship System that the population should be able to wander around where it wishes.

We have no explanation as to which zones the population is not allowed to be in. I should like the special representative to indicate this to us.

Mr. HALLIGAN (Special Representative): I am looking up the Movement of Natives Ordinance which I anticipate the representative of Costa Rica has not had an opportunity of looking at. I was just seeing whether there ^{were} some provisions there which I could quote to answer his question fully, but I suggest that I should have copies of this Ordinance made available. It is not a very long Ordinance, /and I shall

and I shall have copies made available to the Council tomorrow. That might be better than my rapidly trying to select details of this Ordinance which might not give the right answer to the representative's enquiry. I suggest that his enquiry would be better answered by copies of this Ordinance being made available to members of the Council tomorrow, if that would meet the wishes of the Council.

The PRESIDENT (Interpretation from French): Could the special representative give us any indications of a general nature meanwhile, in order that the members of the Council might be informed of the nature of the Ordinance? Could he give us a general view of the Ordinance in order to reply to the question of the representative of Costa Rica?

Mr. HALLIGAN (Special Representative): Yes, I could do that; in fact I could read most of the Ordinance which is not very long. That is what I shall do if the Council prefers it that way.

"1. The Ordinance may be cited as the Movements of Natives Ordinance 1921-1922, and shall come into force on and from Wednesday, the 14th day of July, 1921."

There has been a slight amendment by a later Ordinance which I shall pick up. That was in 1922.

"2. In this Ordinance, "Native" shall mean an aboriginal of the Island of Nauru, and shall include an aboriginal native of China or of any island of the Pacific Ocean, or of any of the East Indian Islands, or of Malaysia, and shall include also any person who is wholly or partly descended from any aboriginal native or natives aforesaid.

"3. - (1) European Portion of Settlement. - Natives, except as hereunder specified, are not permitted to remain or to be in the European part of the British Phosphate Commission's settlement at Yangor between the hours of sunset and sunrise.

"Exceptions.

"Natives Employed by Persons residing in the European Settlement -

"(a) Natives who ordinarily sleep at the residence or in the grounds of their employers are not to leave the residence or grounds of their employers between sunset and 11 p.m., unless in possession of a permit signed by
/such employer,

such employer, nor after 11 p.m., unless in possession of a permit signed by the Administrator.

"(b) Natives who sleep at their own homes are required to be in their own districts at or before 10 p.m. If necessary to pass through European settlements, pass signed by the employer will be required.

"(2) Native Compounds - Natives located in the compounds of the British Phosphate Commission are required to be in their respective compounds between the hours of 9 p.m. and 5 a.m., except as herunder specified -

"Exceptions.

"(a) Natives on Night Work or Attending Picture Shows - Natives are required to proceed to and from their work, or to and from the picture show by the most direct public road, without loitering on the way.

"(b) Natives in possession of a pass signed by the Administrator authorizing them to be beyond the limits of their compound after 9 p.m.

"Such passes will be issued only in very exceptional cases on the recommendation of the location manager.

"GENERAL FOR NATIVES LOCATED IN COMPOUND OF BRITISH PHOSPHATE COMMISSION

"(a) Natives located in single men's quarters or compound are not permitted to enter or to be in the married quarters of the compound, or in the house of a Nauruan native after sunset.

"(b) After the hour of sunset, natives are not permitted to be beyond the following boundary limits from their location: -

Northern-road . . . The Chinese Cemetery.

Southern-road . . . The Government Station.

"(c) On Saturday afternoons, Sundays, or holidays natives are not permitted to be beyond the boundary limits prescribed in preceding paragraph (b), unless in possession of a pass signed by the location manager, who will forward a list of all such passes issued, to reach the Administrator before 9 a.m. on the day for which the passes have been issued.

"NATIVES LOCATED OUTSIDE THE BRITISH PHOSPHATE COMMISSION'S
SETTLEMENT AT YANGOR

"4. - (1) Natives, except as hereinafter specified, must be in their respective districts between 10 p.m. and 5 a.m.

