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TRUSTEESHIP COUNCIL

Fifth Session

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

Lake Success, New York
Wednesday, 29 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.174 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 tenth meeting of the fifth session of the Trusteeship Council.

EXAMINATION OF ANNUAL REPORTS

NAURU, YEAR ENDED 30 JUNE 1938 (T/233, T/347)

(Discussion Continued)

The PRESIDENT (Interpretation from French): We shall finish the discussion of the report on the Island of Nauru.

Yesterday there were two speakers on my list, the representative of Iraq and the representative of Mexico.

Mr. KHALIDY (Iraq): The examination of annual reports is always a stimulating occasion to me. It offers an opportunity not only of reviewing the achievements of the Administering Authority, but also of ~~xxx~~ taking stock of our actions and, perhaps at times, even of our philosophy of the Trusteeship principle. This is certainly a healthy sign. We should be a stagnant and useless body if we did not move and change in the light of acquired experience in our efforts to help the Trust Territories.

I have noticed that the oral questioning is still taking a somewhat longish time. This is surprising in view of the wise system of presenting written questions beforehand.

/But the reason

But the reason is obvious. The special representative's answers in the case of Nauru were in some cases unsatisfactory, and in some cases vague, so that further elucidation had to be solicited. And even when that had been done, the special representative left much to be desired. At times, after three or four attempts to draw from the special representative a satisfactory answer to one single question, a delegate frankly confessed himself to be still unenlightened.

This situation is rather unfortunate; and if I may presume to give advice both to the Administering Authority and to the Council, I may say that it is a situation which ought to be avoided. I had occasion to say in this Council last year that mutual confidence can go a long way in facilitating our work and in achieving happy results. I said that if the Council knew where it stood it could be more understanding.

This view has not changed; it has now been strengthened. We are all human; we all have achievements and we all have shortcomings. Indeed, it is the privilege of an achiever to have shortcomings. The task of an Administering Authority is not easy by any means. One can sit here and criticize, but to go out on a tropical island and do the spadework, working your way up the ladder from scratch, facing all sorts of difficulties, is quite a different thing -- an entirely different thing. I, for one, have an understanding of such difficulties, and I would not, in wisdom and fairness, allow myself unreasonable criticism. Who would be able to say with complete satisfaction to his conscience, that things would be better if we were roaming in the realm of imagination, or had merely the desire to make destructive criticisms?

Moreover, I can see no purpose served in not being practical. What can be done, and what cannot be done? This is the cardinal question. Before we ask: "To be or not to be?", we must ask: "Can it be, or can it not be?" But for that, the Council would be reduced to the stature and usefulness of a secondary school debating society -- and without spiritual guidance at that.

If I tell the special representative that I will proffer constructive criticism, that I will be practical, that I understand his difficulties and do not know whether I could have done better had I been in his place -- if I tell him all that, I expect him to be unstinted and forthright in his answers, generous in his attitude. If the special representative of Australia did in fact have that spirit, then his information was incomplete,

/because

because it was insufficient. I hope this shortcoming will be made good in the future.

To turn now to certain points which may be mentioned: the Council may care to express some concern at the slowness of political advancement in a territory where there are no great administrative or budgetary problems, where almost everybody is literate in English, and where the inhabitants have obviously proved themselves intelligent and capable of discussing serious matters.

It is evident that the phosphates are the life and soul of the Nauruan population -- so much so, that in the process the life and soul of the indigenous population have been somewhat overlooked. As a matter of fact, no one can be sure, reading the report and listening to the answers, that they have a soul. If they do, it has not been looked after. But first, of life itself. . .

I felt an appreciable concern in this Council about the economic future of the Territory. At present, the inhabitants depend entirely on the phosphate industry. They have even neglected, with the tacit consent of the Administering Authority, other occupations such as copra production and commercial fishing, in which they once took part. However, the phosphate deposits are estimated to last only seventy years. After that, it appears at present that there will be nothing left for the inhabitants except their royalty investment funds.

The Council should take the view that even though this situation may not occur for another seventy years, there is an urgent need to take some concrete measures now to decide what the fate of the Nauruans is going to be, and to start training them and preparing them for some new economy which their children may inherit, so that all they have gained in the past may not be lost.

The Council might further consider that the present system of flat taxation, which hits hardest the Nauruans themselves, is completely anachronistic and not in the interests of the inhabitants. It would not appear difficult to introduce a more modern system of taxation graduated according to individual earnings.

When discussing the social section of the report, I felt somewhat unhappy about the limitation of movements of the natives, not perhaps in the same way as usually argued, as I will have occasion to explain presently. We were told that prudence dictated that measure. After some discourse about moral values, males and females, and the dangerous age, we gathered that no matter what, this was the situation in fact. It was here that my friend Mr. Ryckmans stepped /in to the rescue

in to the rescue, telling us that in Samoa girls were locked in in the evenings because bachelors roamed the streets. Poor girls! Poor bachelors! I concede this to be a reason, although I did regret the implied reflection on the bachelors. Surely, when it comes to that, there is not much difference between bachelors and married men. What a pity we have no statistics!

But this is not the question. The question is: when are the Nauruans going to learn the requirements of an ordered society? When are they going to learn that for the privilege of roaming the streets in the evenings, not to say of remaining bachelors, they must have the responsibility of orderly conduct in a civilized society? There will have to be a time when they will have to learn that and to start practising it. This, to my mind, is the crux of the problem. The Administering Authority ought to find ways and means for implementing this education.

It is difficult to believe that the Council will be satisfied with the explanation that has been given as to the delay in providing proper housing and new schools for the Nauruans, while on the other hand, employees of the phosphate industry have been quickly and permanently housed.

The Council should be concerned at any indication that unreasonable economic interests of Europeans should influence the availability of building materials, which would otherwise go to help the Nauruans who have given all to the war effort and sacrificed much.

The Administering Authority should be called upon to give precedence to the building of an adequate number of houses, schools, hospitals and so forth for the Nauruans. The Council might note that the present rate of housing is still rather slow -- two houses a week. At this rate it will take more than two years to construct the proposed 250 houses. It should recommend that the programme be accelerated.

Furthermore, the Council should be concerned to note that instead of providing these houses free, as a means of compensating the Nauruans for their losses in the war, it is proposed to charge a rental of twelve pounds a year. The Council should recommend that the Administering Authority consider making these houses available free of charge to the Nauruans if possible.

The Council should note the fact that although education is compulsory, only 389 out of 696 school age children were attending school in 1948. The Administering Authority should be asked to

/concentrate

concentrate greater efforts on the school building programme.

Furthermore, no secondary schools at all have yet been re-established. Nothing should be allowed to delay the restoration of these schools, and it is to be hoped that higher education in general will be extended in order to qualify the Nauruans to manage their own affairs.

It may be pointed out in this connexion that the Council will not have to be asked to consider shortage of money as an excuse for delay in providing educational facilities. Up to the present, the Nauruans have paid for their education out of their own money -- namely, the funds accruing to them from phosphate royalties. The Council might propose that in future the Administering Authority provide educational funds out of the Territorial budget proper, if necessary by making grants.

