Nauru under Australia

Historical survey

In 1798, the island of Nauru was discovered by the Captain Fegratof the American ‘whaling vessel Hunter’, on a voyage from New Zealand to the China seas. Nguru was given the name “Pleasant Island” by him. For many years, the European powers ignored the importance of the island. On 5 August, 1886, the German penetration followed in course of their expansion of colonial domination of the pacific region and in the same year the territory was brought within the sphere of German influence, “as a result of the British-German convention defining their respective interests in the general vicinity.” In the year 1888 the territory was annexed by the German Empire and “it was proclaimed as the German territory.”

The most significant event associated with its history was the discovery of its mineral wealth, the phosphate. The discovery of the deposits of the phosphate was made by Albert F. Ellis, a phosphate expert long in the employ of the Pacific Island company Ltd. of London and its predecessor John T. Arundet and Company. This discovery was of significant import because it held out a promising field of economic exploitation by the colonial powers which in their contest for economic supremacy as well as political. As a matter of fact, it engaged the attention of the colonial powers to its resources which were hitherto unknown to them.

The first world war gave a push to the colonial forces which, in their bid for power, strived for colonial domination of the island. Following the out break of the war, the Germans expelled the British subjects from the islands. Until 6 Nov. 1914 the territory remained in German possession. A force of 66 Australian soldier under Col. William Holmes arrived on the Messina from Rabaul – captured from German occupation earlier in the year. They expelled the Germans, sending most of them to Australia for internment. A few days later, a Japanese force landed on the territory with the intention of taking control of it. But it departed on seeing the island in the possession of Australia,
The Australian military jurisdiction continued until June 1921 when a civil administrator took over the administration of the territory in accordance with the terms of the mandate which had been confirmed by the Council of League of Nations on the previous year on 17 Dec. Actual political control was by agreement among Great Britain, New Zealand & Australia, vested in the hands of the Commonwealth of Australia. The administration of the territory was entrusted by the Australian Government on an administrator who performed legislative, judicial and administrative functions. He acted with the assistance of his superiors in the Commonwealth and with the local advice of the council consisting of European and native members.

During the Second World War a temporary recession followed. It had been the object of military action. On 27 December 1940, the German raids caused great damage, and on the following year 1941, the island was heavily raided by the Japanese air-force and ultimately the Japanese military force captured the territory on 26th August, 1942. After the Japanese occupation of the territory the island had been the object of severe raids by American and Allied bombers. Gradually the Allied powers became fortified and on 13th September, 1945, an Australian force reoccupied the territory. After the cessation of hostilities, it was placed with the trusteeship system as envisaged by the U.N. Charter in the year 1946. A joint declaration among Great Britain, New Zealand & Australia was made wherein it was decided that Australia would act as the administering authority of this trust territory.
Area, Topography and Climate:

Nauru is an isolated island which is believed to be the exposed peak of a mighty mountain. It lies in the central Pacific in latitude 0°32 south and longitude 166°55 east. The total area is 5,263 acres and it is oval shaped about 12 miles in circumference.

A coral reef surrounds the island. A narrow sandy beach is enclosed by this reef, and beyond this ground begins to slope slightly from this beach. A narrow coastal belt of rich soil is formed. The area of this coastal belt, from 150 yards in width to 300 yards in width, the natives use this area for agricultural purposes.

Inside the coastal belt, there is a coral reef formation rising to a height of from 50 feet to 100 feet above sea level merging into a hilly, central plateau which at some places rises to 200 feet and which is entirely uninhabited. In this portion of the island is situated the source of phosphate.

The vegetation of the island is not abundant. Coconut palms are grown in the coastal belt while around Buadu Lagoon, the only other fertile district on the island, coconut and other fruit trees are cultivated.

Although the island lies close to the equator, the climate tends towards the sub-tropical, followed by wet and dry season. The dry season is marked by the easterly trade wind and it continues for the greater part of the year but there is a wet cycle which prevails for about four months (November to February).
Population:

The Nauruans are mainly a mixture of Polynesian, Micronesian and Melanesian types. But they seem to be more closely related to Polynesians. Their skin is mainly brown and have thick black hair. The average height of the men is about five feet and the women two or three inches shorter. They have settled mainly on the fertile belt of land between the beach and the coral cliff at Buada on the plateau. They have long ago embraced Christianity.

The population of Nauru as estimated on 30th June 1952 was 3,211. The following is a table indicating the distribution of the population:

A table is given below:

<table>
<thead>
<tr>
<th>Population</th>
<th>Number</th>
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<tbody>
<tr>
<td>Indigenous</td>
<td>1,672</td>
</tr>
<tr>
<td>European</td>
<td>253</td>
</tr>
<tr>
<td>Chinese</td>
<td>759</td>
</tr>
<tr>
<td>Gilbertese and others</td>
<td>560</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>3,211</strong></td>
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Most of the European population have settled in the district of Denigomadu and Aiwo. In the administration settlement in Menen, there are 32 Europeans and in the Ewa district there are five Europeans.