"Exceptions..

"(a) Between 10 p.m. and 11 p.m. - If in the possession of a pass signed by the Chief of District to which native belongs and Chief of District which he is visiting or has visited.

"(b) After 11 p.m. - If in possession of a pass signed by the Administrator.

"(c) Special, for Fishing (when boat is used) - If in possession of a pass signed by the Chief of District to which native belongs, such passes are to be granted only by the Chief to bona fide fishermen and may be for "all night."

"(2) That portion of sub-paragraph (1) of paragraph (3) of this Order prohibiting natives from being in the European portion of the settlement of the British Phosphate Commission between sunset and sunrise applies equally to natives dealt with under this paragraph.

"5. All previous Orders relative to the movements of natives and the use of lights between certain hours are cancelled.

"5A. Any person who knowingly detains a native, so that such native is thereby unable to be within his district or compound at the specified time, shall be guilty of an offence against this Ordinance.

"6. The penalty for infringement of this Order shall be: - Fine not exceeding Five pounds, or imprisonment for a period, with hard labour, not exceeding one month, or both."

/That was the Ordinance

That was the ordinance as it then stood and it is still the law now.

Mr. CANAS (Costa Rica)(Interpretation from Spanish):

After what I have just heard, three things may have happened: either the interpreter does not understand English, or else I do not understand Spanish, or else this regulation is impossible of application. It would be much easier to give us a law in one line telling us what the indigenous population can do.

I do not know whether this prohibition deals with the European part of the island, whether it deals with giving the inhabitants an idea of "wise living", but I really do not see the connexion between the various points.

I think the special representative said at one point that it was considered "wise" for the indigenous inhabitants to have certain restrictions imposed upon them. I would like to ask why it is considered wise for such restrictions to be imposed upon the indigenous population. Where is the advantage for the indigenous population in such a procedure? It was said that this legislation was carried out in the interests of the indigenous population. I would like to know where the indigenous population's interests lie here and what is the goal of such restrictions.

Mr. HALLIGAN (Special Representative): The statement was that it is wise to impose the whole of this legislation, or restriction of movement, ^{and} is intended for the well-being of the indigenous inhabitants. For the natives' own good, it may not be in the circumstances desirable that they should be permitted to wander indiscriminately at night.

In the actual practice of these regulations, I am not definitely able to say so but I think that the conditions which may appear to be rigid are very liberally interpreted because recently at Nauru there was a concert at one part of the island which I attended and at which practically the whole of the Nauruan population was present, although it went on until quite a late hour.

Mr. RYCKMANS (Belgium)(Interpretation from French): I do not know the conditions which are particular for Nauru but I might perhaps clarify the situation somewhat for the representative of Costa Rica by telling him that long before the European administration in Samoa, according to native custom, all the girls were locked up at night.

/They could not

They could not go out at all but were kept by the pastor of the village. It was considered that this measure was a measure taken in the interests of the population and in the interests of public morality.

It is not necessary to insist on conditions which should exist on an island such as Nauru where there is a numerous foreign population, almost all of which are men and bachelors. Their contact at night with the population of Nauru would be liable, if authorized, to lead the indigenous population to live in a way which would not be exactly "wise" in the terms of the report.

Mr. CANAS (Costa Rica)(Interpretation from Spanish): I wonder if we could also explain to the European women of the population what these restrictions are like. I think they might also be concerned with this matter. In view of the fact that there are so many bachelors wandering around on the island, I think perhaps the Europeans would perhaps prefer European women to the indigenous women, and still the European women can walk about after six o'clock. There is difference in respect of sex, if I understand correctly, for the indigenous population in these restrictions.

To return to our subject, I should like to put one last question. After having read and interpreted, in my way, paragraphs (c) and (d) of Article 76 of the Charter and after having heard that the indigenous population is very primitive and cannot do a certain number of things, I should like to know why under paragraph 147 of this report these restrictions are applied to the Chinese population which comes from a country which is a permanent member of the Security Council. There is nothing so very primitive in their case.