/Mr. PADILLA NERVO

Mr. PADILLA NERVO (Mexico): The greater part of the observations which the Mexican delegation wanted to make has already been made. I have ^{listened} to the interventions made by the representatives and have read very carefully the verbatim records of our last meetings. I have found myself in accord especially with the great majority of the observations and conclusions expressed by the representative of the Philippines. Therefore, my remarks will be brief at this time.

In general, although the report presented by the Administering Authority is to be commended in many respects, I also find that it could be improved in many other respects and that supplementary information could be given to the Trusteeship Council in reports for future years.

The Mexican delegation observes that the present structure of the Administration and the relations of the Nauruan Council of Chiefs to the Administrator are not satisfactory and do not, in our opinion, perform the essential functions provided for in the Charter and the Trusteeship agreement, of being of substantial help to the indigenous inhabitants in their political development toward self-government or independence.

The Trusteeship Council should be concerned with the fact that so far no substantial changes have been introduced in the functions and powers of the Council of Chiefs since the Council was established many years ago. The Trusteeship Council should recommend to the Administering Authority that immediate steps should be taken in order that the Council of Chiefs should be given full participation in the framing of decisions regarding general administrative problems, including the budget and the expenditure of administration funds and the resources of the Nauruan royalty trust fund.

The Mexican delegation feels that the present organization of the judicial system in the Territory of Nauru does not provide for the existence of judicial authorities independent from the Administration and does not assure the indigenous inhabitants of the exercise of the judicial function by magistrates outside the control of the Administrator.

We have noticed in the answers given by the special representative to the oral and written questions put to him that, although the Administering Authority does not have the power to remove the Head of the Council of Chiefs from office and the Head Chief has that

/function practical

function practically for life, nevertheless the same person is the Superintendent of Native Affairs and has that administrative function. Furthermore, he is magistrate in the district court, is on salary from the Administration and the Administration can remove this chief from his position as magistrate in the district court.

This is what I understood from the answers given by the special representative and I feel that it does not undoubtedly ensure a completely impartial attitude on the part of this chief as magistrate in court if he is subject to removal from his position as magistrate. This judicial function could be best served if it were a separate organization of justice.

The Mexican delegation therefore feels that the Trusteeship Council should recommend to the Administering Authority a review of the present judicial organization in order ^{that} a separate judicial authority may be established as soon as possible.

We further hope that, in the next annual report, the Administering Authority will provide the Trusteeship Council with full information on the measures taken to change the present relationship between the Council of Chiefs and the Administrator and the structure of the present judicial system.

With respect to economic advancement, the Mexican delegation notes that the leases for exploitation of the phosphate deposits held by the British Phosphate Commissioners and the Governments of the United Kingdom, Australia and New Zealand do not give them title to the full property of the land containing the phosphate deposits of Nauru. The conditions for purchase are fixed periodically through negotiations between the British Phosphate Commissioners and the Nauruans.

Therefore, it must be noted that the present participation of the indigenous inhabitants in the profits of the exploitation of the phosphates is not proportionate to the immense damage caused to the economy by the progressive extraction of the phosphate deposits of Nauru.

These damages are twofold: not only will the exploitation of the phosphates and their extraction leave the land of very little use to the Nauruans but ^{it} will also have damaged the Nauruans to the extent that they have been diverted almost completely to a particular kind of work, that of the phosphate industry.

/The Trusteeship

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The Trusteeship Council has heard that all the Nauruans able to work have been employed in this industry. The Nauruans available did not supply enough workers and great numbers of Chinese were brought to the Territory to work in the phosphate industry -- a number almost as large as that of the Nauruans.

/I notice from

I notice from the report that the ^{Nauruan} population is about 1,500 and the Chinese that have been brought to the Territory number about 1,307.

My delegation has noted that in spite of the recent increase in the royalty rates they bear to-day a lower ratio to the total costs, namely 1 to 37, than they did in the years immediately preceding the last war, when the ratio was around 1 to 21. This means that the British Phosphate Commissioners, with the agreement of the Administering Authority, are giving proportionately less to the indigenous inhabitants of Nauru than they were giving before the war.

I also note that the income from phosphate royalties is not equally shared by all elements of the population, as a very small group receives a very large amount of the royalties paid on account of the Land Owners Trust Fund.

The Nauruan population as a whole -- not a few Chiefs who are probably also land-owners -- should be consulted on the existing arrangements in order that the total amount of royalties paid should be distributed on a fair basis among the whole population. In this connexion my delegation notes that the Council of Chiefs has suggested, in the recent negotiations regarding the new rates of royalties, that more than half of the total royalties paid should be reserved for the general benefit of the Nauruans, while the final agreement approved by the Administrator adopted exactly the opposite principle, that is to reserve more than 60% of the total royalties for the land-owners.

I hope that in the next annual report the Administering Authority will include the information requested by the various delegations in their supplementary written questions in document T/347.

My delegation observes that during 1939, about one-third of the general expenditure was estimated to be used directly for the benefit of the Nauruans. In 1941, the last normal year before the war, that proportion was still more than one-fourth of the general expenditure. However, during 1947-1948 less ^{than} one-sixth was used for the benefit of the Nauruans.

It is observed that at the same time it was found necessary to use large sums of the Nauruan Trust Fund for services solely for the benefit of the Nauruans. It is also noted that it was found possible to reduce the proportion of the general fund voted for the benefit of the Nauruans while at the same time there was such a large increase / in the use

in the use of the Nauruan Royalty Trust Fund for public services of direct interest to the indigenous inhabitants.

I think that the Council will observe here an apparent contradiction and should ask the Administering Authority to give a full explanation in the next annual report.

My delegation has noted that the salaries of the Head Chief, District Chiefs and constables are charged to the Nauruan Royalty Trust Fund and that all the expenses of native education and the various welfare services for the benefit of the Nauruans are paid out of this Fund.

I think that the Council should recommend to the Administering Authority that those expenses should be charged to the general funds of the Administration as they are definitely part of the normal responsibilities of the Administering Authority.

The Council should recommend that the Nauruan Royalty Trust Fund be used only for services over and above the normal public services which the Administering Authority is bound to provide according to the Trusteeship agreement.

I have also noted that the tax system provides for no different rate of taxation for land-owners and indigenous inhabitants who do not own phosphate land. It seems important that a new system of taxation should be established in Nauru, which will take as a basis the ability of individuals to pay.

I have also seen from the annual report that Nauruan indigenous labour is being absorbed to an increasing extent in the activities of the British Phosphate Commission and I feel that this trend, together with the disappearance of the skilled fishermen which the Nauruans used to be, indicates an increase in the difficulties which will confront the Administration when the phosphate deposits now being mined are exhausted.

In respect of social advancement it is observed that the Chinese Labour Ordinance contains many provisions for penal sanctions for breaches of labor contract which are, in the opinion of my delegation, contradictory to the provision of the International Labour Organization convention known as "Penal Sanctions" in the Indigenous Workers Convention of 1939.

