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Fifth Session

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

Lake Success, New York  
Tuesday, 28 June 1949, at 2.30 p.m.

President: Mr. Roger GARREAU France

Note: The Official Record of this meeting, i.e. the summary record, will appear in provisional mimeographed form under the symbol T/SR.173 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 ninth 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 shall proceed with the continuation of the examination of social conditions in the Island of Nauru. The discussion concerning this part of the report was interrupted yesterday.

Mr. LIU (China): In his remarks yesterday the representative of Australia made reference to agreements signed by the Chinese employees of the British Phosphate Commissioners. If I may, I wish to ask one or two questions in connexion with those agreements.

First of all, the form of the agreement in Appendix X of the report, on page 82. Article 7 provides for free passage for the employees, both from Hongkong or China and back to Hongkong or their homes in China.

/I wonder if that clause

I wonder if that clause covers all contingencies, such as the one provided in the second paragraph of article 1, where "the Employee proves to be incompetent". If he has to be sent back, I wonder if his passage also is paid for him.

Mr. HALLIGAN (Special Representative): Yes, that is so. I think termination of contract is further provided for in the agreement. I am just looking at it now.

Yes, that deals with the payment of wages for the unexpired portion, but the fare is paid back as well in the circumstances mentioned by the representative of China.

Mr. LIU (China): I take it that this form of agreement is a stock form which has been in use for a great many years. Can the special representative tell me for how many years this form has been employed?

Mr. HALLIGAN (Special Representative):<sup>Basically,</sup> a form of agreement of this nature has been in existence since the British Phosphate Commissioners have been operating on the Island. There have at times been some slight amendments, but generally that form is the one that has been used since the Commissioners have operated on Nauru.

Mr. LIU (China): The particular provision referred to by the special representative is evidently at variance with the spirit and letter of the Charter and purposes of the Trusteeship agreement. I mean the provision binding the employees to certain local ordinances and laws when some of these ordinances are not consistent with the provisions of the Charter calling for respect for human rights. As was evident from the discussion yesterday, some of these ordinances were based on racial discrimination. Does not the Administering Authority realize that, in imposing these conditions on employees of the British Phosphates Commissioners, it has run counter to some of the basic provisions of the Charter and the Trusteeship agreement?

Mr. HALLIGAN (Special Representative): Those ordinances are not based on racial discrimination, but are ordinances to meet the particular circumstances and conditions on Nauru.

/Mr. HOOD

Mr. HOOD (Australia): I would only say the same: we do not admit that the provisions of this form of agreement or the ordinances referred to in the agreement are necessarily incompatible with the general obligations of Members of the United Nations in respect of discrimination or the observance of human rights.

After all, it is optional for any prospective Chinese employee on Nauru either to sign or not to sign this agreement. If he signs it, he signs it knowing what the terms and conditions contained in the agreement are; and those terms and conditions -- as we attempted to explain yesterday to the Council -- apply to special circumstances and requirements in Nauru.

However, while not admitting that there is any inconsistency in this respect as suggested by the representative of China, I should not like the Council to think that any revision either of this form of agreement or of the text of the present ordinances is necessarily excluded from the consideration of the Administering Authority. Admittedly, both some of the ordinances and, probably, this form of agreement itself, are now of many years standing, and it would not be entirely unlikely that they should be susceptible to revision and improvement in some respects.

The observations which have been made by the Council in this connexion will certainly be brought to the attention of the Administering Authority.

Mr. LIU (China): With all due respect to my Australian colleague, I must state that I differ with the views that he has just expressed.

I think it was evident to the Council from the discussion we had yesterday that there was racial discrimination, particularly in the Movements of Natives Ordinance regarding the freedom of movement of the employees of the British Phosphate Commissioners.

The plea that Chinese employees have signed these agreements cannot be accepted as adequate because the Council is not informed of the circumstances in which these agreements were entered into, and we do not know whether the signing of these agreements/<sup>really</sup> represented a free expression of the will of the parties concerned.

But outside of that, as I have said, some of these provisions are based on racial discrimination pure and simple, and I do not see how it could be claimed that the Administering Authority had the right to impose these conditions on the employees of a company when it was known that some of the provisions were contrary to the  
/spirit and letter

spirit and letter of the Charter and of the Trusteeship agreement.

In these circumstances, I must state that it is the view of the Chinese delegation that the serious attention of the Council should be called to this fact.

Mr. INGLES (Philippines): In questions 14 and 15 under Social Advancement in document T/347, page 28, it is stated that "separate latrine accommodations for Nauruans, Europeans and Chinese" are provided. My delegation asked the reason for this, and also why there should be separate cinemas, one for Europeans and another for Nauruans and Chinese. The answer was that such arrangements have been found to be convenient and "in the best interests of the Nauruans".

Will the special representative please explain how this would be in the best interest of the Nauruans?

/Mr. HALLIGAN

Mr. HALLIGAN (Special Representative): I shall preface my explanation by reference to, and a fuller expression of, the paragraph of the report on which that question is based. In paragraph 187 on page 53 of the report it says:

"The Nauruans, Europeans and Chinese respectively are provided with separate latrine accommodation according to requirements. Chinese indentured labour of the British Phosphate Commissioners is adequately supplied with communal latrines with sewerage to the sea. In closely settled areas, flushing latrines are in common use (salt water and well water with sewerage to sea or septic tanks). In the more sparsely settled areas, e.g., Nauruan villages, properly constructed and sited 'deep-pit' latrines are in use."

The further question of water supply determines largely the nature of these conveniences. The Nauruans, as I have previously explained, are domiciled throughout the island in fourteen different districts so that separate arrangements, compared with the Chinese who are located in one part of the island and the Europeans who are located in the other part of the island, as expressed in paragraph 187 have been found to be convenient to the requirements of all.

In a further part of the report there is some additional information dealing with the cinema in regard to question 15 which has not been previously expressed. This information is in relation to the release of films that are suitable. In paragraph 241 on page 63 of the report it is stated:

"There are two open air cinemas on the island. One is attended by the European community on two evening per week. The other is attended on one evening per week by the Chinese community and also on one evening per week by the Nauruan community. Programmes for this theatre are selected with due regard to any effect the cinema programmes may have on the native people. Under the Cinematograph Censorship Ordinance 1927 no film may be publicly displayed until it has been approved by a censor appointed for the purpose."

In relation to the films for the Nauruan community, the censorship is directed toward seeing that they are suitable and educational films for the Nauruans.

/Mr. INGLES

Mr. INGLES (Philippines): I am not quite satisfied with the explanation given to the effect that the principle of racial segregation is justified on the alleged ground of the best interests of the Nauruans themselves.

Taking the specific case of the cinemas, I understand from the report that the natives are bi-lingual and speak the Nauruan language and English fluently, so that this segregation cannot be justified on the ground of inability to understand the films being shown. On the other hand, it is said that the films may have an effect on the native people.

Will the special representative elaborate further on this point and indicate what films are good for Europeans, for example, and not good for Nauruans?

Mr. HALLIGAN (Special Representative): I am afraid I cannot give a clear category particularly of what films are good for Europeans, so I am afraid I cannot be specific and say what films would be good for Europeans but not for Nauruans. I just made the general statement that certain films probably would not be good for people in the circumstances of the Nauruans.

Mr. INGLES (Philippines): The reply of the special representative indicates that the principle of racial segregation, at least in this instance of cinemas, has no rational justification. Perhaps, considering the approval of the Universal Declaration of Human Rights referred to previously by the representatives of Mexico and China, the Administering Authority might review all these discriminatory practices with a view to giving effect to this Universal Declaration of Human Rights.

Mr. RYCKMANS (Belgium)(Interpretation from French): I have no question to put, but I would not like to have it understood that all members of the Trusteeship Council are in agreement with what has just been said by the representative of the Philippines, especially that respect for the Universal Declaration on Human Rights should lead the Administration to renounce any measures of protection which it takes with respect to the indigenous population.

The representative of the Philippines asked whether a difference could be made between films which are good for Europeans but not for Nauruans. The special representative replied that he did not know

/which films were

which films were good for Europeans. He might have added that he knows quite well which films are not good for Nauruans. Nauruans are not prevented from seeing good films which are also shown to Europeans, but Europeans can also see bad films because they do not need the same protection as Nauruans. Bad films are prohibited to Nauruans because the Administering Authority has contracted very special responsibilities in respect to the indigenous population, while the European population can take care of itself.

Mr. PADILLA NERVO (Mexico): The question just asked by the representative of the Philippines might entail a different answer depending on what one considers the main motive in prohibiting certain films from being shown to Nauruans. According to the representative of Belgium, the authorities have the right to protect the native population against the effects of certain films.

/I believe that the

I believe that the question asked by the representative of the Philippines could refer also to this other question. There are certain films illustrating conditions, let us say among workers in other lands, showing the effect which the association of workers against difficult conditions in mines and in industry may have with respect to employers; the effect of collective bargains, of strikes; even the very possibility of association in seeking a collective bargain; the effect of association or of a strike in respect of the results obtained in the betterment of conditions of work, betterment of wages and salaries.

In other words, films have a very important educational and propagandistic effect. Would a film of that kind be considered by the Administering Authority as detrimental to the natives, and therefore prohibited because of the protection that the Administering Authority should give to the natives against an influence that could be detrimental to them?

That is a question that I should like the special representative to answer, although it is a theoretical one -- whether a film of that kind could be considered as fit to be exhibited to the native population or not.

Mr. HALLIGAN (Special Representative): I understand the question to be, whether such films as would depict the result of measures of social and industrial improvement in other parts of the world would be such as to be considered not proper films to be displayed to the Nauruans. If I have the question rightly, I should say that such films would be displayed to the Nauruans. There would be no objection at all and the Administering Authority would find no reason why those films -- or educational films of any sort -- should not be shown, and they would be encouraged and would be shown to the Nauruans.

It is not that type of film which would be regarded as objectionable from the Nauruans' point of view or from the Administration's outlook as to what would be for the benefit of the Nauruans.

Mr. KHALIDY (Iraq): I hope the special representative would not hesitate to tell us the whole truth on this score.

/ There is no harm

There is no harm in protection and censorship; there is censorship in practically every country; so I hope the special representative will not hesitate to tell us whatever he knows.

I would like to know what exactly is the nature of this protection, that is to say, this censorship? The Nauruans, we are told, are protected from certain films. Is the nature of the protection moral or political? What exactly is the type of film that the Authorities would not like the Nauruans to see?

