THE HIGH PRICE OF RESETTLEMENT: THE PROPOSED ENVIRONMENTAL RELOCATION OF NAURU TO AUSTRALIA

JANE MCADAM

(2017) 48 *Australian Geographer* 7
[2019] *UNSWLRS* 23

UNSW Law
UNSW Sydney NSW 2052 Australia

TITLE: THE HIGH PRICE OF RESETTLEMENT:
THE PROPOSED ENVIRONMENTAL RELOCATION OF NAURU TO AUSTRALIA

Jane McAdam

j.mcadam@unsw.edu.au

Faculty of Law, University of New South Wales, UNSW Sydney, NSW, 2052 Australia.

THE HIGH PRICE OF RESETTLEMENT: THE PROPOSED ENVIRONMENTAL RELOCATION OF NAURU TO AUSTRALIA

Jane McAdam[i]

Introduction

Most Australians today know the hot, rocky island of Nauru as a Pacific country to which Australia sends asylum seekers who have come by boat. Far fewer recall proposals 50 years ago to resettle the population of Nauru on an island off the Queensland coast. Extensive and lucrative phosphate mining on Nauru by Australia, the United Kingdom and New Zealand throughout the 20th century devastated much of the 21 square kilometre island, and scientists believed it would be rendered uninhabitable by the mid-1990s. With the exorbitant cost of rehabilitating the land, wholesale relocation was considered the only option. But the Nauruans refused to go. They did not want to be assimilated into White Australia and lose their distinctive identity as a people.

This episode adds further complexity to the fraught co-dependency of the Australian–Nauruan relationship, and an incongruous twist to the idea that Nauru might be able to resettle refugees today. In particular, it provides a cautionary tale for perennial discussions about the future relocation of Pacific island communities in the face of climate change.

The Australian–Nauruan relationship[ii]

Nauru and Australia have had a long and uneasy relationship. Australia was the administrating power and main beneficiary of phosphate mining in Nauru between 1920 and 1968, during which time some 34 million tons of phosphate were removed, valued at around AU$300 million. Nauru had been a German protectorate from 1886 but was captured by Australian forces in November 1914. Prime Minister Billy Hughes was anxious to annex the territory because of its lucrative phosphate resources, mined by the Pacific Phosphate Company since 1907. These were of great value to the Australian agricultural export industry which needed fertilizers to improve the quality of its soil. Drawing on a message from his Cabinet, Hughes explained to the British Colonial Secretary that Nauru's phosphate deposits rendered it 'of considerable value not only as a purely commercial proposition, but because the future productivity of our continent absolutely depends on such a fertiliser.'[iii]

Despite Australia pressing its case at the Paris Peace Conference at the end of the war, mandate status over Nauru was informally granted to the British Empire in 1919, and formally in December 1920. The UK, Australia and New Zealand concluded a tripartite agreement (the Nauru Island Agreement in July 1919), pursuant to which Australia was appointed as the Administrator of Nauru, initially for five years. Having bought out the Pacific Phosphate Company, the agreement also established a Board of Commissioners represented by each of the partner governments (the British Phosphate Commissioners), in whom all title to the phosphate deposits was vested. This was described 70 years later by the Independent Commission of Inquiry (to examine the partner governments' dealings with, and responsibilities in respect of, Nauru) as being wholly inconsistent with the very notion of a 'mandate', which was a 'sacred trust' for the benefit of the residents of the mandated territory, *not* for the profit of a company pursuing commercial and other interests of the administering powers (Weeramantry 1992).[iv] In 1963, the NZ Prime Minister had in fact

privately confirmed that 'the main object of the whole exercise is to secure the supply of cheap phosphate to Australia and New Zealand' (Written Statement of Nauru 1991, para 81). Nauru was occupied by the Japanese from 26 August 1942 until 14 September 1945, during which time most of the phosphate workings were destroyed. In 1947, Nauru became a trust territory of Australia, New Zealand, and the UK, with Australia again designated as the Administrating Authority. The UN Trusteeship Council consistently raised concerns about Australia's neocolonialist attitude to Nauru, recommending a larger degree of self-governance by the Nauruan population (UN General Assembly 1949). Nauru became self-governing in 1966 and independent in 1968.