The Trusteeship Council should recommend to the Administering Authority the abolition of all practices which are inconsistent with

/ the recommendations

the recommendations of the International Labour Organization.

I have also noted various cases of racial discrimination and I believe that the Council should recommend the repeal of regulations and practices of such a discriminatory character. I have listened with attention to the explanations given by the special representative in respect to the fact that Nauruans and Chinese labourers are paid wages much lower than those paid to European workers.

/ I assume that

I assume that if all those workers are classified within the same category it is a discriminatory ^{practice} / to give for the same work less salary to the native and Chinese workers. An observation in that respect was made by the special representative in his answers to the questions presented by the members of this Council to the effect that in fixing those wages attention has been given to the general standard needs of these workers. We never have felt that this should be a criterion for the fixation of wages, especially when that criterion is not the same in respect to the European and native workers.

Workers who have been always subjected to a very low standard of living and who cannot have had possibilities of improving substantially that standard should be encouraged to better that standard, to acquire new indispensable needs and also the means to satisfy those needs. If the actual situation of the indigenous inhabitants is taken as a measure for the wages that they will earn, they could never emerge from that difficult situation.

I would also like the Administering Authority to give us statistics in respect to the number of major disabilities, injuries and deaths occurring among the Chinese workers as a result of their work. We would like also to know in the next report the number of Chinese workers that have been repatriated in accordance with the contract for the mechanics who are mentioned somewhere in the annual report.

My delegation would also appreciate it if the Administering Authority could inform us in the next annual report of the type of contract, similar to the one that is included in this report, made with the workers who are not Chinese.

In respect to educational advancement the Mexican delegation observes that so far the Nauruans have not been given an opportunity for higher training so as to have access to key positions in the Administration. We believe that the Trusteeship Council should recommend to the Administering Authority the immediate establishment of training facilities where the Nauruans can acquire the necessary qualifications to fill key administrative and supervisory positions in the Government of Nauru.

We believe that in this concrete case of the Territory of Nauru the Administering Authority has perhaps greater opportunities to show what can be done with the population in compliance with the principles of the Charter and the clauses of the Trusteeship agreement

/than in other

than in other Territories. They have a very small Territory but with a very dense population though small in numbers. I believe that perhaps 400 or 500 families amount to the total of the indigenous population and that is all that the Administration is concerned with. They have -- I think it was stated in the report -- a native population of intelligence, with remarkable literacy, an orderly people. The Administration, due also to the fact that, perhaps in proportion to the attention ^{given} the Territory, they derive from the resources of that Territory a very considerable amount of money, would be able to develop at much greater speed the educational facilities, the training of the population in self-government and the installation of an adequate system of sanitation and health.

I repeat that we believe the Administration has every possible material -- human and otherwise -- to make in that Territory a model establishment of the institutions that are provided for in the objectives of the Charter and the Trusteeship agreement.

/I would like

I would like to end this observation by making some reference to the actual contradiction which really exists between the provisions of Article 76 and article 10 of the 1919 Agreement concerning the mining of the phosphate deposits.

As I have stated before, we have great doubts and reservations as to the invocation in this particular case and the interpretation given by the Administering Authority to Article 80 of the Charter. We have doubts as to whether the source of those rights, which came by purchase originally from Germany of the concession to exploit the phosphates in the island, is something more than just that -- a concession -- which in no way gives any kind of ownership of the land; and that concession should be exercised mainly taking into consideration the rights of the original owners of the land -- the Nauruans.

We also have doubts as to whether that purchase can be considered an "international instrument" within the meaning of article 8. In the actual situation, the agreement between the three states concerned -- regardless of the time when it was made -- appears now to be in fact an agreement of the Administering Authority with itself.

I also want to state my doubts whether -- although Article 76(d) of the Charter provides for equal treatment in social, economic and commercial matters for all members of the United Nations and their nationals subject to the provisions of Article 80 -- Article 80 is operative in view of its wording.

I was acquainted with the discussion that took place during the framing of this Article in San Francisco and with the different interpretations and amendments submitted in this respect and I am of the opinion that that Article had the effect of stating that the Charter should not be interpreted as changing the rights of any states or people except as may be agreed upon in individual Trusteeship agreements and until such agreements have been concluded. I do not know what the interpretation of the Administering Authority of the words of Article 80 "...until such agreements have been concluded" and "Except as may be agreed upon in individual trusteeship agreements..." is in this respect. After the individual Trusteeship agreements are made the articles of such agreements ought to prevail.

/In the Trusteeship

In the Trusteeship agreement of Nauru article 3 says: "The Administering Authority/undertakes to administer the Territory in accordance with the provisions of the Charter and in such a manner as to achieve in the Territory the basic objectives of the International Trusteeship System, which are set forth in Article 76 of the Charter..."

Nothing is specified in the agreement in respect of the non-operation of certain parts of Article 76 (d) which states the objectives of the Trusteeship system.

I believe that this is a matter that could be debated and be subject to opposing opinions. Nevertheless, for the reasons I have stated, I believe that the Administering Authority is morally and legally obligated to comply with every one of the objectives and paragraphs of Article 76.

/This might be

This might be at this stage just a theoretical question. I mentioned it because it was discussed here and because of the interpretation given by the representative of the Administering Authority in respect to the monopoly of the phosphates. No particular claim is made by any state. The question perhaps does not arise except for the manner in which it has been commented on here.

I want to conclude by expressing the thanks of my delegation to the special representative for his interest and liberal way of answering all the questions that my delegation made both in writing and orally.

Mr. INGLES (Philippines): For the record, I feel it desirable on my part to refer to certain remarks made yesterday by the representative of New Zealand, for whom I have always had the highest esteem.

It will be recalled that a suggestion I myself had made with respect to the monopoly in the phosphate industry enjoyed by the Governments of the United Kingdom, Australia and New Zealand led the representative of New Zealand to defend those Governments against what he considered to be an implied criticism of this monopoly.

To avoid further misunderstanding, I wish to emphasize that I did not say that the Council should take any particular stand on this monopoly question, either for or against it. I simply suggested that the Council should reserve its position; that is to say, it should not at this stage express any final opinion one way or the other. My suggestion is on record that "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 State of the United Nations may in the future claim equal access to these resources."

I think that statement was sufficiently clear, and I hope it is perfectly clear today. I do not know whether the Council wishes at this stage to attempt to settle this question of compatibility with the Charter. The distinguished representative of Mexico has already suggested that the Council debate the matter.

However, since the representative of New Zealand has placed on record certain very positive statements on the matter, I should like to refer to some of those statements in a factual manner, without necessarily attempting to argue the question.

The present monopoly arrangement was defended by the representative of New Zealand on both legal and moral grounds. He said that the

/three Governments

three Governments had an exclusive right to the phosphates because it was simply a matter of the right to operate property which they had bought from a private company. To use his own words, "We bought them (that is, the phosphate deposits); they are our property."