Mr. HALLIGAN (Special Representative): It would be moral protection, not political. There is a censorship of films in every country. Certain films coming into Australia pass through the censor and certain parts are rejected.

It does not necessarily follow that those films which are suitable for Australia would all be suitable for Nauru, and the censorship on Nauru would be in respect of those parts which are not considered suitable for display to Nauruans, but it would be entirely on moral and not on political grounds.

Mr. SOLDATOV (Union of Soviet Socialist Republics) (Interpretation from Russian): In regard to this question of films the special representative has said that certain films can be shown in Australia but cannot be shown in Nauru. Furthermore, from an earlier explanation it seemed to follow that certain films were allowable for the European population and other films were not acceptable for the indigenous inhabitants of the Territory. I would like the special representative to tell me if my understanding is correct.

Mr. HALLIGAN (Special Representative): That is so, and I should add that the films are received from Australia and as such have passed the censorship in Australia before they go to Nauru. The censorship then would be at the display of the films where Europeans attend the performance. If it were then necessary to excise any part of the films considered unsuitable for the Nauruans that would be done following the display at which the Europeans would be present, those films having already been censored

/ in Australia

in Australia for general distribution there.

Mr. SOLDATOV (Union of Soviet Socialist Republics)

(Interpretation from Russian): The special representative has clarified for us the fact that in the Trust Territory of Nauru an obvious discriminatory policy is applied even as far as the display of films to the inhabitants of the Territory is concerned. In other words, films which are shown to Europeans cannot be shown to indigenous inhabitants.

I would like to ask the special representative what are the reasons for this? Why is it not possible to show the same films?

Mr. HALLIGAN (Special Representative): I have already explained that reason at some length, particularly in reply to the questions from the representative of Iraq. That is, that the films would be censored on moral grounds.

Mr. SOLDATOV (Union of Soviet Socialist Republics)

(Interpretation from Russian): The term "moral grounds" is a very broad one. I would like to ask the special representative to clarify exactly what sort of morality is this which is permissible for Europeans but not for Nauruans.

Mr. HALLIGAN (Special Representative): It is rather difficult. It is quite clear to me but the representative of the Soviet Union may not have the same conception of the words as I have, so I find it very difficult to split it up any further. I can only say that "moral welfare" means to me something quite limited and definite apart from material welfare. The nearest I can get to assisting him to understand what is in my mind, and what is meant by that term when I use it is the distinction between moral uplift and material development.

Mr. SOLDATOV (Union of Soviet Socialist Republics)

(Interpretation from Russian): Before going on to my next question I must say that the explanation given by the special representative

/ is not really

is not really an explanation and he has not given us a single fact which could justify -- and it seems to me quite obvious that no facts could be advanced which would justify -- discrimination towards the indigenous inhabitants even in this question of the display of films.

/ The PRESIDENT:

The PRESIDENT (Interpretation from French): I think we run the risk of discussing this point at length, indefinitely even. I shall call on the representative of Australia in a moment but I wish to say that we have discussed at length this recognized fact that censorship exists for certain films which are considered undesirable for the indigenous population. I do not think it is necessary to come to specific cases of certain films which might, rightly or wrongly, be considered unsatisfactory for the moral, intellectual and political evolution of the population. The Trusteeship Council notes the fact and each member may in respect of this fact judge for himself. But I do not think it is necessary to carry on a lengthy discussion on this specific point because that would not make us progress very much.

Mr. HOOD (Australia): I would not wish either to prolong this discussion but I must express my surprise. Some members of the Council have appeared to query not merely the necessity but even the practical utility, from the trusteeship point of view, of having a local censorship in respect of films which can properly be shown to the indigenous population. One would have thought that that was even an elementary task of any Administering Authority.

Some suggestions have been made that censorship is applied for political reasons and that suggestion I must protest against most strongly. Not the slightest evidence has been proffered which would bear out that suggestion. On the contrary the Council has had more than one explicit assurance from the special representative that the censorship in its local aspects is applied for non-political reasons and has no relation to political considerations of any kind. I would like to have that noted by the members of the Council.

Mr. INGLES (Philippines): I should like to add one observation and that is the hope that this attempt to justify alleged distinctions between certain kinds of films which are alleged to be beneficial and certain kinds of films which are alleged not to be beneficial to the native inhabitants should not blind us to the original purpose of the questions which were asked of the special representative. That is the principle of racial segregation, whereby there are separate theatres for Europeans and for natives and irrespective of the kind of films being shown, for example, in the European theatre the natives may not enter that theatre.

/Mr. SOLDATOV

Mr. SOLDATOV (Union of Soviet Socialist Republics)  
 (Interpretation from Russian): My question refers to <sup>page 25 of</sup> document  
 T/347, question 2 and the reply thereto. In the reply to that  
 question it is said:

"The rates of wages for Nauruans are assessed having  
 regard to their qualifications and capacity and to their  
 standard of requirements."

I would ask the special representative to explain the words: "to  
 their standard <sup>of</sup> requirements." Will he please explain these words  
 to us?

Mr. HALLIGAN (Special Representative): That was an  
 indication of the money necessary to meet the existing standard of  
 requirements of the Nauruans. The wages take that into account, also  
 the quality of work they are doing and their capacity to carry out  
 that work. That is, the basic salary would take into account the  
 costs that the Nauruan would be required to meet to enable him to  
 live and thereafter another fact is taken into account which is  
 his capacity to do the job that he was required for and the  
 qualifications that he brings to that job.

Mr. SOLDATOV (Union of Soviet Socialist Republics)  
 (Interpretation from Russian): I should like to draw the attention  
 of the special representative to page 119 of the Nauruan report  
 for 1947-48. In this report there is a table appended which gives  
 the wages received by the indigenous inhabitants.

In order to explain my idea I shall take the salary of a worker  
 who is titled here as a "casual labourer." Here it is said that such  
 an unskilled worker receives £A.60 a year. Furthermore, if we are  
 to consider that this worker may have a family, including himself, which  
 would comprise five people he receives an allowance for four  
 dependents of 140 Australian shillings per year. In this way a  
 worker will get for his family of five £A.67. If we deduct 15s.  
 for the capitation or head tax which this worker must pay, we find  
 that £A.66 5s. remain to him at the end of the year. Therefore,  
 if the worker's family consists of five people, in a day this family  
 will be getting 3s. 7 1/4d. per day for a family of five. In other  
 words, this is about 8 or 9d. per individual per day.

/The question

The question therefore arises: what can be purchased for such wages? What can be purchased for the 8 or 9d. which under these circumstances become the monetary allocation for each individual in this person's family? It would seem that for these 8 or 9d. the following can be purchased: either one pound of carrots, one-half pound of tomatoes or about two eggs. Therefore, for an individual member of this worker's family, which consists of five people, there is 8 or 9d. available and for these 8 or 9d. these are the things which can be purchased: either a pound of carrots or a half pound of tomatoes. You can not even fully pay for two eggs if you desire to purchase them.

/It is not necessary

It is not necessary to go further to see that this amount of food is not sufficient for a person to live from day to day. Furthermore, it is quite obvious that living quarters are needed, as well as clothing -- in other words, every member of the family has to have enough to live on -- and for a family of five people it would be impossible for them to live on such wages.

Let us take a family of four people which lives on the basis of the simple requirements of life and we will see that it is also impossible for such a family to live.

I have been giving here the example of an unskilled labourer; but in this table we see that qualified workers get from LA.72 to LA.120 a year. Teachers get even less; they get from LA.72 to LA.114 per year. Assuming that a skilled worker is getting the highest possible wage -- LA.120 for a skilled worker or leading hand -- for the 1s 6d or 1s 7d per day which would be available for each individual it would still be impossible to live. Even to buy simply the elementary requirements necessary to satisfy hunger would be difficult to do; and yet a family must somehow clothe itself, it must have housing accommodation. Furthermore, there are certain cultural requirements which a family has -- even if they are not allowed to see the same films that Europeans are allowed to see, at least they should be allowed to see some other films.

I would therefore like to ask the special representative this question: How does the indigenous population of Nauru live under these impoverished conditions of low wages. How do these people make ends meet?

Mr. HALLIGAN (Special Representative): The representative of the Soviet Union has to some extent answered the question he originally put to me as to what were the standard requirements when he referred to the requirements of daily life.

In answer to his present enquiry I would say that the general answer would be that the Nauruan's diet -- either the normal diet or any special diet -- does not contain all those items which are listed in Appendix XI on page 84 of the report. Their diet is such that they are able on the wages paid to them to live quite happily; their health is good and they are able to live in quite reasonable circumstances.

With reference to one item -- living quarters -- formerly there was no rent charged for living quarters; the people lived in the native-type hut which would be built by themselves and involved no further expenditure.

expenditure. Their requirements of clothing are comparatively light; Nauru is situated almost on the equator. With regard to the other item he mentioned -- the films -- no charge is made to go to the films.

Mr. SOLDATOV (Union of Soviet Socialist Republics) (Interpretation from Russian): It is clear that in the Trust Territory extremely unsatisfactory conditions exist for obtaining an education. But let us suppose that someone of the younger generation of the inhabitants of Nauru, after the age of sixteen, having received some sort of education on the island of Nauru, decided to ask to be sent to continue his education in Australia. Money is needed for his education in Australia, and I would like to clarify that aspect of the question. How can inhabitants of Nauru possibly get an education -- not simply the extremely poor elementary education, as it seems to me on the basis of the documents presented by the Administering Authority -- but a secondary education?

Let us take the case of some of the three hundred odd children who are getting some sort of an elementary education in Nauru. Suppose they decided they would like to have a secondary education? Where would their parents get the money for such an education? Are there conditions to make this possible in the Territory itself, or are there certain conditions for sending these children to Australia to continue their education? And what would the cost be for secondary education for such a Nauruan if his parents decided to send him to Australia, say to Brisbane or to Sydney or Melbourne, where several children have been sent by the Administration. What would the cost be?

Mr. HALLIGAN (Special Representative): Nauruans have been sent to Melbourne, to Fiji and some are in schools in Sydney. Those sent to Fiji attend the Medical College conducted by the Government of the Colony of Fiji and all costs are met by the Administration in respect of those Nauruans who go to that school. The Nauruans go to this school after selection in the Territory, in this case on the basis of their capacity to undertake this further education, <sup>as determined</sup> by the Director of Public Health. In the case of the four Nauruans who are attending colleges in Sydney, the fees and all but incidental and clothing expenses, fees which include board, are paid by the Administration. Nauruans selected to go to those colleges are selected after examinations held by the Director of Education on Nauru.