The PRESIDENT (Interpretation from French): Are there any other questions on the social aspect?

Mr. CANAS (Costa Rica)(Interpretation from Spanish): I have just put a question.

Mr. HALLIGAN (Special Representative): The only answer I can provide to that question is that the ordinance applies to Chinese as well as to Nauruans.

Mr. CANAS (Costa Rica)(Interpretation from Spanish): I know that. My question is, why?

/Mr. HALLIGAN

Mr. HALLIGAN (Special Representative): The only answer I can give is that that is the law. As to why that was put in that law, I cannot at present indicate to the representative of Costa Rica.

Mr. LIU (China): The question put by the representative of Costa Rica was exactly the same one I intended to ask. I am not satisfied by the explanation given by the special representative. Therefore, I demand that a more satisfactory explanation be given to the Council since the regulations involve such an extreme form of racial discrimination in contravention of the spirit and letter of the Charter.

The PRESIDENT (Interpretation from French): Unless the representative of Mexico has a similar question which would enable an answer to be given at the same time, I shall call upon the representative of Australia.

Mr. NORIEGA (Mexico)(Interpretation from Spanish): The Council has uselessly gotten into a very embarrassing moment in the examination of an ordinance which is an anachronism, the reasons for which are explained simply by the inertia of bureaucracy in all latitudes of the world. It is simply an ordinance which is well-known to all members of the Council. We have discussed this question before and the difficulty in respect of restrictions on the movement of populations has already been discussed when we took up the question of New Guinea.

/Mr. Ryckmans

Mr. Ruykmans then gave us an explanation concerning a similar question -- let us say a specific explanation in respect of social relationships -- that might be called a gastronomical explanation. We were told that this ordinance may prevent the displacement of the population of New Guinea and it was due to the fact that the population of New Guinea was accustomed to eating human flesh, and that therefore they were somewhat excited at night-time in view of the fact that cannibals ate at night and not in the daytime.

I think that we have arrived at this stage of the work of the Council, at the clear understanding that this ordinance may not be considered as being strictly enforced with such severity as appears on paper.

But I would like to state -- and I think the Administering Authority will agree with the Council in this respect, and the Council will be unanimous -- that in Paris we approved one of the best documents of an international organization, which is the Universal Declaration of Human Rights. I do not think that the special representative could bring any better message to Australia -- and especially to Nauru -- than by expressing the wish of the Council to see these restrictions abolished.

These restrictions were in force for twenty-eight years and we must understand that in this period of twenty-eight years under Australian administration, three generations have developed -- three generations which have been educated in such a way that they are not cannibals any longer and do not have any peculiar or exaggerated sexual habits. Therefore there is no reason to believe that this restriction should be applied any longer.

Nothing shows that this is actually enforced and if it were proved that it is rigorously enforced it would, of course, be a failure on the part of the Administering Authority, as this exercises terrible discrimination.

I do not think that this ordinance is applied integrally and I think therefore that we may this afternoon declare that the Trusteeship Council thinks that this ordinance ought to be abolished as it is incompatible with the Declaration of Human Rights, and it is impossible that, having voted this, we could conceive of such an ordinance remaining in existence.

/ Mr. HOOD:

Mr. HOOD (Australia): I appreciate the very reasonable remarks which have just been made by the representative of Mexico. It is certainly better for the Council to take note of this aspect of the Administration from the point of view of facts and what is practicable, and not from any point of view that is doctrinaire.

I do not know if it is the case that the reasons which were in force at the time when the ordinance was first promulgated are still all in force. That may or may not be. But I think it likely that the Administration still has some good reasons for preserving this means of maintaining a certain degree of discipline in the interests of the community as a whole.