The majority of the Chinese population totalling 722 who live in Denigomadu district are employed by the British Phosphate commissioners.
Status of the territory

The status of the territory is governed by the trusteeship agreement for Nauru dated 1st November, 1947. The agreement designates the three Governments, the Australian Government, the U.K. Government and the New Zealand Government as a joint authority to exercise the administration of the territory, with provision for the Government of Australia to be responsible for the full exercise of powers of legislation, administration and jurisdiction over the territory.

Status of the inhabitants

The status of the inhabitants is laid down in the Nationality and citizenship Act 1948-51 of the Commonwealth of Australia. The Act provides that persons born in Nauru will be considered as "Australian protected persons". A non-indigenous inhabitant of the territory who was not born there remain retain individual national status. The power to confer Nauruan citizenship on any native immigrant is exercised by the Nauruan Local Government Council. The non-indigenous immigrants, such as European or Chinese retain their own individual national status.
Administrators: Full powers of legislation, administration and jurisdiction are vested in the Administrator who acts for the Administrative authority in providing for peace, order, good government and defence of the territory. He is appointed by the Commonwealth of Australia. He is required to have such qualifications and experience that will fit him for appointment to the office of Administrator. Since the qualifications are not mentioned, the phrase "such as are to be vague and it may be presumed that the choice of appointment rests on the discretion of the metropolitan state which is alone competent to consider a person fit for appointment to the office of Administrator. The tenure of office as we know from the discussion in the Trusteeship council at the fifth session is for an period of one year and his appointment is extended year to year.1

He is the executive head of the administration and this includes the power of appointment of judges and officials to the public service. Apart from the power of appointment, he is the only authority who executes all laws made for the territory and responsible to maintain law and order in the island. In discharging his executive powers he is assisted by a Public service.

1. It is noted that the 1919 - 1923 Agreement provided that the first Administrator should hold office for five years. Is tenure of office similarly fixed at present? It is noted that three of the five administrators so far appointed have been military or naval officers. From what sources these appointments made and what qualifications are required? (Costa Rica)

Ans. The present administrator was appointed on 29th August 1945, for a period of one year, and his appointment has been extended from year to year. Former administrators who were military or naval officers were not serving officers of those forces at the time of their appointment as administrators and the appointment is made by the Australian Government from the available candidates who are considered to have the qualifications and who have had experience that would fit them for appointment to the office of Administrator (T.C.O.R. 5th sess., 1948, Documents 347 replies of the special representative of the administering authority to written questions of members of the trusteeship council).

Mr. Halligan (special representative for Neuroga) said that "Administrator was required to consult the council only on matters
Mr. S. S. Liu (China) asked whether all the executive powers of the council were subject to the approval of the administrator.

Mr. Halligan said that although the setting up of the council and making of the laws and rules was subject to the administrator's approval once the rules were made it was for the council to enforce (T.O.O.E. 10th sess., 100th meeting, 1956, p. 120).
Future of the Nauruan community:

"Two considerations, in particular, have an important bearing upon both the development and long term future of the territory and its people. The first is the smallness of its size and population. Isolated in the Pacific and lying close to the Equator, Nauruan covers an area of only 5,263 acres and the indigenous population, as estimated in June 1952 amounted to only 1,672 persons. The second consideration is the territory's economic dependence - virtually complete at present on the exploitation of its phosphate deposits. Their importance is two-fold; they are of great value in proportion to the size of the populations but they are a waning asset which will be extract in some seventy years at the present rate of extraction".

Nauruan is therefore faced with the problem of what will be the future of the Nauruans after they can no longer depend upon the phosphate industry? "The problem of this island" as remarked by De Marchena representative of the Dominican Republic, revolves solely around its natural wealth, the phosphate deposits. The geographical isolation has added to the problem because it has aggravated it.

In prefacing its reports on Nauruan the Mission thinks it advisable to emphasize that the problems of Nauruan are those a Trust Territory in miniature. The island itself is about three and a quarter miles long by three miles wide, its permanent population is some 1,500 while there are about 1,800 Chinese and 300 Europeans residing temporarily on the island in connection with the phosphate industry.... An outstanding problem still to be solved arises from the concern of the Nauruans at the slow encroachment of the phosphate industry on their small but pleasant island. They benefit largely from that industry, but have acquired from their contact with it new wants, which they can cover only imperfectly with their present incomes. Unless further research should result in the establishment of new forms of agriculture or of secondary industries, they may have to consider in the future the possibility of a transfer to some other island (UNVNM, T.C.O.R. 6th Sess., p.2).

...... the Mission feels it imperative to observe that the Nauruan people cannot be regarded as more than a small community and in no case as a potential state; moreover, this community, island as it is on a small island in the Pacific, her services exceeding by far those of any other community of similar size (UNVNM, T.C.O.R. 12th Sess. 1953, p.2).
the complicated question: where will the Nauruans find a suitable home for resettlement, when they cannot depend on the single economic resource, the phosphate deposits? These two questions seem to be closely connected and have a significant import on the future of the Nauruan community. They have it may be appropriate to add, made Nauruan a problem island. The situation in Nauruan may be "described as sui generis".