Mr. SOLDATOV:

Mr. SOLDATOV (Union of Soviet Socialist Republics) (Interpretation from Russian): From the reply given by the special representative the impression might be gained that there really are conditions existing which make it possible to send children of Nauru for continued education in Australia; yet on the basis of information which we have here, these conditions have been made available only to two or three children. I will give the information which I have and I will ask the special representative to correct me if I am wrong.

In 1926, two boys were getting their education in Australia and were studying to be teachers. In 1927 these two boys continued to study in Australia, and one was sent to study radio. In 1928 this boy continued with his education in radio and one continued with his education as a teacher. Further, there was one student who studied accountancy and one who was preparing himself for entry into the Melbourne University. This was all in 1928. In 1929 there were only three boys getting education in Australia; whether these were new students, or the same ones who had been sent previously in 1926 and 1927 I cannot say, I do not have that information.

I do not have information for 1930 or 1931. However, in 1932 I see that four boys were being education in Australia, including some of those who had been included in the 1929 report.

/Further, in 1933

Further, in 1933, one student was sent to study dentistry in Australia. In 1933 one student was sent to the medical school in Fiji; in 1933 one student was sent to Fiji; in 1934 there was no information on this subject, and in 1935 also there was no information; in 1936, six students were sent to a technical school in Australia to study radio, one was sent to Sydney and one was sent to the medical school in Fiji. In 1937 no students were sent, but in 1938, we see that twelve students --

The PRESIDENT (Interpretation from French): Does the representative of France wish to speak on a point of order?

Mr. LAURENTIE (France) (Interpretation from French): I want to know whether it is a reading of the report, or questions which are put to the special representative.

The PRESIDENT (Interpretation from French): I think it is a question to the special representative, but the question anticipates the chapter on education, which we have not yet examined. We were dealing with social questions. But in any case, a question may overlap two chapters. I presume that the representative of the USSR, after having given us this table of young persons who have studied outside of Nauru, will put a question to the special representative. That is his intention -- he will put a question to the special representative, I hope.

Mr. SOLDATOV (Union of Soviet Socialist Republics) (Interpretation from Russian): Of course, I could repeat my question in some other section, not in social advancement. If the President feels that it would be best to ask my question in connexion with educational advancement, I could ask my question then and stop asking it now. But if the President wishes, I can continue.

In 1937 these children who were sent to Geelong obviously remained there, as there is no further information. Further, it is shown that in 1938 and 1939, twelve boys were in this school in Geelong.

I would like to ask the special representative if these twelve boys, in 1938 and 1939, still cover the twelve that were mentioned earlier. Unfortunately, I have no other data concerning the number of students who were sent to Australia or Fiji to get a secondary education, but, as you can see, the information which I have already

/given

given and the data which have been taken from the Administering Authority's reports, which were submitted on the basis of the Mandate earlier, all of these figures bear evidence to the fact that a very small number of indigenous inhabitants have had the possibility to get secondary education.

Therefore, my question is the following: Can this be explained by the fact that the parents did not have the material possibility of sending their children for further education, or were there any other reasons why the children of the indigenous inhabitants of Nauru were and are deprived at the present time of the possibility of getting a secondary education, whether it be on their own island or in Australia?

Mr. HALLIGAN (Special Representative): The educational programme for Nauru is designed to give the best possible education to all the Nauruans, not a few selected ones. Up to now, the Education Department, the teachers, have been engaged in lifting the standard of education of the Nauruans, and a full secondary school has not been established in the Territory. Therefore, those pupils who show ability to go beyond the training that is available to them on Nauru are given the opportunity to go to places in Australia or Fiji to receive that further education. The number of Nauruans -- I have a table here showing the names, where educated, the purpose for which they went to Australia, for education, and the total number -- is 35 Nauruans who have been sent from the Territory to Australia.

At the present time four of them -- there should be two added to that, because two more started this year -- two of them are at a college in Sydney and three are at Fiji.

I mentioned at another time that the educational programme of Nauru was being reviewed and examined. The objectives in that review will be to make, not only primary education, but secondary education as well, available on the island, and to give Nauruans generally the fullest possible education, not only a few selected Nauruans.

Mr. SOLDATOV (Union of Soviet Socialist Republics) (Interpretation from Russian): Therefore the special representative has explained to us that actually in Nauru there is no possibility to get a secondary education for the children of the indigenous inhabitants. For a period of almost thirty years, the Administering Authority has been able, actually, to afford this opportunity to only about one person  
/a year

a year, because in thirty years of administration it has afforded this possibility of secondary education to some thirty-five students.

Do I understand the special representative correctly?

The PRESIDENT (Interpretation from French): I think the representative of the USSR has understood correctly.

Now I would like to finish with this chapter on social advancement, because I think we have not very much time, and I think we will have to turn to the Chapter on education. Does the representative of the USSR really want to put other questions on the subject of social conditions? Then we would return to this question which he has started.

Mr. SOLDATOV (Union of Soviet Socialist Republics) (Interpretation from French): It is a question on social conditions.

(Interpretation from Russian): My question deals with Appendix X, on page 118 of the <sup>typed</sup> report and on page 80 of the printed report. I would like to ask why at the present time the Administering Authority has not changed the discriminatory practice in paying Nauruan and Chinese workers, as compared to the European workers.

Mr. HALLIGAN (Special Representative): It is not a discriminatory practice in the limited sense of that term -- just for discrimination. It is, as I have previously explained, the assessment of wages, having regard to the capacity, the qualifications and the work required of the person receiving those wages.

Mr. SOLDATOV (Union of Soviet Socialist Republics) (Interpretation from Russian): I do not quite understand the explanation which the special representative has just given us, since it is known that a skilled indigenous worker, if he is a skilled worker and is listed as such, does the same work as a skilled European worker.

Furthermore, if this indigenous inhabitant, this Nauruan, works as the chief radio operator, why should he receive less than a European who would do the same work? I do not think it is a difference in qualifications.

/Let us take

Let us take a number of other examples, for instance, teachers. Why do indigenous teachers get less than European teachers? If a teacher is qualified to teach, whether he be indigenous or European, he should be getting the same salary if he does the same work. I do not understand the difference. Is it the difference in the colour of the skin which explains it?

I would ask for an explanation of the situation. It may be clear to other members of the Council, but for me it is absolutely not clear.

The PRESIDENT (Interpretation from French): I should recall to the Council the fact that the question raised by the representative of the USSR has been discussed many times. It is not therefore a specific case for Nauru, but a case which arises in all Territories under Trusteeship at the present time.

The question has been raised many times, I recall by the representative of the Philippines, among others, why the same work should not have the same salary whether carried out by an indigenous inhabitant or a European. The reply was given by many representatives of Administering Authorities that the salary was different due to the fact that the foreigner is not in his own country and has an expatriation allowance in this case. Therefore his economic conditions are quite different from those of the indigenous inhabitant who lives in his own Territory.

In any country a supplementary salary or indemnity for expatriation is provided for. If this were not the case it is quite probable that a foreigner would never leave his family to go to a distant region. I would recall, in order to accelerate and facilitate our debate, these various precedents which have been applied and which apply also to Nauru.

Mr. SOLDATOV (Union of Soviet Socialist Republics) (Interpretation from Russian): I am very grateful for the efforts the President has made to explain the state of affairs, but I should like to say this.

Nauru is, I think, some thousand kilometres from Brisbane. A Chinese worker who has come from Hongkong has come much further than an Australian who has come there from Australia to work. Why should the Chinese worker receive less than an Australian worker, who has come  
/from Australia

from Australia, which is much nearer to Nauru than is Hongkong? Why does a Chinese worker get less than a European worker in Nauru?

An Australian comes from Australia, which is close to Nauru. A Chinese comes from Hongkong, which is much further, and yet he receives less. It says that in 1948 the average wage for Europeans was 29 Australian pounds, while a Chinese labourer got £A 6.10.0, yet he came a distance three and a half to four times greater than the European travelled to get to Nauru.

The President's explanation does not quite fit, here, so I would ask the special representative to explain the matter to us.

Mr. HALLIGAN (Special Representative): I cannot see that the distance a person comes to work in Nauru can have any bearing on this matter. It cannot be worked out proportionately or in any ratio to how far a person comes. To develop the consideration put forward by the President, it depends rather on the conditions of the country from which he comes and what rate of salary would induce him to take up employment in, for instance, Nauru.

The only other answer I could give to the questions earlier asked by the representative of the USSR is that the difference is not on account of the colour of the skin.

For instance, in the case of the radio operator, the radio operator is a Nauruan. He operates the key and gets a certain salary. And there is a radio operator who is a European. The European is in charge of the station and is responsible for all the operation of the station and for those under him, including the Nauruan operator. His responsibility is greater and therefore his rate of wages is greater.

Mr. SOLDATOV (Union of Soviet Socialist Republics)  
(Interpretation from Russian): In other words, there are two people who work at the radio station: the indigenous operator who does the work, and the European who is a supervisor. Since, as the special representative explains, the European bears the responsibility he is paid more for watching how the operator works, while the operator, who does the work, is paid less than the European who does not work, but who watches and who bears the responsibility.

Why do you not switch things around? Why do you not let the radio operator be the supervisor and let the supervisor be the operator, and then pay the indigenous inhabitant the same as the European has been paid, and pay the European the same as the indigenous inhabitant is now being paid?

/No, you will see.

No, you will see that you cannot do that, and that you cannot possibly justify in any way the discrimination which is being practised against the indigenous and Chinese workers in Nauru, who work on the phosphate deposit there. I do not think anybody can dream up any justification. There is no justification which can be advanced here. There is absolutely no justification for such discrimination.

Mr. LIU (China): I wished to ask a question about the number of districts in which the Nauruans are said to be living. The special representative spoke of fourteen districts over which these Nauruans are scattered.

I wonder if there is any differentiation between these fourteen districts in the way of housing accommodation, for instance, and is there any discrimination in assigning different Nauruans to different districts?

Mr. HALLIGAN (Special Representative): There are fourteen districts, and on page 93 of the report representatives will see a map on which the districts are indicated, and the population of each district shown.

