



REPUBLIC OF NAURU

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Nauru

G.N.No. 556/1986.

REPUBLIC OF NAURU

COMMISSION OF INQUIRY INTO REHABILITATION OF THE
WORKED-OUT PHOSPHATE LANDS IN NAURU

It is notified for general information that at its meeting of 27th November 1986, the Cabinet, pursuant to Section 3, Sub-section (1) and (2) of the Commissions of Inquiry Ordinance 1948-1967, decided to:

- (1) issue a Commission appointing three Commissioners and authorise them to inquire into matters indicated in the said Commission, into which an inquiry in the opinion of the Cabinet, for the public welfare;
- (2) authorise the Department of External Affairs to request the Governments of the Commonwealth of Australia, New Zealand, the United Kingdom, Japan and the Federal Republic of Germany to extend their co-operation to the Commissioners to facilitate the successful conclusion of their task under the said Commission;
- (3) appoint Mr. Gokaran Nath Saksena to be Secretary to the Commissioners;
- (4) appoint Professor Henry Barry Connell as Counsel assisting the said Commission; and
- (5) authorise and empower His Excellency the President to take any further actions as he may deem necessary and convenient, for the fulfillment of the said Commission.

Following is the Commission issued by the Cabinet:-

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- "TO:
1. Professor Christopher Gregory Weeramantry,
Professor of Law,
Monash University,
MELBOURNE, AUSTRALIA.
 2. Professor John Ralph Burton,
Foundation Professor of Natural Resources,
Department of Resource Engineering,
University of New England,
ARMIDALE, N.S.W., AUSTRALIA.
 3. Mr. Gideon Degidoa,
Manager,
Nauruan Language Bureau,
Department of Island Development and Industry,
REPUBLIC OF NAURU.

THE CABINET OF THE REPUBLIC OF NAURU, in pursuance of the Constitution of the Republic of Nauru, and the Commissions of Inquiry Ordinance 1948 - 1967, appoints you to be Commissioners to inquire, in relation to the phosphate industry conducted on Nauru during the period 1906 to 1968, into the following matters, namely:-

Commonwealth of Australia, or the Government of the United Kingdom, or the Government of New Zealand, to be taken in private unless the particular Government consents to the taking of that evidence in public; and where any part of your report under this Notice contains such classified documents or recites the contents of such documents and that Government has not consented to publication of that part, to furnish that part as a separate report with a recommendation whether or not it should be published;

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- (f) to commission such special consulting assistance as you may deem appropriate;

AND, the Cabinet appoints you, CHRISTOPHER GREGORY WEERAMANTRY, to be the Chairman of the said Commissioners;

AND, the Cabinet further directs that for the purpose of taking evidence, two Commissioners, one of whom shall be the Chairman, shall be sufficient to constitute a quorum and may proceed with the inquiry under this Notice;

AND, the Cabinet further directs that the hearings conducted by the Commissioners should take place in the Republic of Nauru, in the offices of the Consulate-General of the Republic of Nauru in Melbourne, Australia, and in such other places as the Commissioners may deem appropriate for the purposes of the present inquiry; and that the Commissioners may adopt their

- (iii) Agreements between the Australian, New Zealand and United Kingdom Governments, and the Nauru Local Government Council, at the time of independence,
- (iv) the matters placed before and the deliberations of the United Nations Trusteeship Council with respect to rehabilitation, and
- (v) the developments both before and after independence with respect to municipal and international law relating to environmental harm;

AND, without restricting the scope of your inquiry, the Cabinet further directs you, for the purposes of your inquiry, to have regard to the following document:-

- (d) the Report by a Committee appointed to investigate the possibilities or rehabilitation of mined phosphate lands 1966 (Davey Committee);

AND, the Cabinet requests you -

- (e) to cause any evidence that is the subject of classified documents, or the contents of classified documents, of the Government of the

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- (a) the Government or organisation who should accept responsibility for rehabilitating the areas of phosphate land worked out in the periods covered by the German Administration, League of Nations Mandate, Japanese Occupation, and the United Nations Trust;
- (b) the cost and feasibility of any projected rehabilitation;

AND, without restricting the scope of your inquiry or in any way limiting the generality of the foregoing, the Cabinet directs you:-

- (c) to inquire particularly into the following matters, namely:-
 - (i) the considerations given to the subject of rehabilitation by the Administering Power under the League of Nations Mandate and the Administering Authority under the United Nations Trust,
 - (ii) the submissions made by the Nauru Local Government Council on the subject of rehabilitation,

own rules of procedure and may alter them, as they may deem appropriate for the purposes of the present Commission;

AND, the Cabinet declares that in this Notice

- (g) The word "rehabilitation" includes restoration of worked out lands by whatever effective means or alternative land use;

AND, the Cabinet further directs you to make such recommendations arising out of your inquiry as you think appropriate, including recommendations for future action and arrangements;

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AND, the Cabinet requires you as expeditiously and on as informal a basis as possible to make your inquiry and, not later than 31ST day of DECEMBER 1987 or such later date as the Cabinet may be pleased to fix to furnish to it a report of the results of your inquiry and your recommendations.

DATED THIS 3rd DAY OF December 1986

(Buraro Robidok Detudamo)
ACTING CHAIRMAN OF THE CABINET"

Dated this 3rd day of December 1986.

V.S. Mani,
SECRETARY TO THE CABINET.