The situation that causes grave concern to all the Nauruans is not of recent origin, but dates back to the time when Mr. De Antueno (Argentina) pointed out that any discussion of the cultural, political or social advancement of Nauruan would appear academic in view of the island's precarious economic position. Nauruan's phosphate deposits, upon which the population depended for its existence would become exhausted within a period of some seventy years and serious consideration should therefore be given to the possibility of finding some other means of livelihood for the population. That problem was of vital importance and should make a thorough study and report its recommendations and conclusions to the T.C. (T.G.O.R. 7th Sess., 25th meeting, 1950, p.215).

The phosphate deposits are a waning asset which it is estimated will be exhausted in about sixty five to seventy years at the present rate of exhaustion. With the closing down of the industry of the, the whole or most of the indigenous population will have no alternative but to look for a new livelihood. The Nauruans are beginning to be aware of this problem and are becoming concerned about their future on the island.

The Mission is of the opinion that once the phosphate is exhausted the Nauruans cannot increase, or even maintain their present standard of living. The Mission further believes that steps should be taken both by the Nauruans and the Administrator to face this possibility realistically and in manner which would enable Nauruans as early as feasible to make any necessary adjustment without further social complications. The Mission, without wanting to appear to be dogmatic, is of the opinion that resettlement in some other location as expressed by the Nauruans themselves, may be the only permanent and definite solution. Whether such a resettlement scheme should involve the Nauruans as a community, or whether it could be brought about by individual or group settlement would appear to be a question deserving the most careful attention of those most directly concerned. Early planning would make possible a progressive resettlement of the Nauruans people which would minimise unnecessary dislocation. In this connection the Mission believes that it would be incumbent upon the phosphate commissioners to extend to the Nauruans all possible help and to provide them with all the means necessary for the successful execution of such a transfer. The
the European powers, made conquest of this small island and the potential storehouse of economic resource was explored by the Europeans. Ever since that discovery, as we know, the island of Nauru became economically important. Before that discovery, Nauru had remained a neglected island with no contact with the outer world and her economic life was lamentably poor and insignificant. The discovery of the phosphate deposits brought about a change to her social and economic structure. Before Nauruan could stabilise her economic resource to the full extent, the war of 1914 broke out. Naurua felt the impact of war as she had been dragged into the Pacific theatre of war. The German rule ended and Naurua was placed under the mandate system. "In pursuance of the agreement of 2nd July 1919 between the United Kingdom, Australia and New Zealand, it

Mission further believes that early preparation may assist the Nauruan in making wise and considered choice in a matter which is so vital to their own future. In advancing their suggestion the Mission is mindful of the fact on this island the social and economic evolution of the Nauruans would doubtless have taken a different course (U.W.Y.M. T.C.O.R. 12th Sess. 1953, P.2).

Mr. Ryckmans (Belgium) said, "Before the phosphates were discovered, Nauruans was one of the most isolated places in the world and its inhabitants had no resources other than those which Robinson Crusoe could have found on this island except that Crusoe also had the remains of his shops stores. Nauruan had a pure substance x economy with no hope of import from abroad with no contact with the outside world except for rare and dangerous voyage in native canoes to the Marshall Islands.

Since the introduction of the phosphate industry, Nauruan has been busy of activity, an activity which is unparalleled considering the island's size and population. Immigration had doubled Nauruan's population. A million tons of phosphates are exported each year, with the result that the island's harbour has become a great port... "(T.C.O.R. 1st meeting 1953, P.168 - 169).
was agreed that the exploitation of the phosphate deposits on the island was to be considered purely and simply as a commercial undertaking. So, this idea however, was added the need for setting up an authority or a beginning of authority on the island. These two tendencies were merged into the mandate system. During the mandate system, no other economic resource could be discovered. Moreover, with the out break of the second World War, Nauruan became strategically important in the Pacific theatre of war. With the entry of Japan into the war, the fate of Nauruan changed the Japanese armed forces in their campaign captured the island. Her economic life had to face heavy odds as her economic resource was temporally put to great strain. The consequences of war were calamitous. The Australian authorities were faced with the acute problem of rehabilitation after their reoccupation of the island.

The visiting missions of 1950 and 1953 appraised the efforts made by the Australian government for the recovery of Nauruan from the disastrous effects of war. Unfortunately, her economic potentiality cannot be increased and Nauruan faces a grim reality in view of the fact that "the phosphate deposits are a waning asset, which it is will be exhausted in about sixty-five to seventy years at the..."