The matter of living in a district is entirely up to the Nauruans. There is no selection of a district. A Nauruan either belongs to a certain district, or he does not. It is not a European assignment of districts: it is traditional with the Nauruans. The people of that district belong to that district, and there is no question of any discrimination as to which Nauruans should go into which district. The matter is entirely adopted and controlled by the Nauruans themselves.

Mr. LIU (China): Are the accommodations different in all these districts?

Mr. HALLIGAN (Special Representative): I take it that the question is: is the accommodation different? No. There were previously about 18 European type houses throughout the Island, scattered in the various districts. At the present time the houses we are building are of a similar type throughout all districts. The native type house would be almost identical, whatever district it was in.

Mr. LIU

Mr. LIU (China): Do they have complete freedom in choosing their own districts?

Mr. HALLIGAN (Special Representative): Yes, they come from a certain district, and it is traditional with them. Although it is small, the people from the Anibare district are of the Anibare district. Their ancestors were there, therefore they are of that district, and their land -- which is a thing very dear to them -- would be situated in that district, and that is where they would look to build a house, on that land which they own.

The Administration does not allot so many Nauruans to this district or another district. The Nauruans belong to certain districts, and that is all there is to it.

/Mr. RYCKMANS

Mr. RYCKMANS (Belgium) (Interpretation from French): I wish to make a remark concerning the questions raised by the representative of the Soviet Union.

He invokes the principle of equal pay for equal work, and sees racial discrimination in the fact that Europeans get a higher salary than do the indigenous population doing about the same work. That is not at all a question of racial discrimination. The normal salary which can be paid to a teacher, for instance, in Nauru is a salary which takes into account the normal conditions of living of the Nauruans. The Nauruans could not, with the resources at their disposal, pay a salary to the Nauruan teachers in any way equivalent to that which the Administration unfortunately has to pay to foreign teachers, because it cannot for the time being find enough Nauruan teachers capable of doing the work.

I think that there have been a certain number of American specialists in numerous European countries -- including, I believe, the Soviet Union -- and that these American specialists got much higher salaries than those of local employees.

I shall quote one example which cannot displease anyone because it is an example concerning the Belgians. I remember the first American who came to the Belgian Congo to drive a bulldozer; it was the first bulldozer we had had there and no one in the Belgian Congo could drive this bulldozer. The American -- a very nice chap -- drove the bulldozer around, and for that he was paid a salary equivalent to that of a Governor of a Province. We should have preferred to give this American a chauffeur's salary, but he would not have agreed to drive the bulldozer for that salary -- of course he would not under the sun of Leopoldville which is even worse than the New York sun. Therefore, we had to give him a governor's salary. This man trained auxiliary drivers among the indigenous population who then drove the bulldozer, for which they obtained a qualified mechanic's salary. The Council may be fully assured that we should never have given a governor's salary to any American simply because he was American in order to drive a bulldozer. As soon as the local population could drive a bulldozer, of course they did so with normal salaries for the area.

That is exactly what the Administrations in the Trust Territories propose to do and hope to arrive at in the interests of the population, <sup>which wants</sup> to have maximum service for the normal salaries and not to have to pay foreign specialists. Unfortunately, we sometimes /have to

have to resort to foreign specialists until we can get enough local specialists.

Mr. SOLDATOV (Union of Soviet Socialist Republics) (Interpretation from Russian): All the efforts of the representative of Belgium to try to explain this question seem to me merely to have complicated the issue.

The representative of Belgium takes the extraordinary case of a specialist being invited to do a special job. That is an exceptional case, and not what we are talking about now. We take the report of the Administering Authority and we see that in 1948 in the Trust Territory of Nauru there were 97 European wage-earners and 28 salary-workers. Further, there were 1,351 Chinese workers and 116 Nauruans. All of them do the same job; all of them are workers; no one is a particular specialist. The European worker gets 29 Australian pounds per month on the average; the Chinese worker gets £6.10/-; and the Nauruan gets £5.10/- per month. We are talking about ordinary workers doing the same job; we are not talking about any particular specialists. I ask, why should a Chinese worker who has come several thousand kilometres to the Island get less money than a worker coming from Australia? There is no justification for such a difference.

Now my second point: let us talk about specialists who may be working on the Island -- we may take the supervisor of the radio station. Since the time that this Territory has been administered by Australia -- I think some thirty years have passed since the beginning of the Australian Administration -- has it been impossible to train radio operators from among the indigenous inhabitants who could do this job? The representative of Belgium has taken the case of a specialist, the driver of a bulldozer. Was this specialist paid for thirty years in the Belgian territory? No, I am sure he was paid that salary for a month or two weeks after which he left the territory. And yet we find a similar situation which has existed for some thirty years in the Territory of Nauru. This is really a case of discrimination having nothing to do with the exceptional case of a specialist.

It is a question of discrimination, and therefore something which should be changed immediately as demanded and required by the Charter of the United Nations.

/The PRESIDENT

The PRESIDENT (Interpretation from French): If there are no other questions on social conditions in the Trust Territory, we shall pass to Educational Advancement, the last Chapter under which questions were addressed in writing to the special representative of the Island of Nauru.

Mr. SOLDATOV (Union of Soviet Socialist Republics) (Interpretation from Russian): I should like an explanation. I have a question about the tribal system. When may I ask that question?

The PRESIDENT (Interpretation from French): The representative of the Soviet Union may ask his question now, because we shall proceed to Educational Advancement after this.

Mr. SOLDATOV (Union of Soviet Socialist Republics) (Interpretation from Russian): I should like to ask the special representative if he is able to give us an explanation of the tribal system existing on Nauru. Could he tell us about the "temonibe"? I think these are the family clans. I should also like to know about the position of the "ameneyame", which I understand to be a sort of young offshoot of the family clans. Furthermore, are there any groups belonging to the "itsio" on the Territory, or, if they do not exist there now, by what group of the population were these "itsio" assimilated?

Mr. HALLIGAN (Special Representative): I am not in a position to give the explanation asked for, that is, a complete story of the tribal system of Nauru. It is given to some extent in the report, on pages 8 and 9, and if additional information is wanted, I shall arrange to have it included in a later report.

Mr. SOLDATOV (Union of Soviet Socialist Republics) (Interpretation from Russian): I want to thank the special representative for the information which will be supplied in the future.

/The PRESIDENT

The PRESIDENT (Interpretation from French): We now come to the chapter on "Educational Advancement." Are there any questions in respect to this chapter?

I see that members of the Trusteeship Council do not wish to put any complementary questions concerning the chapter, "Educational Advancement", as a certain number of written questions have already been sent in. I therefore consider that the Council has completed the examination of the report on the Island of Nauru.

Mr. SOLDATOV (Union of Soviet Socialist Republics)(Interpretation from Russian): I should like to know when it will be possible to make some general comments on the report as a whole.

The PRESIDENT (Interpretation from French): The representative of the USSR will have to make his comments now, because I hope we shall be able to finish this subject tonight, consistent with our agenda. If there are any other general remarks to be made, I should like members of the Council to do so now.

Mr. SOLDATOV (Union of Soviet Socialist Republics)(Interpretation from Russian): It seems to me that one of the main failings of the report which has been submitted by the Administering Authority on the Trust Territory of Nauru for the period 1947-1948 is the fact that the report does not contain the necessary information on a number of very important questions. The report does not sufficiently cover the question of how the Administering Authority is carrying out the requirements of the Charter regarding the basic aims of the Trusteeship System, that is, how the Administering Authority is promoting the "political, economic, social and educational advancement of the inhabitants of the Trust Territory and their progressive development towards self-government or independence."

Furthermore, the report does not contain information as to how the Administering Authority is carrying out the requirements of the Charter to the effect that it should encourage "respect for human rights and fundamental freedoms for all without distinction as to race, sex, language or religion." When I say that this information is not contained in the report, I mean that sufficient information is not contained in the report. Because of this fact, members of the Council have had to ask a great number of questions and, unfortunately, it must be noted that in his replies the special representative has not been able to clarify a certain number of very important questions.

/As a result

As a result of this, it is difficult to get a full picture of the political and economic situation of the indigenous inhabitants of the Trust Territory. It is necessary therefore to limit ourselves to partial comments inasmuch as these become possible on the basis of the insufficient material supplied by the Administering Authority.

One comment deals with the political situation in the Trust Territory. Up to the present time the population of the Trust Territory has not participated actively in the administration of their country. There does not exist in the Trust Territory legislative, executive and judicial bodies in which the indigenous population participates. The Government of Australia, up to the present time, has not carried out any legislative or other measures which would provide for the participation of the indigenous population in the legislative, executive and judicial bodies of the Trust Territory.

The Administering Authority, for a period of almost thirty years, has limited itself to general statements regarding the participation of the indigenous inhabitants in the administration of that Territory. As early as the annual report for 1923, the Administering Authority announced that, even with the best possibilities for education, there is nothing which would make it impossible to have all the important posts in the administration filled in due time by the local population.

In 1928, the report said something similar but less clearly. I shall read it in English so that there will be no difficulties. It is as follows:

"The greatest care is being taken in the training of these youths as it is the firm belief of the Administrator that, in a comparatively short time, with the development of the educational system and the cultivation and training of the mental power of the rising generation, practically the whole of the Nauruan service positions will be filled by Nauruans." (Annual report, 1927, page 16).

Furthermore, in the report for 1927 on page 44, it was noted:

"In its advantages over many countries, no national debt hinders its progress and a unique opportunity is available for modelling its development on lines consistent with the highest ideals of moral, social and material advancement."

/After these

After these words were written, twenty-two years passed and it should be noted that these words were nothing more than a promise on the part of the Administering Authority. From a political point of view, the indigenous inhabitants remain without rights to the present time.

Furthermore, conditions exist in the Trust Territory which remind us more of those conditions which exist in a concentration camp. Limitations on movement at night which were introduced twenty-seven years ago are still in effect and in force in the Territory. All the indigenous inhabitants and all the Chinese workers on the phosphate deposits actually live under prison regime. They can move about the island after sundown only if they hold a special pass.

This is evidence not only of the fact that the population does not have any rights but that the indigenous inhabitants are discriminated against and the Chinese workers also suffer from discrimination. It is quite obvious that there is no limitation on the freedom of movement of Europeans in this Trust Territory.