On this point I should like to draw the attention of the Council to the fact that the annual report makes it quite clear that the British Phosphate Commissioners do not own the phosphate lands, and these, of course, are lands which consist entirely of phosphates. On page 30 of the annual report it is stated with absolute clarity that "all land on the island with the exception of a few freeholds is held by Nauruan owners." It is stated in the next paragraph that "the Lands Ordinance 1921-1939...makes it illegal for any sale, lease, contract or agreement ...to be concluded unless the consent of the Administrator has been first obtained."

This seems to me to make it doubly clear that the British Phosphate Commissioners had no absolute right to the phosphate lands. Furthermore, we are all familiar with the arrangements under which the phosphates are being mined. The Phosphate Commissioners had to lease every acre there was, at a rental of £45 an acre. In other words, they cannot just enter into the land and work out the deposits without individual agreements with the owners, and they have to make a payment to the Nauruan owners for every pound of phosphate extracted. As I have said, this land contains nothing of value except phosphates; the land is the phosphates, but it is owned by the Nauruans, and not by the three Governments.

Secondly, the representative of New Zealand defended the monopoly in the terms of Article 80 of the Charter. Without arguing this point further -- in view of the very lucid arguments already adduced by the distinguished representative of Mexico -- I wish to say only that I find it difficult to believe that it was the intention of the Charter to provide a way of escape, in the most complete sense which confronts us here, from the fundamental, important economic equality provisions of Article 76 (d) of the Charter.

This is a monopoly arrangement; it is completely within the orbit of the Administering Authority; it is an arrangement between the three Governments, who jointly comprise the Administering Authority, to divide the phosphates among themselves. They have no obligations, under this arrangement, to any other state, whether Members or non-members of the United Nations.

/I find it difficult

I find it difficult, therefore, to believe that such an arrangement can be said to override a fundamental Charter principle that is in direct conflict with this.

I have already referred, on another occasion, to Article 103 of the Charter, which provides that:

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

So much, however, for the legal argument.

The representative of New Zealand defended the monopoly on moral grounds and suggested that it had operated in the best interests of the inhabitants. I can only leave it to the Council, in the "Observations and Recommendations" which it will make, to indicate whether, under the present form of exploitation, the inhabitants have made all the progress that is desired in their political, economic, social and educational development.

/Another moral point

Another moral point to be taken into account is the origin of the monopoly. From what I know of German colonial methods -- and I stand ready to be corrected -- the purchase by the German company of the exclusive concession to work the phosphate deposits might have been just another name for confiscation.

From the moral standpoint, when the three Administering Powers acquired the phosphate concessions they merely stepped into the shoes of the German company, and their title suffers from all the original defects to which the title of the German company was subject. It may be considered some sort of moral atonement on their part that they now pay a very much higher royalty than the German company ever obligated itself to pay to the indigenous inhabitants, owners of the phosphate lands.

In conclusion, I wish to express my gratification that my remarks yesterday provoked some comments from the representatives of New Zealand and the United Kingdom. I only wish that we might have had more success in drawing the representatives of the Administering Powers generally into our discussions of conditions in all Trust Territories.

It has been a matter of great disappointment to my delegation, from the point of view of the working of the Trusteeship Council and the International Trusteeship System, to observe that these representatives as a whole take so little part, either through questions or through comments, in the examination of Territories other than their own. There have been exceptions, it is true, but I cannot help looking forward to the time when these exceptions will become the general rule.

Finally, my delegation wishes to express its appreciation to the special representative and the regular representative of the Administering Authority for their patience and for the manner in which they have replied to our questions.

Mr. HOOD (Australia): If any other member of the Council wishes to speak, I am quite ready to wait.

I have listened very carefully to the further observations which have been made on the report on Nauru since yesterday, including those of the representatives of Iraq, Mexico and the Philippines. Taking those remarks into account, and considering also the opinions which were

/expressed yesterday

expressed yesterday, I think it is fair to say that, by and large, the record which the report sets out in the document before the Council stands unimpaired.

Naturally, members of the Council have had occasion to point to particular aspects of the Administration which, in their opinion, required comment of one kind or another. But it is, I think, important to note -- as this is the first report on this Territory to come before the Council -- that the main constituents of the Administration have not drawn from the Council, so far as I recollect, any general adverse opinions. In all matters on which informed and reasonable comments have been offered, the Administering Authority will of course take proper note of the observations of the Council, which will be recorded at the appropriate time and in the appropriate fashion. That goes without saying.

Nonetheless, I think it is desirable, having regard to the procedures which were followed at the last session of the Council in the preparation of these reports, that the Administering Authority concerned should be regarded as having the right to make corrections, in detail at least, of matters of fact, the form of which, as they may be presented by members of the Council, may ultimately form the basis of the Council's own conclusions.

It is naturally not possible to take up in the course of the discussion every question of fact which arises. That would prolong this stage of the discussion beyond necessity. But I think that it is necessary and desirable that that general reservation in favour of the Administering Authority should be admitted by the Council.

With the President's permission, I should like, however, to refer to one or two specific questions which were just now alluded to by the representative of Iraq, especially as, in one case, the same misapprehension of the figures in question was shown yesterday by the representative of the USSR. He yesterday made some feature of the fact, as he said, that primary education in the Territory was restricted to under or about 50% of the children. The representative of Iraq returned to the same point today in connexion with another aspect.

That is a case in point of the kind I have in mind, and how easy the rectification is can be seen from reference to page 61 of the annual report, Appendix I. There it is shown that the total number of children in Nauru as of June last year was 696, and that the net attendance at schools and primary schools was 389. But the total of 696 includes children

/aged 1 to 6

aged 1 to 6, of pre-school age. The exact number of that age group is not known, but one might assume that it would be roughly half. When the figures are properly analyzed, this means that there is a school attendance of not far short of 100%, if it is not 100%.

Furthermore, the representative of Iraq spoke in rather a general way of the duty of the Administration to provide what he called an "adequate number" of schools, hospitals and other public institutions. It is, of course, entirely within his competence to make that observation. But it leaves the Administering Authority in a somewhat unfair position, because unless the representative specified what would be an adequate number of schools, hospitals, and so on, the remark can obviously carry no practical weight with the Administration.

The Administration would contend, for example, that the number of primary schools at any rate is adequate. As the report states, there is a primary school in approximately every district -- at least in all the main districts. Secondary schools are another question. Secondary education on the Island has not yet been resumed after the interruption caused by the war, but it is of course the intention of the Administering Authority to secure such restoration at the earliest practicable time.

In the same way, as regards hospitals, I do not recall that any member of the Council had any remarks to make, certainly none of a critical nature, regarding the health services on the Island. Is it said that there should be 6 or 8 hospitals instead of 3 or 4? If so, the reasons ought to be specified. I do not think it is reasonable to try to stipulate that the number should be adequate, without specifying in what way it is at present inadequate.