The Mission wishes to point out that Nauruan was one of the Territories hardest hit by the last war. All buildings and installations on the island were destroyed without exception. Nauru was occupied for more than three years by the Japanese, who treated the Nauruans with great cruelty. More than one third of the indigenous inhabitants died during that period, most of them at Truk, in the Caroline islands, to which place a large proportion of them had been transported by the Japanese. The problems of material rehabilitation facing the Australian authorities after their re-occupation of the island, must have been considerable especially as there were shortages of building material and labour, not only in Nauru, but also in Australia itself and other territories under its control. Even now, when facilities have been largely restored, much of the effort of the administration is still concentrated on reconstruction. (U.N.V.H. T.C.O.R. 8th Sess. 1951 P.2)
The Trusteeship council and both the visiting missions commented upon it. The visiting Mission of 1953 found the work of rehabilitation satisfactory, it observed the phosphate industry being restored and marked the signs of general economic recovery among all sections of the community. At the same time it found the people becoming deeply concerned about their future because of the prospect of the exhaustion of the phosphate deposits. So we repeat the problem once again, what will be the future fate of the Nauruans after they can no longer depend upon the phosphate industry?

The Mission noted, "Important changes have taken place in the general conditions in Nauru since the visit of last Mission in 1950. At that time Nauru was still recovering from the disastrous effects of the war and much of the effort of the Administration was concentrated on reconstruction. Moreover, the material rehabilitation of the island has been achieved to a remarkable extent. The phosphate industry has been restored, provided with modern equipment and its production is above pre-war levels. The housing schemes are nearing completion and now provide permanent quarters for over 200 Europeans, 12,000 Nauruans and approximately 1,100 Chinese, Gilbertese and Ellice Islanders. The Mission found signs of general economic prosperity among all sections of the population."

The Mission noted that a change had also taken place in the outlook of the Nauruans who have progressively adapted themselves to a European way of life. In economic matters, the Nauruans are becoming accustomed to a higher standard of living which, it should be emphasised, is almost exclusively dependent upon the phosphate industry. (U.N.V.M., T.C.O.R., 12th Sess., 1953, P.2) Future of the Commenting on the Nauruan Community the Mission noted: "According to present estimates, the phosphate deposits will be exhausted in about 70 years. There are no other natural resources capable of commercial exploitation and possibilities of agricultural development are limited by the irregularity of rainfall, frequent droughts, water shortage and the mediocrity of soil. The question, therefore, has been raised whether after the exhaustion of the phosphate deposits the Nauruans should be resettled in some other island or territory. If no other possible alternative of livelihood, alternative to the phosphate industry, should be more feasible. The previous visiting Mission stated that such resettlement could be the only satisfactory long-term solution."

The Mission raised their question with the Nauruan local Government Council. The Mission was informed that Nauruans are indeed concerned about their future that discussion had already taken place regarding resettlement in other areas of the Pacific and that some thought had been given to the possibility of covering land either in New Guinea or Northern Australia. In that connection the spokesman indicated that outside assistance would be welcome.

During its discussions with officials of the department of Territories at Canberra the Mission was informed that as yet no definite plan has been decided upon. The administrator hopes to initiate a study of the local resources of Nauru, including
To develop other economic enterprises so that the Nauruans might be assured of a sound economic enterprise seems to be the alternative. Since no discovery has as yet been made on the potential resources of Nauruan, the prospects of the development of other economic resources have not appeared favourable. In view of this fact the Trusteeship Council expressed concern at the possibility that the Nauruans might eventually have to find a home elsewhere. The Administering Authority pointed out that it would not be possible for the Nauruans to continue on the island when the phosphate deposits will be the only consideration. Completely excluded.

In the absence of evidence to the contrary the Mission doubts whether after the termination of the phosphate industry Nauruan would be inhabitable for a people who by that time may be expected to have achieved a relatively high level of advancement. The comparatively isolated geographic position of Nauruan makes it unlikely that the people could maintain the standards of living to which they are becoming accustomed or that they could progress further towards meaningful self-government. Consequently, the Mission sees no other alternative to the resettlement of the population elsewhere. It believes that every effort should be made to minimize the social impact of the transfer and feels that this might well be achieved if the movement were to be made gradually either by individuals, groups or as a community.

It is of the opinion therefore that the question of the transfer of the Nauru either individually or collectively, to another place or places agreeable to them, should not be put in abeyance until the termination of the phosphate industry but that a plan for gradual resettlement which might provide for the purchase of land at an early date, should be agreed upon as soon as possible. A gradual transfer should have as its primary purpose the reduction of the number of older people remaining on Nauru at the expiration of 70 year period who may be expected to suffer most from a sudden change of environment. The Mission also believes that increasing attention should be given to providing the younger generation of Nauruans with vocational training which will fit them to obtain employment in other areas of the Pacific (U.N.V.M.T.C.G.R. 12th Sess. 1953 P.4-5).
The visiting Mission of 1950 was of the same opinion and the visiting Mission of 1953 gave positive support for the view that there might not be any alternative but to move the population elsewhere.
Nauruan Local Govt. Council:

On all matters, the administrator was advised by a Council of chiefs, which consisted of one chief from each of the principal districts and a Head chief elected by them. This body functioned ever since 1927. The tenure of office of the chiefs was for life. The powers of that body were not extensive but limited to purely domestic fields. "The Mission had occasion to observe from its discussion with the administrator and with the council of chiefs that on all matters of general interest and matters affecting private individuals were the object of negotiations with council of chiefs or with the Head Chief, and that in matters in dispute it appeared to be the policy of the Administration to seek solutions acceptable to Native interests, It is nevertheless true that the council of chiefs is a purely advisory body." The necessity of reorganising the council of Chiefs was felt keenly by the Nauruan community and this was also recognised by the Administration. In order to give shape to the need the Administration drafted a proposal for

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5 UNWM, T.C.O.R. 8th sess. 1951, p. 3.

9 In connection with the question of the reconstitution of the Nauruan Council of Chiefs, Mr. Reynolds said that the matter had been studied exhaustively by the A.P.A. and the present council of Chiefs; a draft bill had been prepared and submitted to the council of Chiefs for comment. It was anticipated that the first election for the new council would be held during the current year. As in the past voting would be by secret ballot complete agreement had been reached on the general principles upon which the council was to be reconstituted; the present council of chiefs had agreed that the new body should, at that stage, have purely advisory powers in the legislative field and on matters affecting Nauruan as a whole. It would be given executive and supervisory powers in respect of public order and the raising and administration of funds used to finance the council's work and domestic Nauruan matters. The fund set up for those purposes would be under the direct control of the Council. The main revenue of the fund would be provided by the Nauruan Royalty Trust Fund. (T.C.O.R. 8th sess. 331st meeting, 1951, p. 127)
reconstitution of the Council of Chiefs. At the end of 1951 by an ordinance No. 2 of 1951, the Nauruan Local Government Council replaced the council of Chiefs. The ordinance was made by the administration on 20th August 1951 and came into operation on that day. Mr. Sayre (U.S.) felt that the establishment of the Nauruan Local Government Council was an important first step in the development of political organs in the Territory.

The Council consists of nine councillors who are "Elected by adult suffrage under a system of compulsory voting." One councillor is elected as Head Chief by the council.

The Nauruan Local Government Council have wide range of powers.

Mr. Loomes (sp. Australia). The Nauruan Local Govt. Council which was inaugurated on 19th December 1951, has taken over the administrative functions formerly exercised by the Nauruan Council of chiefs and generally speaking is taking much interest in affairs under its control than its predecessor body. (T.O.Ord.12th Sess. 70th meeting, 1953 p 118).

Mr. Halligun (sp.rep.for Nauruan) - An important step towards self government for the Nauruan people has been taken in the reconstitution of the council of chiefs, in accordance with an earlier decision of the Government, to extend the powers of that body. Since 1927, the district chiefs under the Chairmanship of the head chief, had formed a council of chiefs to advise the administrator on matters affecting the Nauruans. The Nauruan Local Govt. council ordinance enacted on 20th August 1951, now provided for the reconstitution of a Nauruan Local Government Council consisting of nine councillors elected by adult suffrage under a system of compulsory voting. The councillors elected one of their members as head chief and president of the council. The council was a body corporate controlling its own finances and appointing its own officers. It had executive authority in matter affecting the peace, order and well being of the Nauruan people and advisory power in relation to any matter affecting the Nauruan, including the making of new ordinances and regulations and the repeal or amendment of existing legislation. The ordinance provided for the election of councillors at intervals not exceeding four years, the first to be held in 1951. The first election has been held on 15th December, 1951 and the new council was already functioning. (T.O.Ord.1952 p 119.)

In reply to questions by Sayre Mr. Halligun confirmed that the elections to the council would be by secret ballot subject to the provisions of the law and the approval of the Administration the council could organise finance or engage in any business or enterprise, carryout public works and provide or cooperate with the administration or another body in providing public or social services. It had the power to make rules subject to the existing laws for regulating the conduct of its business and for the peace, order and welfare of the Nauruans. With the written approval of the administrator the council could charge fees for services rendered by it or by persons employed by it; it had not however, the power to levy direct taxes. (Ibid 118).
These powers include the power to organise, finance or engage in any business enterprise; it will carry out any works for the benefit of the Naurians either generally or in a particular district or districts; it will cooperate with the administration or other body in providing any public or social service. Besides these powers, the council is empowered to issue rules in respect of certain specified matters and particularly it may make rules for the peace, order and welfare of the Naurians.

Rules made by the council depend on the approval of the Administrator. The council is vested to charge fees and make charges for services rendered by it or by persons employed by it. But this power has to be exercised with the approval of the administrator.

The estimates of the receipts and expenditures of the council for each year are submitted by it to the administrator for the approval. The council has no power to expend the money except as provided for in the approved estimates or as may be subsequently be approved by the administrator. If the council finds its revenue insufficient to meet the required expenditure, the deficiency is met by administrator from the Nauruan Royalty Fund.