Today, the mined-out areas cover almost 90 per cent of Nauru, with limestone pinnacles exposed to a depth of up to six metres. Rehabilitation has been extremely expensive and slow. The Environmental Vulnerability Index (produced by the South Pacific Applied Geoscience Commission, the UN Environment Programme and partners) classifies Nauru as 'extremely vulnerable' – the highest level of vulnerability.

Early resettlement proposals

The question of resettlement of the Nauruan population was first raised in 1949, when the Australian government stated that the phosphate deposits would be exhausted within 70 years, and all but the coastal strip of Nauru would be 'worthless' (UN General Assembly 1949, 74). By 1956, the Commonwealth Scientific and Industrial Research Organisation (CSIRO) had revised the estimate down to 40 years and ruled out rehabilitation of the land as impracticable.

Prior to 1940, Australian authorities had believed that the rim around the island would provide sufficient land for the Nauruans to reside on indefinitely. But with the increasing phosphate requirements of Australian farmers in the post-war period, and the growth of Nauru's population, it became clear that it was inadequate. Resettlement thus became an increasingly attractive option for Australia, not least because it would facilitate the wholesale mining of the island.

The idea that a community could be relocated to another country was not regarded as far-fetched or fanciful. In fact, it was an already utilized policy tool in this part of the Pacific, and it tapped into a popular sentiment in the early-to-mid 20th century that redistributing the world's population could be a means of reducing resource scarcity and, in turn, conflict (Bashford 2014; McAdam 2015). UN Visiting Missions to Nauru in 1950, 1953 and 1956 pinpointed resettlement as the only viable long-term solution to Nauru's impending uninhabitability. Possible relocation sites in and around Fiji, Papua New Guinea, the Solomon Islands, and Australia's Northern Territory were explored, but were ultimately found to be inappropriate. Nevertheless, the Visiting Missions urged that a plan for gradual resettlement be agreed upon as soon as possible, rather than waiting until the phosphate deposits were exhausted. They noted that attention should be given to equipping younger Nauruans with vocational skills that would assist them to find employment in other parts of the Pacific.

Although Australia supported resettlement from Nauru, it rejected the Visiting Mission's view that phosphate mining made it necessary. While mining had destroyed much of the land, that was not, in the Australian government's view, the chief problem. Rather, it countered,

contact with European enterprise, and the adoption of 'European ways and standards', were the real reasons (UN General Assembly 1953, 114). The UN Trusteeship Council regarded this view as totally illogical. While it recognized that Nauru could not continue to support its people at their current living standards, this was inextricably connected to the environmental destruction caused by phosphate mining, as well as rapid population growth (Trusteeship Council 1961).

By and large, the Nauruans favoured rehabilitation of their land over relocation because it would enable them to remain in their homes and preserve their identity. However, recognizing the dismal projections for Nauru's on-going habitability, Head Chief Hammer DeRoburt mobilized support for resettlement, telling the UN Visiting Mission in 1956 that the Nauruans were now more in favour of total community resettlement in Australia, but were 'opposed to individual, gradual or piecemeal resettlement' (UN General Assembly 1956, 324). This was because Australia at this time favoured 'steadily educating' the Nauruans to a stage where they could 'fit into the economic and social life' of Papua New Guinea (then an Australian territory), or perhaps even Australia, rather than resettling them on an isolated island as a group.[v]

Instead, the Nauruans sought a commitment from the partner governments (UK, Australia and New Zealand) to meet the costs of a new homeland, including the cost of erecting villages, administrative centres, other public institutions, and communication systems. In 1955, attempts were made on their behalf by Australia (as Adminstrator) to secure Woodlark Island between Papua New Guinea and the British Solomon Islands Protectorate, but were abandoned when it became clear that the island did not meet their needs – namely, employment opportunities that would enable them to maintain their standard of living; a host community that would accept them; and willingness and readiness on the part of the Nauruans to mix with the host population.