This fact alone is enough<sup>to</sup>/show that the Administering Authority is violating in a most rude manner the Charter of the United Nations, specifically Article 76 (c) which says that one of the basic objectives of the Trusteeship System is:

"to encourage respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion..."

/That is not all.

That is not all. The Administrator enjoys unlimited powers and does not take into consideration at all the wishes and desires of the indigenous inhabitants.

The armed attack which took place on 7 June 1948 is evidence of that fact -- the armed attack which was made by the police on the Chinese workers who, as a result of impossible conditions of work declared a strike and barricaded themselves in their settlement. The Administration did not take the necessary measures for a peaceful settlement of the dispute and to satisfy the requirements of the Chinese workers. Instead of that the Administrator sent armed police forces against the workers and under his orders they fired on the strikers.

The Australian Government, instead of punishing those guilty of the shooting of the innocent Chinese workers who had declared a strike, gave an order for the arrest and expulsion of a number of Chinese workers who had participated in the strike. Up to the present time, regardless of the fact that a year has passed since the merciless shooting of the Chinese workers, the Australian Government has not interested itself in a most severe and complete investigation of the situation under which the shooting of the striking workers took place, nor has it taken the necessary measures for the most serious disciplining and punishing of those who were guilty of this merciless act against the Chinese workers.

It is sufficient to see these facts in order to note that the Administering Authority has not done anything to promote the progressive development of the indigenous inhabitants towards self-government or independence.

The Trusteeship Council should demand from the Administering Authority an immediate investigation of the conditions under which the shooting of these striking Chinese workers took place and must ask for the severe punishment of those individuals who were guilty of these bloody acts against the Chinese workers who were striking.

The Trusteeship Council should call for the immediate revocation of the ordinance which prohibits Chinese workers and indigenous inhabitants from moving about the Territory at night. The Administering Authority should carry out the necessary legislative and other measures which would provide for the participation of the indigenous inhabitants in the legislative, executive

/ and judicial

and judicial organs of the Trust Territory.

I am not going to say anything now about the fact that the Administering Authority should, in every possible way, encourage the organization of trade unions and introduce the system of collective bargaining.

My second comment deals with the economic life of the island. The economic life of the island is completely subordinate to the interests of the avaricious exploitation of the phosphate deposits by the monopolistic British Phosphate Commission.

The information given in the report and in the replies of the special representative bears evidence to the fact that this monopoly receives tremendous profits from the exploitation of the phosphate deposits in Nauru.

The indigenous inhabitants have absolutely no influence on the affairs of this company. The Governments of the United Kingdom, Australia and New Zealand have imposed the most slavish and inhuman conditions under which the exploitation of these natural resources of the island takes place. The population of the island has no power whatsoever to carry on any negotiations with any other company which would give it more advantageous commercial conditions.

It is sufficient to look at the data given to us by the special representative in document T/347, page 18, to see this fact. For instance, during the negotiations regarding the conclusion of an agreement between this monopoly and the Council<sup>of</sup>/Chiefs, the Council of Chiefs asked, as a minimum demand, that twenty-two pence be paid for every ton of phosphate mined. But, utilizing its monopolistic position, the Commission decided to pay only thirteen pence per ton. Furthermore, the British Phosphate Commission does not pay any taxes on its profits to the Treasury of the island, while the Administering Authority promotes, in every possible way, the exploitation of the natural resources of the island by means of its legislative ordinances which place the indigenous inhabitants of the island in an extremely difficult economic position.

I have already noted the data which is contained in the report, on page 118, to the effect that the indigenous inhabitants of Nauru receive only sixty to seventy Australian pounds per year

/ for their labour.

for their labour. In order to show the impossible conditions under which the indigenous inhabitants live I will repeat the analysis which I made when I asked the special representative a question regarding that worker who receives sixty Australian pounds per year as his wages. If we say that a family consists of five individuals, this worker will have 140 shillings per year as an allowance for his dependants. Therefore a family of five people must live on sixty-seven Australian pounds a year. If from this sum we deduct the fifteen shillings which the family must pay as a capitation tax the family will be left with AL66./5/-; in other words 3/3<sup>1</sup>d per family per day, or 8d or 9d per individual per day.

Information has already been given to the effect that for this sum of 8d or 9d per day -- on the basis of the information contained in the report regarding the prices of commodities and consumers goods -- only one pound of carrots or half a pound of tomatoes or two eggs can be purchased.

No talk to the effect that the indigenous inhabitants feed on very simple food or statements to the effect that housing and clothing is not required by the indigenous inhabitants can possibly justify a situation whereby the indigenous inhabitants of a Trust Territory live in conditions of near-famine, without saying anything about the fact that they have no possibility of satisfying their most elementary needs.

This of course refers not only to unskilled workers or casual labourers as is said in the report; it refers also to workers who are classified here as skilled workers and who receive higher wages.

All this bears evidence to the fact that in the Trust Territory, the indigenous population -- without mentioning the Chinese workers of whom we made mention earlier -- to whom the island belongs, to whom the phosphate deposits belong, are forced to live in impossible conditions, in poverty-stricken conditions of semi-famine.

On the other hand the European workers receive about six times more than the indigenous workers or the Chinese workers.

All this bears evidence to the fact that the Administering

/ Authority

is carrying out a policy of discrimination against the indigenous population of the Trust Territory and against the Chinese workers.

The facts that I have advanced, it seems to me, are sufficient to reach the conclusion that the indigenous population of the Trust Territory should be involved in everything concerned with the development and mining of the phosphate deposits. They should be involved in the solution of all questions concerning wages which would make it possible for them to have normal conditions of life on the island.

/ All of this shows

All of this shows that the Administering Authority should most urgently change the administrative policy in effect regarding the wages paid to Europeans, indigenous workers and Chinese workers.

We could give a lot of other facts which would show that the Administering Authority is not carrying out the requirements of the Charter of the United Nations, obligations which are set forth for Administering Authorities in this Charter. Having at their disposal a small group of landholders from the indigenous population, the Administering Authority is not carrying out the necessary concern regarding the welfare of the basic mass of the indigenous inhabitants of the Territory. This can be seen by the fact that only 50% of the school age children attend primary school. This is on a tiny island with an extremely small population. <sup>Under</sup> conditions in which the Australo-British company received tremendous profits on the basis of the exploitation of natural resources the indigenous inhabitants do not even have the possibility of giving their children primary education without speaking of the fact that on the island there is no possibility for a secondary education. In this connexion the Trusteeship Council should recommend to the Administering Authority that it take urgent measures to increase the funds available for education and for other cultural requirements, for requirements of health as well as to suggest that the Administering Authority improve the conditions of education and health in the island.

Furthermore, it should be recommended to the Administering Authority that it carry out measures to substitute for the capitation tax a progressive income tax which would take into account the property qualifications and the ability of the population to pay, together with measures which would make it possible for the population of Nauru to participate in the executive, judicial and legislative organs of the island. The Administering Authority should take steps which would provide for a gradual changeover to a democratic system. The Administering Authority should also be asked to carry out without deviation the requirements of Article 76 of the Charter and the immediate cessation of any sort of discriminatory practices on the island.

These are the preliminary comments which the delegation of the USSR wishes to make on the annual report on Nauru which has been submitted for the year 1947-1948 by the Administering Authority.

/Mr. LAURENTIE

Mr. LAURENTIE (France) (Interpretation from French):

During this discussion I wonder whether what we should better respect should not be the sense of proportion. After all, we are discussing an island of about 5,000 acres with about 3,162 inhabitants, 1,448 of whom are indigenous to the island itself.

This is not only the question of a human problem. Of course this human problem is just as serious in Nauru as anywhere else. But it also means that if these problems do not have the same seriousness as some have wished to attribute to them, in this case we should moderate to some extent the flow of words and of documents which we have in this respect. Of course there may have been some exaggeration and criticism. There is, in any case, one thing which through the questions which have been raised or the expressions we have heard has never appeared and that is that at the present time Nauru is recovering from the damage it received during the war, which had a terrible effect on the island of Nauru and on its inhabitants who have decreased considerably in number. Under the circumstances I think that we should consider first of all the present situation.

This present situation may be analyzed under the following aspect: are the inhabitants of Nauru provided with the means to which they have a right after the stress of war? To this question I would definitely reply: "Yes." The Australian Government has made every effort to ensure to the population of Nauru the means which it requires in this period of post-war recovery.

Besides this, the criticisms which have been levelled are not all without purpose. I think that it is sufficient to bring into these criticisms a certain sense of proportion. I am referring to the discussion on the question of films which took place here a short while ago. The Australian Government is perhaps wrong in distinguishing between two parts of the population in respect of cinematographic films. Personally I would take the liberty of advising the Australian Government to apply the same, equally severe, censorship to any films intended for any part of the population; since it is a question of moral precepts, it is quite obvious that such a censorship is not blameworthy in itself. There should be nothing against the same picture being shown to the two different elements of the population.

But these are very secondary facts to my mind in respect to the present economic situation of the island in the present difficult /period.

period. This also seems to me to be of little importance when we consider the substance of the question of the island of Nauru itself. I think the substance of the matter was very well dealt with by the representative of the Philippines the other day when he dealt at length with the problem of what would occur when the wealth in phosphates of the island were exhausted. It appears to me that this is, in actual fact, the real problem and that in order to solve this it appears that there cannot be several methods to follow; there is only one and that is that we should give to the inhabitants of the island at the present time -- begin to give them right now -- in order that they may benefit therefrom at a later stage, personal means which would be such that they would be economically in a position not only to survive but also to improve their situation either on the island or elsewhere. In other words, that they be given gradually such an education or such economic means that when the day comes when the phosphates are exhausted they would be in a position to earn their living honourably and more than honourably on the island or elsewhere.

In other words, it would be appropriate to align the administrative, economic and financial means, which are at our disposal at the present time and in the year <sup>to come</sup>, to the very future of the island since that future is to disappear as a specific economic source of wealth. If the Australian Administration starts from this basis -- and everything seems to point to the fact that that is their concern right now, -- I think there is no doubt that within the given time -- although, of course, it is a fairly long time still -- the inhabitants of Nauru who will number approximately 3,500 at that time will actually be in a position to play their personal and individual parts in the world. I say the "inhabitants of the island of Nauru" because I am referring specifically to Nauruans, not that I do not consider that it be appropriate also to consider the problems raised by immigrants but the problems raised by the question of immigrants are specific problems; they are different problems which we must not confuse in any case with the problems raised in respect of the actual population of the island of Nauru.