The Council is required to hold weekly meetings and a meeting is held with the administrator first Wednesday of every month.

During the discussion in the Trusteeship council at its twelfth session important points were raised for the clarification of the powers and functions of the Nauruan Local Govt. Council. The visiting Mission of 1950 emphasised in the need of greater participation of the inhabitants in the fields of administration and legislation; it also apprehended that the

Mr. S. S. Lin (China) had been gratified to note the establishment of the Nauruan Local Govt. Council in place of the council of chiefs which he regarded as a significant step forward in the political development of the Territory. (T.C.O.R. 10th sess. hord meeting, 1952, p. 130)
reconstituted body would merely be an advisory body. At its tenth session when the proposed plan was discussed some members expressed gratification at the establishment of the Nauruan Local Govt. Council in place of the council of chiefs. The discussion cropped up in the Trusteeship council at its twelfth session. Some members opined that the newly constituted body could hardly become an executive and legislative organ in view of the powers conferred upon it. As the Soviet delegate Mr. Zonov remarked: "The replacement of the earlier council of chiefs by the Nauruan Local Govt. Council can hardly be regarded as measure designed to extend the powers of the organs of Local Govt. The Nauruan Local Govt. council has no real authority. It acts in a limited and in fact purely advisory capacity."

As a matter of fact, there seems to exist in the minds of some delegates of the Trusteeship Council and also in the mind of the visiting mission, that the council of chiefs has only charged its name and no additional powers are conferred upon the newly constituted body known as the Nauruan Local Govt. Council and it remains as a purely advisory body. This is raised because the Nauruan Local Govt. Council under the terms of the ordinance is subject to the approval of the administrator who if he so desires may act in opposition to the advice of the Nauruan Local Govt. Council. The implication of it are two, first: it has merely consultative and advisory powers and secondly, its power of legislation is not binding upon the administrator, under any terms, but depends upon his approval and he is not obliged to

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12 Mr. Ryckmans (Belgium): In the political sphere, I am surprised that it has not been thought fit to give the Nauruan Local Govt. Council other than purely advisory functions. I see no reason why it should not be given the power to decide matters which are the exclusive concern of the indigenous population. (Ibid p.169)

Mr. Tarazi (Syria): The political organisation of Nauruan is rather special due to the small population. A Local organ called the Nauruan Local Govt. Council the successor to the former council of chiefs has been set up by ordinance No. 2 of 1951. This organ has limited functions of a purely advisory character. In fact all its decisions are subject to the Administrator's approval, even in cases concerning solely local policies of the A-A. We believe that indigenous population need to be guided towards local self-govt. so that when the time comes, they will be able to assume their responsibilities. (T.C.O.R. 12th sess. 471st meeting, 1953, p. 169)
accept the advice, he can also act in his discretion to it. This puts a great limitation to the powers of the Nauruan Local Govt. Council and takes away the independent character of the council and makes it subordinate to the administrator who is the supreme head of the administration.

The visiting Mission of 1953 pointed out the limitations of powers of the body. When a member of the Trusteeship

The Mission observed: "With the enactment of the Nauruan local Government Council ordinance No. 2, the Nauruan council of chief was superseded on 20th August 1951 by the Nauruan Local Government Council. This body is comprised of nine members elected by adult suffrage and secret ballot from district constituencies, for a term of not more than 4 years. The Head Chief is elected by the councillors from among the members. His duties are additional to his normal duties as councillor. Furthermore he holds the office of Native Affairs Officer and is also a magistrate of District Court. The council may advise the Administrator on any matter affecting Nauruans, including the enactment of new ordinances, and has the power, subject to the approval of the Administrator, to make rules, not in consistent with the legislation of the Territory, for regulating the conduct of its business and for the peace, order and welfare of the Nauruans. It may also organise finance and engage in any business or enterprise and provide or co-operate with the Administrator in providing any public or social service.

According to the terms of the ordinance establishing it, the Nauruan Local Government council has no functions additional to those transferred to it from the former council of chiefs and remains an advisory body. The Mission found that some dissatisfaction exists concerning a number of clauses in the ordinances relating to the Council's participation in the administration and especially in regard to the financing of the Council's activities. The Administrator informed the Mission that some of these clauses might be capable of improvement and that the question had been referred to the Department of Territories in Canberra which might possibly decide to renew the whole ordinance.

The Mission noted the above statement of the Secretary but nevertheless could not escape the conclusion that at present the ordinance establishing the Nauruan local Government council does not fully satisfy the persons directly concerned. The Mission believes that the question of revision of the ordinance should be studied anew so as to remove all possible misunderstanding which may exist at present and believes that all possible steps should be taken to explain to the Nauruan people the functions and duties ascribed to the council. (T.C.Q.R. 12th sess. 1953 P.3-4)
Council drew attention to the view expressed by the Visiting Mission, the Australian delegate could not agree with it. He mentioned that under the provisions of the ordinance, fairly wide powers were given to the council in legislative and also in the executive fields which the former council did not possess. The confusion that arose was, according to him, due to the inability on the part of the Nauruan people to appreciate the full meaning of the provisions of the ordinance in its proper perspective. Hopes were also expressed by him that this body would function as a local self-government organ.