The UN Visiting Missions emphasized that the partner governments had a moral obligation to 'provide the most generous assistance towards the costs of whatever settlement scheme was approved', since they 'had benefited from low-price, high-quality phosphate' (UN General Assembly 1962, 40). Australian Prime Minister Robert Menzies acknowledged the three governments' 'clear obligation … to provide a satisfactory future for the Nauruans',[vi] which involved 'either finding an island for the Nauruans or receiving them into one of the three countries, or all of the three countries', while having 'great regard to the views of the Nauruans.'[vii]

Australia's position oscillated between group relocation, and individual immigration and assimilation into a metropolitan society. This was perhaps because of the difficulties in finding a suitable single relocation site. By 1959, the Visiting Mission thought that earnest consideration should be given to allowing Nauruans to migrate to one of the partner government countries or to a possession 'where the standard of living was comparable to that enjoyed by the Nauruans' (Memorial of the Republic of Nauru 1990, para 162, sub-para 62).

In October 1960, the three partner governments concluded that the most feasible option would be gradual resettlement within their metropolitan territories (Preliminary Objections of Australia 1990, para 61), predominantly in Australia. At this time, the indigenous population of Nauru was around 2,500 people. The idea was for gradual individual or household migration over a period of at least 30 years. This would ease pressure in Nauru by opening up alternative living space, and would provide new opportunities for those who moved.

According to Nauruan documents, it was 'never envisaged that all Nauruans would take up the offer. Many would stay, and … Nauru would always remain a spiritual home for those resettled' (Written Statement of Nauru 1991, para 19). The terms of settlement were to include citizenship, equal opportunity and freedom of social contact. Young people were to receive education to the fullest extent of their capabilities, plus an allowance of £600 per annum (approximately A$17,000 today[viii]) for five years, after which time they would be assisted to find suitable employment. Adults who were able to work, and for whom suitable employment could be found, were to receive their passage, a house, maintenance for six weeks, further training or the tools necessary for self-employment, and would be eligible for all social welfare benefits (Trusteeship Council 1961, 685–86).

The Nauruans rejected the offer, arguing that the very nature of the scheme would lead to their assimilation into the metropolitan communities where they settled. In Australia, an editorial in *The Age* expressed the well-meaning, but ultimately paternalistic and disempowering, view that 'the direct route to complete assimilation' was the best way to handle the problem, because '[t]here should be no racial enclaves in Australia and no second-class citizenship for these Pacific people'(cited in Viviani 1970, 142).[ix]

In December 1960, the Nauruans requested an island of their own in a temperate zone off the Australian coast. In 1962, Fraser Island was identified as their preferred option. While Australia was willing to entertain the idea, it made clear upfront that sovereignty would not be transferred. When an expert survey concluded that Fraser Island did not offer sufficiently strong economic prospects to support the population, the Nauruans believed that this was simply an excuse on the part of the Queensland government to deny resettlement altogether (see Viviani 1970, 144). Indeed, archival materials suggest that the timber industry was keenly opposed to such a move.[x]

That same year, the Minister for Territories in Australia appointed a Director of Nauruan Resettlement, tasked with 'assiduously [combing] the South Pacific looking for spare islands offering a fair prospect'.[xi] As a result, in 1963 the Australian government offered Curtis Island in Queensland (near Gladstone). Land on Curtis Island was privately held, but the government planned to acquire it and grant the Nauruans the freehold title. Pastoral, agricultural, fishing, and commercial activities would be established, and all the costs of resettlement, including housing and infrastructure, would be met by the three partner governments – at the estimated cost of £10 million (about A$274 million today) [xii] (Preliminary Objections of Australia 1990, para 63).