/One other matter

One other matter which has caused a good deal of cross-talk around the Council table is that of the ordinance restricting ^{the} movement of Nauruans and Chinese during certain hours. There is nothing more for me to add to what has already been said concerning that, and the members of the Trusteeship Council can, of course, determine in their own minds what is likely to be the most reasonable and practical way for the Council to regard this. However, I think it should be said that before any final conclusion is reached on this particular matter -- which, although not of the utmost importance has caused a good deal of discussion -- at least those members of the Trusteeship Council who will next year have the opportunity of visiting the area in the Pacific should see for themselves the conditions in the island which, in the opinion of the Administering Authority, necessitate measures of this kind. It may be that such an acquaintance with conditions on the spot would give reason for some revision of some of the opinions which we have heard in the last day or two in this particular respect.

That leads me to return to a point which, I think, was first made by the representative of France. I wish to do so very carefully because any misunderstanding on this matter would be unfortunate.

The Trusteeship Agreement in respect of Nauru specifies the obligations of the Administering Authority in relation to the indigenous inhabitants of the Territory. There are, in the Territory, almost an equal number of temporary residents who are not indigenous inhabitants. That circumstance presents the Administering Authority with certain problems which are quite peculiar, I imagine, to Nauru. I do not wish to dispute that the Administering Authority has a ^{weighty} responsibility towards the residents in the Island of Nauru. That is a matter which I do not in any way wish to evade. But if one examines the specified obligations of the Administering Authority, it could be said that at least a primary responsibility is due the indigenous inhabitants. Fortunately, the contingency that those two sets of responsibilities might conflict in a serious way is not a likely one in Nauru. In the main field of administration, in the main field of general conditions of living and welfare in the island, there is no clash, no conflict of interests or claims between these two sections of the population.

At the same time, it is the duty of the Administering Authority to make sure that such a conflict does not occur. It may be that the reason so few suggestions have been made of any difficulties of that kind -- during the discussion of the report -- is due to the fact that certain precautions

/have been

have been practiced by the Administering Authority and the local administrator over a period of years, with the result that the discharge of the double responsibility in respect of the people of the island has been, I would maintain, in the main, successfully accomplished.

In that respect, it is relevant, I think, to recall to the members of the Trusteeship Council that while the native Nauruans live in Nauru and contemplate spending all their lives in Nauru, the Chinese employees of the British Phosphate Commissioners would have an average period of residence in Nauru of not more than two years. Therefore it is incumbent on the Administering Authority to make certain differentiations, in practice, in the day-to-day conduct of the administration, between these two sections of the population. I repeat -- in order to avoid any misunderstanding--that that is not a derogation, in any sense, from the acknowledged responsibility of the Administering Authority towards all the inhabitants of Nauru, whether temporary or otherwise.

Some comments were made yesterday and again today regarding the phosphate agreement, as to the validity of its title, legally and -- as the term has been used -- morally, and regarding especially the compatibility of the 1919 Agreement between the three Governments with the provisions of the Charter and the Trusteeship Agreement.

I have every reason to pay the greatest respect to the views of the representative of Mexico when it comes to the question of an interpretation of the Charter. I followed his arguments -- which were also pursued by the representative of the Philippines this afternoon -- with great attention and interest. I can do no more for the Administering Authority than to repeat that it is our opinion -- as we stated initially -- that the Agreement is not incompatible with the provisions of the Charter or the Trusteeship Agreement because Article 76 (d) is to be read, of course, in conjunction with Article 80, and the existence of this 1919 Agreement -- apart from having been a fact for more than twenty years -- was known and recognized at the time of the formulation and approval of the Trusteeship Agreement.

Again, with all respect to the representative of Mexico, I would read the provisions of Article 80 in a different sense from his as concerns the phrase "until such agreements have been concluded."

I know this is not a new matter of argument. If I remember rightly, it came up on more than one occasion before the Fourth Committee at the Paris session of the General Assembly; and, as the representative of Mexico very reasonably and moderately stated, the interpretation of Article 80 -- and perhaps of Article 103 which was referred to by the representative of the Philippines -- is quite possibly a matter for at least theoretical argument. But I doubt very much whether the Trusteeship Council is the place for such an argument, and I think the representative of Mexico would agree with that, especially as he claims to point out -- as the representative of the Philippines also pointed out -- that the matter is, from the point of view of the province of the Council, not one of practical moment. There is in fact, so far as anyone knows, no claim, whether potential or otherwise, on the part of any other Member State of the United Nations to participate in the operation of the phosphate deposits of Nauru. If there were, then it would indeed be a matter for conclusion and recommendation by the Trusteeship Council in accordance with the Council's view of the provisions of the relevant Articles of the Charter. But, until such a contingency arises, I think the right attitude to take is, while giving every possibility for expressions of individual opinion in the Council, for the Council as a whole not to attempt to pronounce itself on this question.

I had one further point in this connexion, which I think comes under the heading of a correction of fact. Although here again it may be a question of interpretation, and I do not wish to be dogmatic about it, I understood the representative of the Philippines to say that neither the Pacific Phosphate Company nor, consequently, the British Phosphate Commissioners, had or have any title to the physical constituents of the phosphate deposits. He mentioned land certainly, and I think he included in that the deposits themselves. But article 6 of the Agreement refers quite clearly to the title to the phosphate deposits, so at least there is no ambiguity in the Agreement itself as to what is comprehended in the title of the British Phosphate Commissioners.

The title is to the phosphate deposits. It is a somewhat academic point, perhaps, to attempt to distinguish between the phosphate deposits and at least part of the land area of the Island, because when the deposits are worked out, the land -- except for a large hole in the ground -- disappears. I mention that point merely to correct, from the point of view of the Administering Authority at

/all events,

at all events, any impression that the validity of the title of the British Phosphate Commissioners to the actual deposits on the Island is in doubt. It is indeed clearly specified in the Agreement.

I had intended to refer to one other point of a general nature, and I wish to do so without any feeling of heat. I was somewhat perplexed by the references of the representative of Iraq, at the beginning of his observations this afternoon, to what he termed the unsatisfactory nature of the replies which he said the Council had received from the special representative of the Administering Authority. I think he used the term to imply a lack of frankness, a degree of evasion, or something of that kind.

I was frankly puzzled about the reasons for his animadversion in that respect. I do not think there are any reasons which would commend themselves to the Council as a whole. But I was even more surprised -- and this is why I mention the question -- at the apparent implication that the sole purpose of the presence of a special representative in the Council is to hold himself open to interrogation by the Council, and then to be held up for comment of a critical kind if it happens that the answers given are not, in the opinion of some members of the Council, satisfactory. As I conceive it, that is not the intention of the provision in the rules of procedure of the Council which enables the Administering Authority "to designate and to have present in the Council a special representative who should be well informed on the territory involved", and who has the right to "participate without vote in the examination and discussion of a report, except in a discussion directed to specific conclusions concerning it."