14 Mr. Loomes (Australia) said "The first sentence of para 22 of the report of the Visiting Mission states 'According to the terms of the ordinance establishing it, the Nauruan Local Government Council has no functions additional to those transferred to it from the former council of chiefs and remains an advisory body.' This statement is not strictly correct. An examination of the ordinance will indicate that the council has a number of functions. I shall not go through all, but I might refer in particular to sections 44 to 45 inclusive.

Section 44 states: "The Council may advise the administrator in relation to any matter affecting the Nauruans, including the making of new ordinances or regulations . . . .

Section 45 states: "The Council, the Head Chief and a councillor in relation to his District or group of Districts shall (a) perform the duties and fulfil the obligations imposed upon it or him by this ordinance . . . . (b) subject to the laws of Nauru and (c) intervene for the purpose of preventing or the commission of offences by Nauruans.

Section 46 gives to the council fairly wide powers to engage in business enterprises and carry on works as well as to provide, or co-operate with the administration of Nauru in providing, any public or social service.

Section 47 goes on to say that the council may make rules "for regulating the conduct of its business and for the peace, order and welfare of the Nauruans," and specifically for a member of stated purposes.

By section 48 it may also charge fees and make charges for services rendered.

This short outline of the provisions of the ordinance will indicate that the council has fairly wide power to participate in the legislative work of the community and also
in due course of time, if it would so happen, the Australian Government would review the ordinance in consideration of providing the suitable means for the development of local self-government.

The Administrative Authority has considered the possibility of reviewing the ordinance if it were considered necessary but is unable at the present time to see the additional powers should be given. If specific suggestions were made, the Administering Authority would only be too pleased to consider them. My Government considers that the misunderstanding that have arisen are due rather to the lack of capacity of the Nauruans in the understanding and in the exercise of the powers and functions given by the ordinance, and the Administrative Am Authority has taken steps to provide greater assistance and advisory Local-Government services through the administration to help and encourage the Nauruan Local-Government council in the understanding and exercise of their powers and functions. (T.G.O.R. 12th Session 1953 P.150 to 151).
The right to vote for the election of members of the Nauruan Local Government Council has been granted to all adult Nauruans male and female. This right was previously enjoyed by the Nauruan inhabitants before the enactment of the Ordinance No. 2 of 1951 which replaced the Council of Chiefs by the Nauruan Local Government Council. The qualifications required for voting-right may be stated thus: he must be a Nauruan adult, male or female and of a sound mind. A Nauruan

The first election had taken place in August 1948, the only election to take place in Nauru since the island had become a Trust Territory.

Mr. Soldatov (U.S.S.R.) wished particularly to know what procedure was followed in the election of the members of the Council of Chiefs, what were the qualifications necessary to be eligible for election and to vote, and who supervised the elections?

Mr. Halligan (Australia) explained that the members of the Council of Chiefs for each district were elected by secret ballot and all the adults, both men and women, residing in the district were eligible for election. There was no special law governing the elections, but normal electoral practices were observed. When a vacancy occurred in the Council of Chiefs, the fact was announced in the Government Gazette, wherein it was stated that the Administrator would receive nominations up to a certain date, that all residents in the district aged 21 or over were eligible for nomination; that the voting would take place on a certain date and that it would be obligatory for all those registered to vote. He stated that the Administration had no right to interfere in the elections; if a candidate received a majority vote, he was elected without its being necessary to obtain the approval of the administration. (T.C.O.R. 5th Session 6th Meeting 1949 page 83).

Mr. Soldatov (U.S.S.R.) asked under what conditions the elections for the new council of chiefs would be held, what qualifications would be required for participation in the elections, whether women would have the right to vote, and who would nominate the candidates?

Mr. Reeve (Australia) replied that under the new Constitution all adult Nauruans, including women, would have the right to vote and that all persons qualified to vote, men or women could be candidates.

The President of the Council asked how the candidates would be chosen.
who has been convicted and is under sentence or subject to be sentenced for an offence punishable under any law in force in Nauru by imprisonment for one year or longer is disqualified as voter. Person entitled to vote is also eligible for election as a Councillor. Each district elects one councillor.

Mr. Reeve replied that he had no specific information on that point but thought that candidates could be nominated by at least two elections, as under the existing system.

The President asked what persons would be disqualified from voting.

Mr. Reeve replied that no one would be disqualified from voting, provided that he was a Nauruan, adult and of sound mind.

Mr. Soldatov wished to know whether the social organisations would be able to nominate candidates for the Council of Chiefs.