While Australia reiterated that 'sovereignty would not be surrendered' (Preliminary Objections of Australia 1990, para 62), the government agreed to grant the Nauruans freedom of movement and the right to 'manage their own local administration and legislate for their own country', subject to their acceptance of 'the privileges and responsibilities of Australian citizenship' (United Nations Fourth Committee 1963, 565, para 3). Thus, 'a Nauruan Council would be established with wide powers of local government within the jurisdiction of the Queensland Government' (UN General Assembly 1964, 24), permitting a degree of self-governance. The idea that Nauru could create a 'new Nauru' was dismissed out of hand, an early departmental minute recording that 'our best interests would be served by playing along' with the idea, but never seriously entertaining it.[xiii]

Nauru again rejected the resettlement offer, deeming the political arrangements to be unsatisfactory. The Nauruan representatives feared that they would not be able to maintain

their distinct identity and would be 'assimilated without trace into the Australian landscape' (Memorial of the Republic of Nauru 1990, para 171).

> Your terms insisted on our becoming Australians with all that citizenship entails, whereas we wish to remain as a Nauruan people in the fullest sense of the term even if we were resettled on Curtis Island. To owe allegiance to ourselves does not mean that we are coming to your shores to do you harm or become the means whereby harm will be done to you through us. We have tried to assure you of this from the beginning. Your reply has been to the effect that we cannot give such an assurance as future Nauruan leaders and people may not think the same as we do.[xiv]

The Nauruans proposed 'the creation of a sovereign Nauruan nation governed by Nauruans in their own interest but related to Australia by a treaty of friendship' (UN General Assembly 1962, 32). External affairs, defence, civil aviation and quarantine would remain in the hands of Australia. This, the Nauruans argued, would safeguard Australia against anything which might endanger its national security. When Australia refused the offer, Nauru accused the government of not taking its proposal seriously.

Nauru rejects resettlement in Australia

Australia's offer of resettlement was finally rejected by the Nauruans in July 1964. Nauruan and Australian perspectives on the issue reveal quite different views as to why it failed.

The Nauruans claimed that resettlement was offered as a quick-fix solution that would cost the Australians far less than rehabilitating the land. It was, they said, an attempt to break up their identity and their 'strong personal and spiritual relationship with the island', ignoring 'the right of the Nauruan people at international law to permanent sovereignty over their natural wealth and resources' (Written Statement of Nauru 1991, paras 20, 74). Hammer DeRoburt stated that his people were never 'seeking full sovereign independence' over Curtis Island, but that 'anything which did not preserve and maintain [their] separate identity was quite unacceptable.'[xv] In summarizing their rejection of Australia's resettlement offer, the Nauruans explained:

> We feel that the Australian people have an image of Nauruans which is quite wrong, but which the Government has made little effort to correct. Australians seem to have a picture of an absurdly small people who want too much from Australia, who want complete sovereign independence, and who are not as grateful as they should be for what Australia is generously offering them.
>
> We feel that most Australians think that the predicament facing the Nauruan people today which has given rise to their need for resettlement elsewhere is due to natural over population and would-be sophistication of the younger Nauruan generation. We feel that Government propaganda aimed at shifting the blame to natural causes and evolution, is responsible for this unfair emphasis but have met with very little success. Although such factors may be regarded as contributory, it is wrong to attribute the necessity of resettlement wholly or primarily to them. We submit again that the main need for resettlement arises out of the physical destruction of the island and its attendant problems. Four-fifths of our island is phosphate-bearing and therefore in the end that much will be

destroyed (Memorial of the Republic of Nauru 1990, para 173, citing Nauru Talks 1964, 4–5).

By contrast, the Australian government pinned the failure of the resettlement negotiations precisely on the issue of sovereignty. Seemingly frustrated by what it perceived as a genuine and generous attempt to meet the wishes of the Nauruan people, the Australian government told the UN that 'it would not be able to depart from its decision that it could not transfer sovereignty over territory which was at present part of Australia' (United Nations Fourth Committee 1963, 565, para 4). As the Independent Commission of Inquiry later found, Australia's resettlement proposal 'violated each and every one' of the objectives of trusteeship under the UN Charter – namely, the promotion of political, economic and social advancement, and the promotion of progressive development towards self-government or independence (Weeramantry 1992, 297, 403).