/The Trusteeship

The Trusteeship agreement when it speaks of "the population of the Territory" refers obviously to the <sup>native</sup> population of the Territory, that is, the Nauruans themselves. On the other hand, problems concerning immigrants will be dealt with <sup>as</sup> technical, labour or social problems separately, and I do not think I have to dwell at length on this point. Just one point struck me particularly, and that is that this population which has been imported seems to have been brought in without their families and this seems to me a fact which may have rather serious and painful consequences, especially the incident which was recalled the other day. It might be advisable to seek some solution to this phenomenon which appears to be a regrettable one.

But I wish to repeat once again that it is essentially the Nauruan population itself which should be the concern of the Trusteeship Council, and in this respect there is a present-day problem, which seems to me to be solved in satisfactory conditions, and a future problem to which it would be appropriate to draw the attention of the Government and the Administration of Australia.

I think that with these reservations we can admit that the Australian Government <sup>is</sup> deserves to be encouraged by the Trusteeship Council and it <sup>is</sup> with this encouragement that I will conclude my speech.

Mr. SAYRE (United States of America): Before commenting on the substance of the annual report on Nauru, I should like to emphasize the difficulties which I think all of us have encountered in studying the report because of the failure to receive sufficient copies on time. I have previously alluded to the difficulties which the members of the Trusteeship Council have if they fail to receive copies of the report on time; it means we simply cannot give to these reports the study which they deserve. I am told that during the fourth session only twenty copies of the Nauru report were submitted to the Secretary-General, thus making possible only the most limited distribution, with only one copy going to each member of the Council. With only one copy available, my delegation -- and I am sure delegations of other members -- have found it impossible to study such a report with the care that we would like. I believe that two printed copies of the report were received by my Government only the day before the fifth session convened -- too late of course to be of any very practicable help to us in our study.

/In this connexion

In this connexion I should like once again to call the attention of the Council and particularly of the representatives of the Administering Authorities to rule 73 of our Council rules of procedure providing that the Administering Authority "shall furnish to the Secretary-General four hundred copies of each report for a Trust Territory." Members of the Council will also remember the preceding rule, 72, which provides for the distribution of annual reports six weeks before a regular session at which the reports are to be considered. Unless the Administering Authorities fulfil their obligations as thus clearly set out in these rules, the work of the Council cannot proceed satisfactorily.

It seems to me that the importance of the machinery which has been provided under the rules must be stressed and I need not add that if these reports are not digested and studied with the care which they deserve -- and that means time -- it will be the people of the Trust Territories and consequently the Administering Authorities themselves which will feel the hurt.

So far as the substance of the report is concerned, I believe that this report on Nauru -- the first report on this Territory which has been submitted to the Council -- is commendable in both form and substance. The report shows that a great deal of care has been taken in its compilation and I wish to express the hope that future reports on Nauru will also be prepared with the same care and thoroughness. While we may not all agree on specific details involved, I am confident that apart from one or two of us we all share the general conclusion that the Administering Authority has conscientiously endeavoured to direct the affairs of the Territory in the best interests of the Nauruans.

I have been particularly impressed with the rehabilitation of the island since the end of the war in 1945. The war and the devastation caused by it left great physical and material problems in Nauru and I would like to associate myself with what the representative of France has said in that regard.

I was particularly interested in reading the report which told of the mistreatment of the Nauruans during the period of the Japanese occupation. That surely must be kept in mind as a basic consideration during all our discussions on the administration during the year under review. The Australian Government has been under the pressure of great difficulties and great problems in trying to rehabilitate a  
/devastated island.

devastated island.

In view of the almost complete literacy of the Nauruans as well as the small size of the island and the small size of the population which the representative of France has also emphasized -- and I think it is important that we bear that in mind and keep a sense of

proportion -- I believe that we can all look forward with confidence to a rapid increase in the participation by the Nauruans in their own administration.

Of particular interest of course is the statement which was made on page 6 of document T/347 in this connexion, that "Consideration is at present being given to proposals for the Nauruans to be given a greater share in administrative responsibility." This is a matter which I am sure is of keen interest to the Council and I look forward with great interest to the passages in the coming report from the Australian Government as to the development of the Nauruans along this line.

/It is quite clear

It is quite clear, both in the report and in the answers which the special representative has given to us, that the complex and very difficult and fascinating problem of the ultimate fate of the people of Nauru when all the phosphates have been mined is a matter of very great concern, not only to the Administering Authority, but also to the Trusteeship Council. I wonder whether the Administering Authority will not want to dig further into this problem before the Trusteeship Council comments on the problem. It is a problem which still will run, I believe, some seventy years; it is not urgent in one sense; and yet, on the other hand, all of us are interested -- as my colleague from France has said and as my colleague from the Philippines brought out several days ago -- that here is a problem which must be met, which cannot be ignored, and to which, I feel confident, the Australian Government will want to give serious study and I hope will keep the Trusteeship Council informed, as time goes on, with the results of that study.

So far as social development is concerned, I feel that the Administering Authority is making notable progress. The Nauru Co-operative Society appears to be a promising organization through which the Nauruans are participating in their own economic life. I hope that the Administering Authority will next year provide more detailed information about the membership of the Society and its general influence on the community, and how it is developing and progressing.

I should like to call the attention of the Administering Authority to the fact that the present report, which we now have under consideration, does not contain statistics about industrial accidents and cases of illness due to occupational disease. I am sure that next year the Australian Government will want to include some statistics along these lines in its report.

I have also been particularly interested in the educational programme in Nauru, and have been gratified to note that the percentage of illiteracy, as I have remarked before, is very small. Nauru has six district primary schools, and education is compulsory for all children between the ages of six and sixteen. With such a very small population, I should imagine that it would be possible to put into effect a very interesting educational programme, because the costs do not run into such astronomical figures as they do in other Trust Territories where the population is much larger. I should think that problem of education is one which the Australian Government would want

/to tackle

to tackle with great eagerness and with great hope. The statement on page 35 of document T/347, in answer to question 2 on that page also betrays the fact that "a review of the education system is now in progress and it is expected that schools for secondary technical education will be restored within the coming year." That again opens up a field of great possibilities.

I repeat as I began that it seems to me that the Australian Government is doing an earnest work, that it has very interesting possibilities in the Island of Nauru; there are problems there different from those of any other Trust Territory: the population is so small and the income so handsome that most interesting results might be achieved. I feel that I can speak for the Trusteeship Council in expressing the hope that in these coming years we can look to the Island of Nauru as one of the really interesting and hopeful Trust Territories under our supervision.

Mr. HOOD (Australia): I would like to thank the Council on behalf of the Administering Authority for the very careful consideration which it has given to this first report on the Territory of Nauru. I wish also to express appreciation for the moderation and sense of proportion shown in the great majority of the comments on the report in general and on particular aspects of the report. That is, of course, no more than one would expect from the Council as a whole. I am sorry that I cannot include in that appreciation the member of the Council who spoke first in the general discussion.

The representative of the United States mentioned a point which I had already felt it my duty to mention myself to the Council at the right time and that is the delay in the submission to the Council of a sufficient number of copies of the report. That delay I recognize and can only say that for any inconvenience that was caused to members of the Council, my Government is sorry.

It is a fact, of course, that copies were submitted in accordance with the rules of the Council in January of this year -- in a quite early part of the fourth session. But it is also true to say that there may well have not been a sufficient number of copies to enable the proper study of the report to be made. However, that is a matter which certainly can be rectified in the future, and will be.

The report -- if I may make a very few general remarks at this stage -- in a sense is not a complete report, but it is incomplete

/only because

only because it is the first report of the resumed administration of the Territory following a period of enemy occupation, during which considerable damage was done to the permanent installations of the island and to the living facilities of its people. The report, therefore, could not be expected to have provided, for the year with which it deals, a story of completed accomplishment in that respect. But it does, I think, indicate that the Administration is fully aware of the questions which still have to be faced and of the necessity of providing as rapidly as possible all the means which will enable the native population to sustain the standard of living and to achieve the developing processes to which they are entitled under the Trusteeship agreement.

/The representative

The representative of the USSR complained that the report was incomplete in another sense. He said that on many important points the report did not provide the information which would enable the proper judgment to be given.

I should like to reject that suggestion, and I do not think it is one that would be shared by other members of the Council. Not only is the report itself a full and frank reply to the questions, which are the standard form of questions for any Trust Territory, but it has of course been supplemented by a very exhaustive series of questions, both written and oral. I do not think it is reasonable to complain that the Administering Authority has withheld any data necessary for the Council to form its conclusions, except where the information is inevitably not here at Lake Success.

It is also necessary for me to refer to one or two other points in the observations of the representative of the USSR. The question of the riot of June 1948 was referred to at some length on the opening day of the discussion on this report, and I had thought that the facts, as we were in possession of them -- and they were reasonably exhaustive -- had all been put before the Council, and that the Council could have had a clear picture of exactly what happened.

It is therefore regrettable that at this stage any attempt should be made to distort in a serious fashion what actually happened. The representative of the USSR spoke of a rising by the Chinese against impossible conditions of work. One might have thought that no attention had been paid by the representative of the USSR to the explanations, which were very carefully given by the special representative, of the facts in the background of that incident of June last year.

Furthermore, the action taken by the Administration at that time was one which was rendered necessary by the existence of a state of emergency and riot, and was an action such as would have been taken in similar circumstances in any territory, anywhere in the world, which was subject to provisions of good order and proper government. It is entirely wrong, therefore, to suggest that the actions of the Administration had anything to do with race or other grounds of distinction. It was action taken in accordance with the necessities of the proper government and good order of the Territory.

/Furthermore, on the

Furthermore, on the same point, it was most carefully outlined to the Council that following this incident the Administering Authority established both a judicial process and a process of special investigation by a representative of the Administering Government. I heard nothing from the representative of the USSR which indicated to me that either of those two statements had made any impression on his own opinion. That is a point on which the Administering Authority is entitled to have the record of the Council quite clear.

I should also like to refer very briefly to the discussion which took place earlier this afternoon regarding the differential rates of pay in the Territory, between Europeans, Chinese and Nauruans. It is a matter of opinion, admittedly, whether 60, 80 or 40 pounds a year is enough for the proper requirements of one element of the population of Nauru. Nonetheless, no evidence of any kind was produced which suggested that the Nauruan population was in receipt of wages, or of payments in the nature of wages, which were not adequate for its needs or which were such as to lead to any reasonable complaint on its part. No such complaint is known to the Administering Authority and no evidence of any such complaint was offered to the Council.