All that, in my opinion, adds up to this -- and I think there is a certain point of principle involved which is the only reason why I raised this question as it might otherwise pass by inadvertance -- the whole point involved, I take it, is that the special representative of any Administering Authority is not merely an automatic object for questioning on the part of the Council. He is here primarily to be of assistance to the representative of the Administering Authority, and his function is a wider one -- if he chooses to exercise his right -- than that of ^{providing} a mere target for questions. May I say quickly though that I have not the slightest objection -- nor has the special representative -- to the questions which have been addressed to him, by far the greatest majority of which have been most fair, reasonable and helpful. That is the attitude which, in his turn, the special representative has tried
/to adopt

to adopt and to follow here in the Council.

The PRESIDENT (Interpretation from French): The representative of the Soviet Union has asked for the floor, but I thought the list of speakers was closed. That was why I called upon the representative of Australia, who had the right to answer the comments as a whole which had been made. The representative of the Soviet Union should have asked for the floor before the representative of Australia. I am sorry, but I asked yesterday for those speakers who wished for the floor.

/Mr. SOLDATOV

Mr. SOLDATOV (Union of Soviet Socialist Republics)(Interpretation from Russian): I am not taking part in the general discussion. I am only asking for clarification.

In his last statement the representative of Australia tried, to a certain extent, ^{to} challenge some facts which had been quoted in remarks by members of the Trusteeship Council on the unsatisfactory state of education in the Trust Territory. He said that the representative of the USSR quoted inexact data on the facts.

I should like to give an explanation with reference to that. The representative of Australia said that on Nauru the majority of children of school age were going to school and that the figure of 696 children includes children of pre-school age. I based my statements only on information submitted by the Administering Authority. I shall read question 1 and the answer given on page 35 of document T/347 in English:

"What percentage of school-age children is represented by the total of 389 pupils attending school in 1948?

Answer: Education is compulsory between the ages of 6 and 16 years. It will be seen from Appendix 1 (c) of the Report that the number of children between those ages totals 696. The number of children under the age of 6 years is not at present known."

Thus, the statement that only 50% of children of school-age attend school is based on information submitted by the Administering Authority.

As far as other questions are concerned which have been raised by the representative of Australia dealing with information, especially political ^{and} economic conditions of the inhabitants and the question of discriminatory policies which are being enforced by the Administering Authority with respect to the indigenous population, on one of these questions the representative of the Administering Authority did not present any information to invalidate the information we have on the lack of rights of the indigenous population and the discriminatory policy found in the Trust Territory.

Therefore, it is useless to repeat what has been said already on this question by different members of the Council and, in particular, by the representative of the USSR. I considered it necessary to give this factual information.

/If the representative

If the representative of Australia can give some additional information to explain this particular fact, we of course are ready to hear him. Our statements were based on information submitted by the Administering Authority and it is up to the Administering Authority to say which information is correct.

Mr. HOOD (Australia): I shall refer to the question on the figures on children. I note the reference quoted by the representative of the USSR on page 35 of document T/347. After very close examination it does appear that there has been an error made in document T/347.

I think the reference in Appendix 1 (c) on page 65 of the report is quite clear. There it is clearly stated that the number of children under 16 years of age total 696. Therefore, if the representative of the USSR was quoting from document T/347, I can perfectly well understand the misapprehension which occurred.

The PRESIDENT (Interpretation from French): I believe the Trusteeship Council has now finished discussion of the report on the Island of Nauru. Certain remarks of an interesting character have been presented and, in particular, the representatives of Mexico and the Philippines have raised a point which is mainly a legal point.

Mr. SOLDATOV (Union of Soviet Socialist Republics) (Interpretation from Russian): I should like to ask the Administering Authority to make the point quite clear. First, the accusation levelled against the representative of the USSR in particular is without any foundation and, second, I should like to know which are the correct figures. The information contained in the report on page 100 does not explain this position.

Therefore, I think the Administering Authority, before making any declarations concerning one or another delegation to the effect that their statements are groundless, must present some data. Even if we consider page 100 of the report, there is no clear data contained there. I feel the members of the Council should take this into account.

I certainly never drew any conclusions without information from the Administering Authority. My conclusions are based on information submitted by the Administering Authority. If the Administering Authority submits unclear and inexact information and then levels accusations against us, this of course is unjust. At least, in this one has to be "fair" as it would be said in English.

/Mr. HOOD

Mr. HOOD (Australia): I thought I had been scrupulously fair because I did not make any accusation in regard to this data. I was aware that there might well have been a mistake. I did not know how exactly it could have occurred and, therefore, I was careful to say that there had been -- I think I called it a "misapprehension" and that I wanted to get the facts straight on the record.

It is quite unnecessary for the representative of the USSR to represent me as having made an accusation when I did not.

The PRESIDENT (Interpretation from French): I do not think there way any accusation. There was merely a discussion on figures and these figures seem to need revision. We shall discuss the report on Nauru again in the General Assembly.

I should like to call the attention of the Trusteeship Council to the manner in which we shall prepare the report for the General Assembly. Members will recall that two successive methods were used: one was to designate a sub-committee; and at our last session we tried another method which consisted of establishing a drafting sub-committee composed of representatives of the twelve members of the Trusteeship Council.

It has been shown that the second method required a long period of work and that, in practice, a smaller sub-committee would make it possible to complete the task in a much shorter time. The question now arises as to whether we shall maintain the method using a drafting sub-committee of twelve members or whether we prefer to revert to the first method which, I believe, was quite satisfactory, and which was used in the preparation of the reports on Tanganyika and Ruanda-Urundi.

/Therefore, I shall

Therefore I shall be very pleased to hear the opinions of the members of the Council as to the method which they believe should be adopted for the present session. My personal opinion is that the first method is preferable because a committee of four members makes it possible to work much faster than with a committee of twelve members. That is my personal opinion and I would like to know if the majority of the members of the Council shares my views.

Mr. KHALIDY (Iraq): I should like to say, without going into any details, that from past personal experience -- which is very small compared to that of the other members -- I would opt for the first method. That is to say, a small committee of four. This is a purely personal view.

Sir Carl BERENDSEN (New Zealand): I agree with the representative of Iraq that obviously the smaller the committee the more likely you are to get results. But I fear, speaking from past experience, that unless you have every country on this Council represented on the committee, a small committee is merely going to duplicate the work. With great regret I feel that we must establish a committee of the whole if we are going to get the work done.

Mr. RYCKMANS (Belgium) (Interpretation from French): If we speak of a drafting committee, that is, if the Council decides in principle what should be in the report, then the smallest possible sub-committee would be the best solution. But that is only if we speak of a real drafting committee; that is, a very small group whose task would be to draft a report in full knowledge of what the Council wishes to put into it. But we have not progressed that far; we do not know what the Council will decide in this matter, and in order to know what the Council wishes to have in the report I think that the best method would be to have a committee of the whole.

If we have only a small committee those who do not sit on that committee will still have the fullest right, at a later date, to insist upon other remarks being included in the report.

Therefore I am in full agreement with what we heard from the representative of New Zealand. In the first place we must decide what should go into the report. When that is done then
of course / of course

of course the matter of drafting could be left to a smaller committee. But that will hardly be necessary, because once we know what to put into the report there will be no difficulty.