The issue resurfaced in 2003, when Alexander Downer, then Australia's Foreign Minister, was reported as saying that he was considering the resettlement of Nauru's population in Australia and grants of Australian citizenship. He said he was 'very concerned' about Nauru's prospects because it was 'bankrupt and widely regarded as having no viable future' (Marks 2003). Australian officials regarded the country as unsustainable, noting that it had only been kept running by $30 million in funding over the previous two years to run Australia's offshore asylum seeker processing centres. The resettlement proposal was dismissed by the President of Nauru, who said it would undermine Nauru's identity and culture.

Planned relocation and resettlement in contemporary debates

In contemporary international discussions, 'planned relocation' has been identified as a possible strategy to assist low-lying Pacific island communities at risk from the impacts of climate change. Yet, cultural misunderstandings about the importance of land and identity remain, and highlight the enduring importance of matters such as the right to self-determination, self-governance, the preservation of identity and culture, and the right to control resources. Past experiences in the Pacific show the potentially deep, inter-generational psychological consequences of planned relocation, which may explain why it is considered an option of last resort in that region.

As Graeme Hugo so aptly observed, it is essential that climate change-related movement is understood within a broader historical context, linked to 'existing knowledge of migration theory and practice' (Hugo 2011a 260). As the resettlement literature shows very clearly, 'time is required to put in place all of the institutions, structures and mechanisms to facilitate equitable and sustainable resettlement', and while 'the desired end point may be decades away, there is an urgency to begin the planning process' (Hugo 2011a, 277).

The absence of bilateral, regional or international migration frameworks means that it is unclear how many Pacific islanders will have the opportunity to move voluntarily in anticipation of longer-term changes to their islands. This, in turn, may affect whether and how any cross-border community relocation might occur. It is very unlikely that any country today would provide a dedicated portion of land capable of housing the whole population of a small island State, which is why any future relocation is more likely to involve smaller settlements in a variety of areas.

When I asked the President of Kiribati, Anote Tong, in 2009 whether he would like to be able to retain some form of self-governance for Kiribati if the whole population ultimately had to leave, he said:

> Quite frankly that's an issue that I've never really focused on. I focus on getting our people to survive. But these issues—I think, at some point in time they will have to be addressed. But if you're scattering your people in different parts of the globe, how do you retain national unity?

The matters that concerned Nauru 60 years ago continue to resonate today.

Meanwhile, of course, Australia has sought to designate Nauru as a country *of* resettlement for a different purpose: for refugees that sought to reach Australia by boat, who have been denied the opportunity to settle in Australia.

Refugees who have settled in Nauru (839, as at 31 January 2016: Department of Immigration and Border Protection 2016) live with a well-founded fear of being assaulted or becoming the victim of a violent crime, including rape. They have highly limited prospects for meaningful employment or social engagement, and face a local culture of resentment. Numerous allegations of abuse, including sexual abuse, have been recounted in reports by the Australian Human Rights Commission (2014), the independent Moss Review (2015), and the Senate Committee on the Recent Allegations relating to Conditions and Circumstances at the Regional Processing Centre in Nauru (2015).

In 2014, over 50 single male refugees resettled in Nauru issued the following statement from Fly Camp, Nauru:

> We are living in a camp in the jungle. … We want to tell you that we are here like animals. … We came to Australia as asylum seekers for safety and for our future. We stay[ed] in Nauru at IDC [Immigration Detention Centre] for 11–12 months. Now we are accepted as refugees and they have given us safety but what can we do with this if there is no future for us there is no meaning. We all came with our hopes and our wishes to help our family and ourselves. But now we have no future, no hope. In our country the Taliban will come onto the bus and they will slash our throat and finish your life. It will take maybe 10 or 15 minutes for us to die. But the English–Australian men are killing us by pain, taking our soul and our life slowly.[xvi]

In this case, Australia does not need to find an empty island on which to relocate these people from Nauru. Rather, it has a responsibility to bring them to Australia, resettle them in the community, and provide them with durable and meaningful protection in accordance with its international legal obligations.