Nauru is an exceptional community in the sense that it is isolated and it is also small, and in a community like that the Administration must have the means of keeping a pretty/^{close}hand, if necessary, on such aspects of life as freedom of movement, for example.

It is not the case that this ordinance reflects racial discrimination in any way. One proof of that would be the fact that in the terms of the agreement which Chinese employees sign before engaging in employment in Nauru, and of which an example is quoted in the Appendix to the report, the signatory undertakes, in advance of his engagement and of his residence in Nauru, to abide in all respects by any ordinances of the Administration which may be in force at the time when the agreement was made.

I hope therefore that the Council will not regard this from the point of view of discrimination but from the point of view of a matter on which there may be sound and practical reasons for this ordinance. Certainly any observations which the Council may make will be conveyed to the Administering Authority.

Mr. NORIEGA (Mexico) (Interpretation from Spanish): I would like to know if there is a specific regulation as regards trade unions.

Mr. HALLIGAN (Special Representative): No, there are no such regulations.

Mr. NORIEGA (Mexico) (Interpretation from Spanish) That would mean that there are no trade unions at all.

/ Mr. HALLIGAN

Mr. HALLIGAN (Special Representative): That is so.

Mr. NORIEGA (Mexico) (Interpretation from Spanish) Has there been no attempt on the part of the indigenous population to organize themselves in unions?

Mr. HALLIGAN (Special Representative): No attempt has so far been noticed of any organization of trade unions by the indigenous inhabitants.

Mr. NORIEGA (Mexico) (Interpretation from Spanish): That would imply that any question concerning salaries is dealt with through the Chiefs. I suppose that all discussions on salaries, the fixing of salaries and so forth take place through the Council of Chiefs. Is that so?

Mr. HALLIGAN (Special Representative): The Council of Chiefs would be the collective body for discussing with the Administration any question relating to salaries.

Mr. NORIEGA (Mexico) (Interpretation from Spanish): The Council of Chiefs does not receive any salary from the Administration?

Mr. HALLIGAN (Special Representative): No, only the Head Chief receives a salary as an Administration Officer.

Mr. NORIEGA (Mexico) (Interpretation from Spanish): In that case we might suppose that the governing influence on the Council of the Chief is exercised through a representative of the Government, therefore it cannot be considered that there is any real discussion on the question of salaries, and the interests of the workers are not represented in a completely liberal manner. There would be no equality of balance in these discussions.

/ Mr. HALLIGAN

Mr. HALLIGAN (Special Representative): No, as I understand the question, I do not think that would be the case. I explained in reply to a question, also orally, that the Head Chief occupies three offices: one as an employee of the Administration in the position of Native Affairs Officer for which he receives a salary. The salary payable to him for that office by the Administration takes into account his Head Chief capacity. Then he is the magistrate. But when he functions as a Head Chief he is not an Administration officer and is entirely able to function as a Chief and be quite independent in his discussions unhampered by the fact that he is at other times an officer of the Administration.

In regard to salaries, just recently in our discussions at Nauru with the Council of Chiefs, one of the items brought forward was the matter of revision of the salary scales payable to Nauruans who are employed by the Administration and it was undertaken that this further review would take place, and that is in course now. I say a "further review" because it was about twelve or eighteen months ago that salaries were reviewed with an upward lift from 1/1/48, I think it was, but conditions are such that it was undertaken to give another review of salaries and this was the one discussed at the Council of Chiefs.

Mr. NORIEGA (Mexico) (Interpretation from Spanish): I would like to know what is the system in order to receive foodstuffs and clothing in the island? I mean by this, in what proportion is it done through the Phosphate Commission or through the intermediary of private merchants and to what extent the stores are private or belong to the Phosphate Commission?

Mr. HALLIGAN (Special Representative): There are only two classes of stores: those run by the Phosphate Commission, that is, a general store where employees of the Phosphate Commission -- Nauruans or anyone else on the island can make purchase in the normal way -- and there is another store, the Nauruan co-operative store, run entirely by Nauruans in which a large part of the Nauruan requirements are provided through that store. It is run on a co-operative basis and deals and sells all classes of food requirements, clothing etc.