The outstanding fact, of course, is not so much that such-and-such a figure is the prevailing average wage payment for the individual Nauruan, as that here in this Territory -- it may perhaps be the only Territory in the Pacific, I do not know -- but here at least in this Territory all the employable/indigenous population is in receipt of money wages.

As the representative of the United States has just pointed out, that is a fact which as the years go on will prove to be of more and more significance, and of more and more potential advantage to the indigenous population of Nauru, if the opportunities are rightly used, and I hope they will be.

Finally, I take note with appreciation of the comments which the representative of France, followed by the representative of the United States, made. The question of the ultimate disposal of the indigenous population of Nauru was mentioned in the report. We thought it provident to have it mentioned in this first report, and the Administering Authority will gladly follow the suggestion of the representative of the United States and keep the Council informed of the development of its planning on this question. Reciprocally, the Administering Authority will be

/happy at any

happy at any time to receive suggestions from members of the Council on this difficult matter.

In conclusion I thank again the members of the Council for the consideration which has been given to the examination of this report and to the special representative.

Mr. INGLES (Philippines): Reference has already been made to the observation made by the Administering Authority as far back as 1927 to the effect that the Nauruans have a singular capacity for acquiring knowledge and foretelling that within a short time it would be possible for them to occupy all the posts in the Administration.

/The high degree of literacy

The high degree of literacy of the inhabitants has already been referred to as a result of the compulsory education of all people between the ages of 6 and 16 years, and it is repeated in the annual report for 1948 that it would be difficult to find another race which has developed so quickly.

Let us take the participation of the inhabitants in the Administration. In the case of the Council of Chiefs, for example, two Chiefs have participated in a mixed advisory council since the inception of the Mandate. This Council became a full Council of Chiefs in 1927, and has served as an advisory body to the Administrator for twenty years. Moreover, the Chiefs in their individual capacities are responsible for peace and order in their respective communities, and in addition exercise judicial functions.

Then there is the Head Chief who has a treble personality: first, as the chief spokesman of his people in their dealings with the Government; second, as a Native Affairs Officer in the Administration; and third, as a judicial officer.

In the limited number of Administration posts made available to the indigenous population, they have fully demonstrated their capacity. In the financial field, the Council has intervened in negotiations with the British Phosphate Commissioners and the Administration in the revision of royalties. Their grasp of financial matters is also demonstrated by their successful operation of a co-operative store. And yet, considering all this, the Administration says that the stage has not yet been reached where the natives may be regarded as capable of participating in a full legislative organ for the Territory. It has also been stated that it has not so far been deemed appropriate that the Council should be vested with legislative or budgetary control.

Against such a vivid background of the demonstrated capacity of the local population, we are confronted with the inadequacy of any real participation in the Administration, especially in legislative and budgetary matters. Unless the indigenous population is actually given participation in legislative and budgetary matters, they cannot be expected to gain the necessary experience in self-government, and the question of whether or not they are capable of self-government will remain purely theoretical until they are given a share in the Administration, particularly in legislative and budgetary matters.

/In the view

In the view of my delegation, the Council should note that all the powers of government are vested exclusively in the Administrator; that all key positions in the Administration continue to be held by Europeans; that the Nauruans have no voice in administrative or financial policy; and that their Council of Chiefs enjoys no real powers.

The Council should note further that the organic law of the Territory is an agreement made in 1919 and supplemented in 1923 between the three Governments concerned. It is based exclusively on the Mandate which is dominated by considerations of the organization of the phosphate industry, and which merely vests full powers of government in an Administrator.

The Council should note that this instrument contains no reference to the new status of the Territory as a Trust Territory, and provides no specific means for the political advancement of the inhabitants and no safeguards for their civil and other rights.

In all these circumstances, it is believed that the Council should recommend:

1. That urgent and immediate measures to afford the inhabitants a large measure of self-government consistent with their acknowledged high degree of literacy, their knowledge and use of electoral processes, their experience in budgetary matters through phosphate negotiations and the operation of a successful co-operative society, and the absence in a small community of any complex administrative problems;

2. That the first such measure be the reconstitution of the Council of Chiefs as an organ of self-government with progressively increasing legislative and budgetary powers, elected at specific intervals on the basis of universal suffrage;

3. That the present administrative structure be reorganized so that certain legislative functions may be transferred immediately, and others progressively, to the direct control of the new Nauruan organ;

4. That the administration of the Territorial budget, the Nauruan Royalty Trust Fund, the Landowners Investment Fund and the long-term Community Investment Fund, together with all future royalty negotiations, be made subject to the approval of an amendment by this new organ of government;

5. That adequate measures be taken to improve educational methods and provide accelerated experience to appoint Nauruans to all posts in the Administration.

6. That the 1919-1923 agreement be replaced by an adequate organic Act which should define the constitution and powers of the new Nauruan organ of government, set forth the fundamental human and other rights of the inhabitants, and which should incorporate such changes in the economic provisions as are recommended by the Trusteeship Council.

With respect to economic advancement, my delegation believes that the Trusteeship Council should note that the three Governments jointly administering the Territory enjoy a monopoly of the production and consumption of the only large-scale natural resources of the Territory, and that therefore the Council should express a reservation as to the compatibility of this arrangement with the economic equality provisions of the Charter, in the event that any other Member of the United Nations might in the future claim equal access to these resources.

/On the question

On the question of whether the Territory and its inhabitants are receiving an adequate share of the proceeds from the phosphate exploitation, the Council might state that, pending examination of the accounts of the British Phosphate Commissioners and other statistics not at present available to it, it is not at present in a position to express a final opinion.

Nevertheless, the Council is entitled at this stage to make the following observations and conclusions in this respect:

1. The Council should note that the repayment of interest and capital on the original purchase price of the phosphate industry has constituted a large drain on the revenues of the industry. The Council should request the Administering Authority to consider, in view of the incalculable benefits which Australia and New Zealand have derived through the use of phosphates in agricultural production, whether the debt/<sup>which</sup> is still outstanding should now be written off and the annual payment set aside instead for the future economic development of the Territory.

2. The Council should note that certain parts of the royalty payment are being set aside for long-term investment on behalf of the landowners in one case, and the community in the other case, and that these funds are being invested in Australian Government bonds. The Council should ask whether these funds should not be invested, either wholly or in part, in the phosphate industry itself or in the development of a diversified economy for the Territory.

3. The Council should note that, from the information available, it appears that the largest portion of the phosphate royalty, the payment to the actual landowners, is by no means evenly distributed among the inhabitants. It should note that the special representative has stated that the Nauruans themselves prefer that the landowners should receive the largest payment, but that this statement is not borne out by the royalty proposals of the chiefs who, in 1947, asked for a total of 11½d. per ton for the community and 11d. for the landowners. The Council should take the view that, because of the unique importance of the phosphates in the Territory, it would be desirable that the deposits might be considered for all purposes as belonging to the community as a whole, and that the payments should be distributed evenly among all the inhabitants.

/4. The Council

4. The Council should note that, although the value of the phosphates exported from Nauru has increased by some 200% since 1940, the royalty payment has increased by only slightly more than 50%. The Council should express the view that until fuller information can be obtained from the accounts of the British Phosphate Commissioners it is not satisfied that the inhabitants have received an increase commensurate with the changes in the economic situation.

In the matter of public finances, the Council should take note of the fact that the cost of the administration of the Territory is financed out of the phosphate industry for which purpose a sum <sup>9</sup>/<sub>6d.</sub> per ton is allocated and that no grants have ever been made by the Administering Authority. The Council should question whether this arrangement is an adequate one and should note with concern that the cost of Nauruan education and the salaries of Nauruan officials are charged not against the territorial budget but against the Nauruan royalty trust fund.

The Council should request the Administering Authority to devote this fund, as it appears to have been intended, to benefits for the Nauruans over and above the normal public services of the Territory and to ensure that these services are paid for out of the budget proper. The Council might propose that the budget be increased for this purpose by a higher payment from the phosphate industry or by means of grants by the Administering Authority.

With respect to the social field, suffice it for my delegation to request that this Council recommend to the Administering Authority the review of the discriminatory legislation and practices with a view to the abolition of racial discrimination in the Territory.

The recommendation that immediate study be made of plans for the laying down of a sound economic foundation for the inhabitants of the Territory when the phosphate industry shall have been exhausted has already been referred to by other representatives.

There is one thing that, in the opinion of my delegation, this Council should take note of and that is that, until the inhabitants had brought their grievances to a head by petitioning the United Nations, the Administering Authority in particular allowed the housing and school building needs to take second place to those of the phosphate industry and its immigrant employees.

In these circumstances it is believed that this Council should recommend to the Administering Authority to extend the highest priority to all measures to advance at a much more rapid rate than in  
/the past

the past the political, economic, social and educational development of the inhabitants and insist that if there is any conflict between the needs of the inhabitants and the expansion requirements of the phosphate industry in such matters as material, equipment and labour, the needs of the inhabitants must take precedence.

The Administering Authority which has never, in the past, made any financial grant to the Territory, should be prepared to make such grants now to the extent that the needs of the inhabitants require such financial aid.

The Council should not forget that, although by purely internal arrangement the Government of Australia is entrusted with the Administration of the Trust Territory, the Governments of the United Kingdom and New Zealand are also accountable to the United Nations under the terms of the Trusteeship Agreement and, therefore, the Council should call upon these Governments actively to assist the Government of Australia in carrying out the recommendations of the Council.

Mr. LIU (China): So far as the Chinese delegation is concerned, we are aware that a certain amount of progress has been achieved by the Administering Authority in the administration of the Island of Nauru. We are also aware of the difficulties faced by the Administering Authority since taking charge of the administration, especially the difficulties referred to by the French representative arising out of the last war.

But we must realize that it is thirty years since the Administering Authority was entrusted with the administration of the Territory. After reading carefully the report submitted by the Administering Authority and after the period of questioning, we cannot escape the conclusion that the work which has been done, admirable as it is, by the Administering Authority has left not a little to be desired.

The incident of 7 June 1948, to which reference has been made on more than one occasion, is certainly a blot on the record of the Administration. If the Administering Authority is not going to take such action as will remove all the causes of discontent and disharmony, I entertain serious doubts that similar incidents will not recur.