Indeed, as Graeme Hugo's seminal study of the long-term contributions made by humanitarian entrants to Australia showed (Hugo 2011b) given the opportunity, refugees can become some of the country's most resourceful and successful people. As the then Immigration Minister, Chris Bowen, observed in his foreword to the study:

> Given the often extreme hardship from which humanitarian entrants have come, it is all the more impressive that they are able to achieve so much in such an unfamiliar

> environment. It is these characteristics—resourcefulness, hard work and determination to improve their lives and the lives of their children—that come through so clearly in this research. And it is these attributes that Australians will recognise as those that will continue to make this country great, long into the future (Bowen 2011, 4).

Too often, the failure to learn from the past means that destructive policies are repeated. Just as the reinstatement of offshore processing was doomed as a 'solution' to displacement (Gleeson 2016), the relocation of communities away from areas threatened by the damaging impacts of disasters and climate change will be highly fraught unless it is underpinned by a respectful, considered and consultative process in which a full range of views can be voiced and heard (McAdam and Ferris 2015; Ferris 2012). As for Nauru, its own future seems sadly rooted in an unhealthy relationship of co-dependency with Australia, its territory once again exploited at the expense of the vulnerable.

REFERENCES

Application Instituting Proceedings (Nauru). May 1989. *Case concerning Certain Phosphate Lands in Nauru (Nauru v Australia)*, International Court of Justice.

Australian Government Department of Foreign Affairs and Trade. 2013. *Aid Program Performance Report 2012−13 Nauru*. Canberra: Commonwealth of Australia.

Australian Human Rights Commission. 2014. *The Forgotten Children: National Inquiry into Children in Immigration Detention*. Sydney: Australian Human Rights Commission.

Bashford, A. 2014. *Global Population: History, Geopolitics, and Life on Earth*. New York: Columbia University Press.

Bowen, C. 2011. Immigration Minister, 'Foreword'. In G. Hugo, *A Significant Contribution: The Economic, Social and Civic Contributions of First and Second Generation Humanitarian Entrants: Summary of Findings* (Commonwealth of Australia).

Department of Immigration and Border Protection. February 2016. 'Operation Sovereign Borders Monthly Update: January 2016.' Accessed March 15, 2016. http://newsroom.border.gov.au/channels/Operation-Sovereign-Borders/releases/operation-sovereign-borders-monthly-update-january-2

Ferris, E. 2012. 'Protection and Planned Relocations in the Context of Climate Change'. UNHCR Legal and Protection Policy Research Series, PPLA/2012/04.

Gleeson, M. 2016. *Offshore: Behind the Wire on Manus and Nauru*. Sydney: New South Publishing.

Hugo, G. 2011a. 'Lessons from Past Forced Resettlement for Climate Change Migration'. In *Migration and Climate Change*, edited by E. Piguet, A. Pécoud and P. de Guchteneire, 260–88. Cambridge: Cambridge University Press.

Hugo, G. 2011b. *A Significant Contribution: The Economic, Social and Civic Contributions of First and Second Generation Humanitarian Entrants: Summary of Findings* (Commonwealth of Australia).

Marks, K. 2003. 'Australia Moots Radical Future for Bankrupt Nauru'. *The Independent*, December 20, 2003. Accessed January 6, 2016. http://www.independent.co.uk/news/world/australasia/australia-moots-radical-future-for-bankrupt-nauru-83312.html

McAdam, J. 2015. 'Relocation and Resettlement from Colonisation to Climate Change: The Perennial Solution to "Danger Zones"'. *London Review of International Law* 3: 93–130.

McAdam, J. and Ferris, E. 2015. 'Planned Relocations in the Context of Climate Change: Unpacking the Legal and Conceptual Issues'. *Cambridge Journal of International and Comparative Law* 4: 137–66.