/Mr. NORIEGA (Mexico)

Mr. NORIEGA (Mexico) (Interpretation from Spanish):

I put this question in respect to the fixing of salaries. Of course we have to know for this the cost of living and I presume, therefore, that, if the economic system is so simple and so elementary, it implies that the Administration has the greatest facilities for the determining of salaries. I would like to know in this question of determination of salaries if the number of members in the family is contemplated, the number of dependents of the worker, or whether the salary is the same whether the worker is married or single; whether one takes into account the number of dependents etc.

Mr. HALLIGAN (Special Representative): The salary or the wage for the position is the same no matter what the state of the person occupying it is, but in the case of a married man allowances are paid at the rate of 7/6 per month as a dependents' allowance for the wife and for each child of the officer occupying the job, over and above the salary payable to him for the work of the position.

Mr. NORIEGA (Mexico) (Interpretation from Spanish): In determining salaries I suppose one also takes into account what is called, in Latin America, questions dealing with social security and economic security. In determining salaries calculation is made as to the possibilities of sickness, education of children, possible disability etc. Is this also taken into account by the Administration in respect to the family and not the worker himself?

Mr. HALLIGAN (Special Representative): Education is provided free by the Administration and hospital attention, treatment and general medical attention are also provided free. I think they were the two classes mentioned by the representative of Mexico. There are no other factors necessary to be taken into account in fixing any further allowance. The basis is payment of salary and then payment of a dependents' allowance over and above salary, in the case of a man who is married and has children.

The PRESIDENT (Interpretation from French): Does the representative of China wish to put a question? I would prefer this question to be deferred until tomorrow because I see that

/we have gone

we have gone beyond our time and we have not had any recess since 2.30 p.m. On the other hand, I think we might have some regard for the special representative who is constantly having to speak. I would rather stop now and take it up again tomorrow but if the representative of China wishes to put his question right away he may do so.

Mr. LIU (China): It is a very brief question. If you will allow me to ask it now I shall do so.

It is in connexion with question 19 on page 30 which was put by my delegation. The special representative refers me to the answer to question 18 which has to do with Nauruans and I am interested in knowing whether racial segregation may be practised in regard to Chinese and Europeans in housing?

Mr. HALLIGAN (Special Representative): The answer I gave there was to "see the answer to question 18" because the Nauruans have a great regard to the land individually owned by them and they place their houses on that land. In the housing scheme that we have now devised for many reasons we consider it desirable, and the Nauruan Chiefs agree, that the houses should be grouped -- not crowded together -- in a reasonable area. The Nauruans have undertaken, therefore, to arrange amongst themselves that the land would be available, not exactly the individually owned land scattered around the place, but in reasonable areas; so the answer to that question is that the houses -- 250 of them -- are being scattered around the fourteen districts of the island in areas of land designated by the Nauruans as I have previously described.

/The other part is

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The other part is that there is an area of the island in which the Chinese employees of the British Phosphate Commission are located. The European employees of the Phosphate Commission are in close proximity to the Commission's works and to the area in which the Chinese employees of the Commission live; in fact, they are all in one particular part of the island.

The administration employees live in a newly-selected site some distance away from the phosphate works and the only other people on the island are two missionaries, both located in their former sites.

Mr. LIU (China): In other words, there is racial segregation?

Mr. HALLIGAN (Special Representative): I have described the situation. The Nauruans own the land, select the places in which they want to place their houses; the other people are located in the areas in which they have always been located.

The PRESIDENT (Interpretation from French): Has the representative of China any other questions to put on this point?

Mr. LIU (China): No, but I should like the Council to take note of this point, that there is segregation in housing and so on.

The PRESIDENT (Interpretation from French): We will resume this discussion tomorrow at 2.15. The meeting is adjourned.

The meeting rose at 5.51 p.m.