Mr. SAYRE (United States of America): I would like to associate myself with what has just been said by the representative of Belgium.

We must remember that there are two separate steps which must be taken. The first is to decide on the substance of the material to go in to the report, and the second is the work of putting that substance into language, namely, drafting.

With regard to the first step, that is the deciding of what substantive material is to go into the report, I think that after our experience of the year-before-last it is almost necessary to have a representative of every state on that committee. Otherwise it means a duplication of work, because those who are not sitting on the committee will make full and often lengthy arguments in the Trusteeship Council and the work will have to be done over again in the Council.

For that reason we saw fit last year to change our methods. It seems to me that we changed those methods wisely and advisedly and I for one would regret going back to the earlier practice.

As the representative of Belgium has pointed out, we should have a committee of twelve to take this first step, that is, deciding on what substantive matter should be included in the report. Then when it comes to the actual drafting -- the mere putting into language -- of that substance, that can be done by a smaller committee if it seems advisable.

Sir Carl BURNS (United Kingdom): I agree with the representative of the United States and other of my colleagues who spoke in the same sense.

On general principles I am in favour of the smallest committee possible, but in a case of this sort, judging from our previous experience, I am sure we would merely be wasting time if we did not have a large committee consisting of the twelve members of the Council.

/ Mr. HOOD:

Mr. HOOD (Australia): I think it is necessary here to point out that the determination of whether you have a large committee or a small one is also a determination of the kind of report you have and vice versa. If you determine first what kind of report, then, ipso facto, you determine the kind of committee. The sort of report which was drawn up and adopted in the last session of the Council was the product of a committee of twelve and could not have been anything else, because the mere fact that there was a committee of twelve meant that the report inevitably consisted, for the most part, of a collection of individual remarks and observations.

Therefore the question to determine is whether that is the form which we wish to see adopted. It may look a little odd should we decide to reverse the practice and present the Assembly, in the coming session, with two different kinds of document by way of report. I think that is a consideration which should be borne in mind.

My personal feeling is the same as that of some other representatives, that a small committee is better. I would not mind seeing it tried again--making another attempt to see if we can produce a report in that way. There is little doubt that that is the most satisfactory form of report and the most usual from the point of view of the General Assembly. I am not sure that we should not try again to see if we make any progress with a small committee.

The PRESIDENT (Interpretation from French): I find that the majority of the Council is in favour of a committee of the whole. Therefore this committee will meet some time next week. We shall take the most convenient date possible which will be announced later.

It is my impression that the majority of the Council feels that we should continue the system adopted at our last session. I do not think there is any objection to that course -- I gave my personal opinion just for what it is worth. I therefore consider that the majority of the Council is in favour of the maintenance of the system consisting of having a committee of the whole to draft the report.

/ Mr. INGLES:

Mr. INGLES (Philippines): On a point of information, the argument that was advanced in support of a full committee was that if a smaller committee is appointed the work would be duplicated in the Council. I should like to find out, however, if there is any assurance that if a full committee is appointed its work will not be duplicated in this Council? Our experience last year showed that there were instances where there were changes in the decisions of the full committee and that, therefore, there was a repetition of the work in the Council. I am only asking this as a point for clarification.

Mr. RYCKMANS (Belgium) (Interpretation from French): What the representative of the Philippines just said is absolutely true. I think it might be better to decide as to what we shall write into the report in a plenary meeting of the Council and if it is found useful to do it in a private meeting, that is a different question. But the Council should be able to decide definitely what the form of the report will be, what will go into it, whether it will be a report in three Chapters -- as has been suggested -- or whether we shall make a report such as the one from the Economic and Social Council; that is a decision to be made in plenary meeting and the representative of the Philippines is correct when he says that the risk exists that the discussions will be repeated if we start in a committee of the whole and then in a plenary meeting of the Council.

Therefore I think it might be better to come directly before a plenary meeting of the Council and make decisions as such.

If it is a matter of drafting, once we know what should go into the report then I think the Secretariat will have no difficulty in doing that drafting job. The important thing is to know what should go into the report, not the drafting.

Mr. KHALIDY (Iraq): I am not going into details because I thought this was a relatively small matter that could be dispensed with in two minutes. Evidently that is not the case.

If you are going to form a general committee and go into the whole work that would certainly be duplication but if you take the idea of the Belgian representative that would be a very wise one; that is to say, here in the Council we should decide cryptically and in a general way what will be in the report. I think that is wise. Then we can give instructions to the small committee. But if we go to a plenary meeting that certainly would be duplication. I

/would rather

would rather adopt the idea of the Belgian representative: decide in the Council what to put in the report and send the whole thing to the sub-committee.

Sir Alan BURNS (United Kingdom): My Philippine colleague is quite right in saying that it did not stop duplication of work to have the full committee last year but I think that the work would have been triplicated if we had not had that committee. I am quite sure that what we did last year saved us a certain amount of wasted time. I am not sufficient of an optimist to think that we could ever avoid wasting time in this Council but I do think that it would be better if we could have a committee of the whole to go through the preliminary discussions in committee and then for them to appoint a small sub-committee to do the drafting when they have come to some reasonable agreement -- as close to an agreement as they can. It would then be time for a small sub-committee to do its work with the assistance of the Secretariat. But I am strongly in favour of a committee of the whole to go through the preliminary discussions before the drafting begins.

Mr. SAYRE (United States of America): I do not share the feelings of the representative of the United Kingdom; I think we did derive distinct advantage last year from the practice which was then followed, that is, the drafting committee meeting in the mornings and the full Trusteeship Council in plenary session meeting in the afternoons. That committee meeting in the mornings did certainly iron out a lot of questions, questions which were difficult ones. Those of the questions which were undecided and could only be brought ^{to} the full Trusteeship Council were brought before fresh minds, so to speak, because many of those sitting on that committee of twelve were different individuals from those sitting in the full Trusteeship Council. I think that had its advantage. The questions which the original committee were unable to decide could be, and often were, decided with greater ease by the full Trusteeship Council in plenary meeting after the matter had been considered and thought over a little.

I think we did save considerable time by that machinery and, as my colleague from the United Kingdom says, I think it would be a mistake to refer all the questions originally to the Trusteeship Council. I suppose that would mean that we would sit both morning and afternoon

/continuously.

continuously. We would not have much time to contemplate, think and ponder on these matters. It seems to me that it would ^{not} be as advantageous a procedure for us to be meeting continuously morning and afternoon as the procedure which we have been following.

The PRESIDENT (Interpretation from French): We have had three methods suggested, not two. It was also suggested that we should discuss in plenary meetings of the Council the basis of the report. That is the suggestion of the representative of Belgium. Another system would be to have a sub-committee of the whole, that is, each member of the Council would be represented on that committee, and that committee would meet in the morning. The third method was the one which was adopted for the reports on Ruanda-Urundi and on Tanganyika which was to have a sub-committee of four.

I must say that I fear the first method would lead us to have at least one or two additional ^{plenary} meetings and what we should aim at is to finish on 26 July.