Memorial of the Republic of Nauru. April 1990. *Case concerning Certain Phosphate Lands in Nauru (Nauru v Australia)*, International Court of Justice, Pleadings.

Moss, P. 2015. *Review into Recent Allegations relating to Conditions and Circumstances at the Regional Processing Centre in Nauru: Final Report*. http://www.border.gov.au/ReportsandPublications/Documents/reviews-and-inquiries/review-conditions-circumstances-nauru.pdf#search=moss

Murdoch, L. 2016. 'Remaining Two Refugees in Cambodia Rue Leaving Nauru'. *Sydney Morning Herald*, March 13, 2016. Accessed March 14, 2016. http://www.smh.com.au/world/remaining-two-refugees-in-cambodia-rue-leaving-nauru-20160311-gnh7mo.html

Preliminary Objections of the Government of Australia. December 1990. *Case concerning Certain Phosphate Lands in Nauru (Nauru v Australia)*, International Court of Justice, Pleadings.

Senate Committee on the Recent Allegations relating to Conditions and Circumstances at the Regional Processing Centre in Nauru. 2015. *Taking Responsibility: Conditions and Circumstances at Australia's Regional Processing Centre in Nauru*. Canberra: Commonwealth of Australia.

Tabucanon, G.M. & Opeskin, B.R. 2011. 'The Resettlement of Nauruans in Australia: An Early Case of Failed Environmental Migration'. *Journal of Pacific History* 46: 337–56.

Tate, M. 1968. 'Nauru, Phosphate, and the Nauruans'. *Australian Journal of Politics and History* 14 (2): 177–92.

Trusteeship Council. 1961. 'Examination of Conditions in Trust Territories'. *International Organization* 15 (4): 671.

United Nations Fourth Committee. December 12 1963. UN GAOR, 4th Comm, 18th sess, 1513th mtg, Agenda Item 13, UN Doc A/C.4/SR.1513.

United Nations General Assembly. 1949. *Report of the Trusteeship Council*. UN GAOR, 4th sess, UN Doc A/933 (SUPP).

United Nations General Assembly. 1953. *Report of the Trusteeship Council*. UN GAOR, 8th sess, UN Doc A/2427 (SUPP).

United Nations General Assembly. 1956. *Report of the Trusteeship Council*. UN GAOR, 11th sess, UN Doc A/3170 (SUPP).

United Nations General Assembly. 1962. *Report of the Trusteeship Council*, UN GAOR, 17th sess, UN Doc A/5204 (SUPP).

United Nations General Assembly. 1964. *Report of the Trusteeship Council*, UN GAOR, 19th sess, UN Doc A/5804 (SUPP).

Viviani, N. 1970. *Nauru: Phosphate and Political Progress*. Canberra: Australian National University Press.

Weeramantry, C. 1992. *Nauru: Environmental Damage under International Trusteeship*. Melbourne: Oxford University Press.

Written Statement of Nauru. July 1991. *Case concerning Certain Phosphate Lands in Nauru (Nauru v Australia)*, International Court of Justice, Pleadings.

NOTES

[i]Jane McAdam is Scientia Professor of Law and the Director of the Andrew & Renata Kaldor Centre for International Refugee Law at UNSW. She holds an Australian Research Council Future Fellowship examining the legal implications of community relocation across international borders.

[ii]Much of the information in this article comes from UN Trusteeship Council records and the written memorials of Australia and Nauru in the *Case concerning Phosphate Lands in Nauru (Nauru v Australia)* before the International Court of Justice (available here: http://www.icj-cij.org/docket/index.php?sum=413&p1=3&p2=3&case=80&p3=5). Only direct quotes are specifically attributed.

[iii]Prime Minister Hughes to Lord Milner, May 3 1919, Lloyd George Papers, Beaverbrook Library, London, F/28/3/34, cited in Memorial of the Republic of Nauru 1990, para 34.