/Since the incident

Since the incident has involved the lives and interests of a number of my countrymen, the Chinese Government naturally has a keen interest in the matter. For the sake of justice and of the peace and harmony of the Territory the Chinese delegation requests the Council to recommend to the Administering Authority that the enquiry which is now being conducted into the circumstances of the incident should be continued with all earnestness, and that the Council should insist that the result of the investigation should be transmitted to it as soon as possible and that it should be studied carefully by the Council with a view to seeing whether justice has been done and whether all those responsible for the incident have been duly dealt with. Those who were responsible for the excessive use of force should receive disciplinary punishment.

In order to bring about peace and harmony in the Territory there are certain things which should be done to improve the treatment both of the indigenous population and the Chinese workers on the island. After all, the indigenous population has contributed its land and its phosphate deposits for the support of the Administration, and the Chinese workers are there to help the Administration work out the deposits which are essential for its support.

Therefore humane treatment should be meted out to all these people and such things as conditions of work, including hours of work, rest periods and wages, should be adjusted so that all the people on the island, irrespective of colour or race, may be treated on the same basis.

The question of racial discrimination has been touched on more than once and it is essential that certain ordinances and laws which contain discriminatory provisions should be rapidly revised in order to bring them into accord with the provisions of the Charter and the terms of the Trusteeship agreement concerning human rights and fundamental freedoms.

I refer especially -- I must re-emphasize this -- to the discriminatory provisions contained in the Native Movement Ordinance which has been referred to during the discussion, and also to the Chinese and Native Labour Ordinance. I have in mind particularly the agreements which Chinese workers have had to sign with the British Phosphate Commissioners. It has been pointed out that in these agreements provisions of a discriminatory nature have been found.

I request the Council to recommend to the Administering Authority the speedy revision of all laws and ordinances which contain / provisions of a

provisions of a discriminatory nature inconsistent with the spirit and letter of the Charter and with the terms of the Trusteeship agreement, and also <sup>that</sup> all anachronisms and inconsistencies such as are found in the agreements mentioned above should be done away with.

I shall not go into the points which other delegations have mentioned, as the time is getting late. I simply wish to re-emphasize the attitude of my delegation on these points and to ask the Council to give its attention to them.

Sir Carl BERENDSEN (New Zealand): As the representative of China has pointed out, the hour is getting late and I will undertake not to detain the Council. Indeed I should not have spoken at all had it not been for the remarks of the representative of the Philippines who spoke, I agree, moderately and sensibly but left, it seems to me, some implication which really must be answered.

I speak here on behalf of New Zealand which has, as has been pointed out, a residual responsibility for this area.

Nobody suggests -- our Australian friends would be the last to suggest -- that everything is perfect in this area. I do not know any area, including the countries which are represented around this table, in which things are perfect or in which our friend from the Soviet Union would not get the same enjoyment as he got to-day in pointing out what is wrong. What a wonderful opportunity this table does give to the representative of the Soviet Union.

Of course there are things wrong in every place, and here he has the right to catechize the representatives and to say whatever he likes to say and hope that it will all be published -- and it certainly will be published somewhere. He is an old friend of mine -- an old friend indeed -- and I like him very much. He has got to say these things and we must just let him say them and realize why he says them.

I was amazed at the discussion about the films -- I am just playing a little bit here, I will not be long -- that there should not be any censorship of films. There is censorship of films in this great country and all the people in the world are not as sophisticated as the residents of Fifth Avenue or as Mr. Soldatov. I seem to remember a great fuss being made in this country about a film in which Jane

/ Russell

Russell took part. And I seem to remember exception being taken to the posters, which were nothing more than a very delightful photograph of Jane Russell. If exception is to be taken to these things on Broadway surely a greater exception can be taken to showing them to people who are unsophisticated. I can imagine serious objection being taken to these "bang-bang" sort of films, "stick-them-up" sort of things. I have seen them shown on these islands and I have seen the immediate results; "stick-them-up" all over the island.

Obviously those responsible have their duty, which they must carry out. And the duty for undeveloped peoples -- and if they were not undeveloped peoples they would not be under tutelage -- is a sterner duty than that of the people in this country who seem to me to make fuss enough about censorship and qualities of films which they regard as objectionable.

Really I asked for the time of the Council to mention this matter of phosphates. I am very tender on such matters as this, and I rather imagined I gathered in the otherwise quite reasonable observations made by the representative of the Philippines -- with many of which I fully agree -- that there was some suggestion of impropriety on the part of the three governments which admittedly control the phosphates on Nauru.

/ I want to say this

I want to say this, and I want to have it recorded, I do not want <sup>to provoke</sup> any further argument and I shall stop in five minutes. I want to say that we regard ourselves as having completely unassailable legal and moral rights to whatever we have done. We have nothing to apologize for at all. What are those legal rights? They are perfectly plain. Article 80 of the Charter says:

"Except as may be agreed upon in individual trusteeship agreements...and until such agreements have been concluded" -- they have been concluded and there is nothing to the contrary in those agreements -- "nothing in this Chapter" -- in the whole Chapter, nothing and "nothing" means not anything, not any word -- "nothing in this Chapter shall be construed in or of itself to alter in any manner the rights whatsoever" -- I would like to know what the difference between the "rights" and the "rights whatsoever" are but that is legal jargon and everybody knows my opinion of the drafting of these documents under which we work -- "nothing...shall be construed in or of itself to alter in any manner the rights whatsoever of any states or any peoples or the terms of existing international instruments..."

The instrument under which we acquired the phosphates was in existence. It is an existing international agreement; we had existing rights and that clause makes it perfectly plain that those rights are not and were never intended to be interfered with.

But if that were not enough when we read Article 76 (d) -- and I will yield to no one in my support of the principles contained in Article 76 (d) -- we see that one of the basic principles in the trusteeship system is:

"to ensure equal treatment in social, economic, and commercial matters for all Members of the United Nations and their nationals, and also equal treatment for the latter in the administration of justice, without prejudice to the attainment of the foregoing objectives and -- ad maiorem cauteliam: for greater clarity and safety -- "subject to the provisions of Article 80."

We are reminded again of Article 80 which is an overriding provision.

Those are the legal rights. What are the moral rights? -- I would like more time, I am going to cut myself very short, I merely want to place the position on record. What are the moral rights?

/We do not utilize

We do not utilize those phosphates at the expense of the Nauruans. We do not utilize them as administrators qua administrators in respect of administration. Why do we operate these phosphates? For the simple reason that we bought them. We bought them; they are our property and I see nothing unusual in people holding a monopoly of property that they bought. We bought that property; we bought it from the Pacific Phosphate Company which, in turn, bought it, I think, from a German company. I do not know what the terms were that the German company made with the Nauruans, who were the original owners of that property, but I am prepared to hazard a guess that they were not particularly generous about it. But that property was the property of the German company; it was bought for a consideration by the Pacific Phosphate Company. It was <sup>then</sup> bought by our three Governments for the sum of three <sup>and a half</sup> million pounds, that is, something like fifteen million dollars. We bought those phosphates and I am prepared to make the case, and I would make the case were it not for the hour, that on the whole, though there are pros and cons as there are in everything on this earth, it was greatly to the advantage of the Nauruans that we did buy those phosphates.

Now it may well be that the Nauruans are not getting a fair proportion of the proceeds of the phosphates. I have not the faintest idea at all but I am convinced of this: first of all, that we are morally, completely entitled to do what we have done; secondly, that we are legally completely entitled to do what we have done; and, thirdly, that if in decency, in justice and in generosity to the Nauruans we should do more, we will do it.

Mr. BURNS (United Kingdom): Following on the remarks made by my Australian colleague, I also had hoped that it would be unnecessary for me to say anything in this debate. I now merely wish to associate myself entirely with what has been said by the representative of New Zealand. I agree entirely with the statement he has made and I endorse all that he has said regarding the position of the three Governments in this matter.

Chair Mr. KHALIDY (Iraq): I had thought that since the time is up the/would, perhaps, list me for tomorrow?

/The PRESIDENT

The PRESIDENT (Interpretation from French): I had hoped that we might finish this tonight because, according to the agenda, tomorrow we should start the examination of the report on New Guinea. Therefore, if the representative of Iraq has a remark to make and it would not be too lengthy it would be better for him to make it now. Then we could close the discussion on the report on Nauru. We have nothing more to do afterwards and we would pass to New Guinea.

Mr. KHALIDY (Iraq): I have some remarks to make and they are not very short. I doubt if they could be given now. Perhaps the Chair could list me for tomorrow. Frankly I am not quite prepared now; the document is being typed.

The PRESIDENT (Interpretation from French): In this case we will have to finish this discussion tomorrow but I hope that we will not have to devote too much time tomorrow to a question which we have been discussing for three days. I had hoped that we might finish tonight.

Sir Carl BERENDSEN (New Zealand): <sup>Acting</sup> /on the schedule which we had prepared and approved and which we have kept with meticulous carefulness so far, I had arranged to go to Washington tomorrow. I do not wish to go to Washington while this debate is in being and I would most earnestly request my colleagues, and particularly my colleague from Iraq, to dispose of the debate tonight as was understood and intended by all of us.

The PRESIDENT (Interpretation from French): In that case the last speaker is the representative of Iraq unless any other representative wishes to speak again. Does anybody else wish to speak on this?

Mr. PADILLA NERVO (Mexico): I would also prefer that we would be able to make some observations tomorrow. I do believe that even if two or three more members who have not been able to express their opinions on the report should do so tomorrow it will not interfere with the other matter we have on our agenda. Otherwise I do not think that we could finish now before seven o'clock. In view of what the representative of Iraq just said and also taking into consideration

/that perhaps

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that perhaps some of the observations made by the representative of New Zealand might be commented upon, perhaps we shall not be able to finish in the next fifteen or twenty minutes as has been suggested.

For those reasons I would prefer that we go on with this question of general observations tomorrow if that is the opinion of the Council and of the Chair.

The PRESIDENT (Interpretation from French): In this case, as we still have two speakers and both of them -- the representative of Iraq and the representative of Mexico -- would like to be able to speak only tomorrow, I shall have to defer the discussion until tomorrow.

I am very sorry if the representative of New Zealand cannot attend but I do not see any other solution. Under the circumstances the meeting is adjourned until tomorrow at 2:15 p.m.

The meeting rose at 5:39 p.m.