Mr. Reeve said that there were no social organisations or trade unions on Nauru. Nine Chiefs would be elected, one for each district. (T.C.O.R. 8th Session 31st Meeting 1951 page 131).
The Courts of law in Nauru are established under the Judiciary Ordinance 1922-52. Under the provisions of the Ordinance, there are four types of Courts, the Court of Appeal, a Central Court, a District Court and Native Courts. The administrator himself constitutes the court of Appeal. The judges and the magistrates of the lower courts are appointed by the administrator, and they may be removed by him.

District Court: This is a court of record and possesses civil and criminal jurisdictions. The composition of the court is determined by the administrator. The Nauruan Magistrates in the District Courts have powers only to deal with the cases where the parties involved are indigenous inhabitants. Any person who is convicted

It is said that an appeal from the Central Court is heard by the Administrator, who may confirm vary or cancel the judgment. Does not the Administering Authority consider the situation whereby the chief executive acts concurrently as the highest magistrate (Court of Appeal) and the sole legislative power, dangerous and undemocratic? Does not the Administering Authority realise the difficulty of bringing the territory progressively to self-government under the present set-up? (Belgium).

The grounds and procedure for the removal of a magistrate have not been prescribed and full power of appointment and removal would therefore rest with the Administrator. Although there is no evidence that the present system has worked against the interests of the indigenous inhabitants the Administering Authority would prefer the judiciary and administration to be separate. Difficulties are, however, encountered in making suitable arrangements owing to the isolation of Nauru and the smallness of the population. The matter was again examined during the recent visit of the Acting Minister for external territories to Nauru and is being fully considered. It is not agreed that the progressive development towards self-government and the existing system are necessarily incompatible. (T.C.O.R. 5th Session 1948 Doc. T/307 Replies of the special representative of the Administering Authority to written question of members of the Trusteeship Council: Page 110).

Mr. Ingles (Philippines) wondered whether it was the view of the special representative that the administrator rather than the Chief Judge was the proper person to remove a judge.

Mr. Reeve (Sp. Rep.) declared that in practice the Administrator was the nominal authority for appointment and removal. He was not aware of any instance where a judge
by the District Court and sentenced to a fine of not less than five pounds or imprisonment may appeal against such conviction to the Central Court.

Central Court: The Central Court is a Court of Record having full civil and criminal jurisdiction. The court is constituted by such judges and Magistrates as the administrator appoints. Sometimes the magistrates happen to hold administrative posts. 16

Native Courts:— The Native Courts consist of the chief of each district. Within his jurisdiction, the chiefs have powers to deal with minor offences committed by the Nauruans. 17

had been removed, but in the case of appointments the advice and direction of the Administering Authority were always sought. (T.C.O.R. 7th Session 23rd Meeting 1950 page 192).

15-Commenting on the authority of the Nauruan Magistrates Mr. Liu (China) asked why the Nauruan Magistrate had no authority to deal with cases in which non-indigenous were involved?

Mr. Reeve (Sp. Rep.) thought it was clear from Section 30 on page 27 of the Annual Report that the Nauruans and European magistrates have equal judicial powers. The Nauruan magistrate was competent to deal with cases involving non-Nauruans which came within the jurisdiction of the district Court.

Mr. Liu asked whether in practice the functions of the Nauruan Magistrate were not confined to offences committed by his own people.

Mr. Reeve said that he knew the Nauruan magistrate and that the latter dealt at his own preference exclusively involving Nauruans. In the main those cases arose from reports from the district police, as distinct from the Nauruan constabulary. (T.C.O.R. 7th Session 1950 23rd Meeting Page 191).

15- Mr. Sayre (U.S.) was interested to know whether the European magistrates of the central court of Nauru combined administrative duties with their judicial functions. If so, he wished to know what administrative posts they held.

Mr. Reeve declared that two of the three magistrates held administrative posts: one had been the Director of Police and the other had been a European resident on the island attached to the British Phosphate Commissioners. (Ibid Page 194).

15- Can further details be given of the judicial powers of
Equal treatment before law is afforded to all the people. By the laws Repeal and Adopting Ordinance 1922, the German laws ceased to extend in the territory. The same Ordinance provides that certain laws of England, the Commonwealth, Queensland and Papua should apply in the territory. An amendment to this Ordinance was made during 1951-52. This Ordinance was known as the Ordinance No. 3 of 1950. The section 10 of the Ordinance provides that the Nauruan custom should be given full recognition by the territory.

the Chiefs and the numbers and types of cases with which they dealt? (Iraq, Costa Rica).

The Chiefs are entrusted with the maintenance of order in their districts and the control of affairs associated with local government. For several years, now the chiefs have been granted powers to deal in their districts with Nauruans charged with committing offences of minor nature, the accused in all cases having the right of appeal to the administrator.

Considering that the Native Court consists of the chief of each district who is elected by the indigenous population and is supposed to have a life tenure in office, does he enjoy any special privilege with particular power of removal from office or is there any special guarantee against unjust removal? (Philippines).