[iv]In that case, the Nauruans argued that mining had rendered the land 'completely useless for habitation, agriculture, or any other purpose unless and until rehabilitation was carried out' and that in its role as Administrator, the Australian government had 'failed to make adequate and reasonable provision for the long-term needs of the Nauruan people': Nauru Application Instituting Proceedings (Nauru), paras 15 and 17 respectively. An out-of-court settlement was ultimately reached, with Australia paying A$107 million compensation and Nauru agreeing not to take any further legal action (Australian Government Department of Foreign Affairs and Trade, 4 fn 14).

[v]Departmental minute dated November 5 1953 by the Secretary to the Department of Territories to the Minister, Australian Archives ACT CRS A518, Item DR118/6 PT.1; Annexes, vol 4, Annex 62, cited in Memorial of the Republic of Nauru 1990, para 569.

[vi]Letter from Robert Menzies (Prime Minister of Australia) to G.F.R. Nicklin (Premier of Queensland) January 22 1962. Nauruans—Resettlement in Australia, Series ID 5213, Item ID 842358, January 22 1962–March 22 1965, Queensland State Archives, cited in Tabucanon and Opeskin, 342.

[vii]Attributed to Melbourne *Herald* in a memorandum submitted by the Nauru Local Government Council to the 1965 UN Visiting Mission: *Trusteeship Council Official Records*, 32nd sess, Supp No 2, Annex 1 (May 2–June 30 1965) 13, cited in Memorial of the Republic of Nauru, para 562.

[viii]http://www.rba.gov.au/calculator/annualPreDecimal.html

[ix]'Something to be Proud of', *The Age*, June 26 1961, 2 cited in Viviani, 142.

[x]Letter from the President of the Maryborough & Bundaberg District Timber Merchants' Association to O.O. Madsen (Queensland Minister for Agriculture and Forestry), February 23 1962, Nauruans – Resettlement in Australia, Series ID 5213, Item ID 842358, January 22 1962–March 22 1965, Queensland State Archives, cited in Tabucanon and Opeskin, 346.

[xi]'Verbatim Record of Public Sitting', *Certain Phosphate Lands in Nauru (Nauru v Australia)*, International Court of Justice, General List No 91, November 18 1991, 17 (Barry Connell), cited in Tabucanon and Opeskin, 346.

[xii]http://www.rba.gov.au/calculator/annualPreDecimal.html

[xiii]Departmental minute of 5 November 1953, Australian Archives ACT CRS A518, Item DR 118/6 Pt 1, reproduced in Commission of Inquiry Report Documents 896, cited in Weeramantry 1992, 290.

[xiv] Nauru Talks 1964, 1–2, Annexes, vol 3, Annex 1: 'Summary of the Views Expressed by the Nauruan Delegation at the Conference in Canberra July–August 1964', cited in Memorial of the Republic of Nauru, para 171.

[xv]'Statement by Hammer Deroburt, OBE, GCMG, MP, Head Chief, Nauru Local Government Council', Appendix 1 to Memorial of the Republic of Nauru, para 21. However, as Tabucanon and Opeskin note at page 347, *The Age* newspaper at the time stated that Nauru wanted to establish Curtis Island as a sovereign State, tied to Australia by a treaty of friendship, and controlled by Australia only in matters of defence, quarantine, and possibly external affairs and civil aviation: 'Island Offer Rejected by Nauru', *The Age*, August 21, 1964. This was based on the 1962 Treaty of Friendship between New Zealand and Western Samoa: see citation in Viviani, 143. Similarly, Tate argues that the three fundamental conditions of resettlement on Curtis Island were that the Nauruans be granted full independence, enjoy territorial sovereignty over their new homeland, and retain sovereignty over Nauru: Tate, 1968,181, cited in Tabucanon and Opeskin 347.

[xvi]'Statement from the More Then [sic] Fifty Nauru Refugees' (August 4 2014). Accessed January 6, 2016 http://www.scribd.com/doc/235771504/Statement-From-the-More-Then-Fifty-Nauru-Refugees.