If we were to call a committee of twelve members, which would meet in the mornings, then we would not be delayed in our work but the delegations would have to see to it that they are represented in the morning meetings of the committee. As far as I am concerned, I thought that we might at that very stage ^{also} set up a sub-committee because we have already had a thorough discussion and a certain number of members have already presented comments of a very precise nature which might have made it possible for a smaller sub-committee to draft the work together with the Secretariat.

However, I believe that the majority of the Council believes preferable that we have a plenary meeting to prepare a draft for the report. In that case I would suggest to the Council the solution which would consist in having a sub-committee in the morning composed of the twelve members of the Council.

Mr. RYCKMANS (Belgium) (Interpretation from French): This would always have the disadvantage which was underlined by the representative of the Philippines. If we have a sub-committee that sub-committee might suggest, for instance, to draft the report in the form which we tried at the session last year, which was not a very happy solution since the report on Togoland under French Administration was not adopted. However the sub-committee will make suggestions. Then the Council as such will have to decide.

/Would it not be

Would it not be better to ask the Council as such to decide in which form the report should be drafted and whether the report should be in three chapters or whether it should only include the conclusions and recommendations adopted by vote of the Council and do away with any mention -- as we suggested in the last session -- of adding to the report the observations which the delegations

The question of principle must in any case be decided by the Council. Would it not therefore be a waste of time if we have proposals by a committee which would still have to be approved by the Council? If we sit down to draft the report immediately or on the basis of the work of the sub-committee -- even if it is a committee of the whole -- then in every case the Council will have to make a decision. It would be better, therefore, to appoint a sub-committee once we have made up our minds as to what is to be written into the report.

Mr. KHALIDY (Iraq): I think it would solve the difficulty if we appointed a committee of six instead of four and sent it to work right away.

The PRESIDENT (Interpretation from French): We now have a new suggestion, which seems a rather happy one.

The solution suggested by the representative of Belgium has a practical difficulty, that is, that we shall not be able to finish by 26 July. In fact, if we want to establish the basis of the report in plenary meetings I am convinced it will take at least one or perhaps two afternoons.

Mr. RYCKMANS (Belgium)(Interpretation from French): There always remains the fact that whether we have a committee of four or of six, I would refuse to sit in a drafting committee before I knew what to draft. That is a matter which the Council must decide. I am willing to draft alone -- and I am perfectly ready to draft to the satisfaction of the Council -- once the Council has decided what should go into the report. I could do that drafting by myself and it would be adopted unanimously, once the Council has decided as to what to write into the report; but I refuse to work in a drafting committee as long as I do not know /what to write

what to write into the report. In any case, it is a matter for the Council to decide -- whether we remain here during the months of August and September or not -- we will have to make that decision, and the Council will always have to make that decision whether there has been a drafting committee at work or not.

The PRESIDENT (Interpretation from French): I find that we have in Mr. Ryckmans a voluntary aid who would take upon himself a good deal of work!

Mr. KEALIDY (Iraq): The representative of Belgium is right, but perhaps the answer to his objection is this: that if we had a committee of six it would not be a drafting committee, it would be a really good committee which would go to work right away to prepare a report, not just a drafting committee. In the case of a committee of four, evidently it would have to be a drafting committee.

The PRESIDENT (Interpretation from French): I do not think there is any urgency in settling this matter; perhaps we might think it over and decide when we have thought about it.

I think it would be better for us to think this matter over and we could then take it up at a later date.

Mr. PADILLA NERVO (Mexico): I was going to suggest what the President has already suggested, that is, that we should not decide at this particular moment how we are going to handle this question. I believe that there are different aspects to the matter. There is no question that the Council has to decide finally how it wants its report and what it wants the report to include. At the same time it is rather difficult to discuss in a theoretical way what we want the report to include and what we want to omit from the report.

In my opinion, it is possible that everyone will agree that the report should reflect the opinions of all the members during the discussion of this report; that it should reflect the comments made by the members and the answers given by the Administering Authority, that is, in a general way. To that extent we could have a preliminary draft ^{on} which ^{it} would be very easy to have a concrete decision of the Council, but it is rather difficult to obtain the sense
/of the Council

of the Council along general lines as to whether we want certain things included or certain things omitted. If we could have a working paper prepared either by a committee or by the Secretariat on concrete steps, it would be easier to take the opinion of the Council. It seems to me that it would be rather difficult for the President and certain members to decide, otherwise, what the contents of the report should be, especially in view of the experience with the reports of the last two years.

For those reasons, I was going to suggest exactly what the President suggested, that is, that we do not decide this question at this moment.

Mr. LAURENTIE (France) (Interpretation from French): I will not give any final opinion on this question as the President has decided that we should do this later.

I think there is one item, however, which we can elucidate already. It would be a long and difficult procedure to have within the Council the expression of opinions before the drafting committee meets. On the other hand, however, the method followed at our last session presented less difficulty than has been mentioned. What really was difficult was not the drafting by the sub-committee as far as recommendations were concerned, but the shape and composition of the report, especially the famous Part II and Part III containing opinions and remarks of members of the Council. This created difficulties; nothing else did.

We must remember that as far as the drafting of recommendations is concerned, the sub-committee presented a final work because it was adopted without amendment by the Council. I think it is useful to remember that before we take any decision on the matter.

The PRESIDENT (Interpretation from French): May I be permitted to remind the Council of the fact that I personally took part in the drafting of the report on Ruanda-Urundi. We were just four members under the chairmanship of Mr. Khalidy.

/After the discussion

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After the discussion on the report on Ruanda-Urundi, we came to this same point as we are at here on Nauru; namely, we took no particular decision, but we heard certain remarks, criticisms, and the committee of four met with this recommendation as a basis. In three meetings on the basis of the working document prepared by the Secretariat, we came very rapidly to draft^a/report that was adopted even more rapidly by the Council itself.

Therefore, it is obvious that in the case of Ruanda-Urundi -- and my opinion was based on this case -- things went very rapidly, and there were no major difficulties.

Anyway, after having heard all these remarks and views, I shall give you time to think it over and we shall decide later.

We had to study today the report on New Guinea.

I shall not now thank Mr. Halligen for the pains he took ^{to answer} the very numerous questions that have been asked him on Nauru, because I think he is going to be at our disposal ^{again} when we shall study the report on New Guinea. We are going to deal with this report in the same way as we dealt with the Nauru report.

We have before us the written questionnaires, to which the special representative answered, and we are going to study it chapter by chapter, reserving a general discussion until after we examine the various chapters one by one.

We are going to start today with the general chapter -- Chapter I, of document T/354. I would ask the members of the Council to ask questions on this first Chapter.

Are there no questions on Chapter I?

Mr. INGLES (Philippines): In view of the lateness of the hour, perhaps it would be preferable for us to adjourn and begin with a clean slate tomorrow morning.

The PRESIDENT (Interpretation from French): That is a good suggestion, I would say. We will meet tomorrow at 2:15. The meeting is adjourned.

The meeting rose at 4.53 p.m.