

UNITED NATIONS
TRUSTEESHIP
COUNCIL



PROVISIONAL

T/IV.1185
6 June 1962

ENGLISH

Twenty-ninth Session

VERBATIM RECORD OF THE ELEVEN HUNDRED AND EIGHTY-FIFTH MEETING

Held at Headquarters, New York,
on Wednesday, 6 June 1962, at 10.30 a.m.

JUN

*General Sec
126
126
18*
President:

Mr. BINGHAM

(United States of America)

Examination of annual reports of the Administering Authorities
on the administration of Trust Territories: conditions in the
Trust Territory of the Pacific Islands [3b] (continued)

Note: The Official Record of this meeting, i.e. the summary record, will appear in provisional mimeographed form under the symbol T/SR.1185 and will be subject to representatives' corrections. It will appear in final form in a printed volume.

AGENDA ITEM 3b

EXAMINATION OF ANNUAL REPORTS OF THE ADMINISTERING AUTHORITIES ON THE ADMINISTRATION OF TRUST TERRITORIES: CONDITIONS IN THE TRUST TERRITORY OF THE PACIFIC ISLANDS (T/1590; T/L.1040; T/PET.10/34)(continued)

At the invitation of the President, Mr. M. Wilfred Goding, special representative for the Trust Territory of the Pacific Islands, took a place at the Trusteeship Council table.

The VICE-PRESIDENT (interpretation from Spanish): We had intended today to continue discussion of the pending petitions. However, since one of the representatives who was to speak on the subject, the representative of India, is absent today, I feel that it might be better to continue with the general debate on conditions in the Trust Territory of the Pacific Islands. If there are no objections to this procedure, we might hear the two speakers on my list for the general debate and, after we have heard them, there may be time to continue discussion of the item. In the absence of any objection, it is so decided.

General debate

Mr. HOOD (Australia): I have certain remarks of a general nature to make with regard to the information that has been submitted to the Council on the Trust Territory of the Pacific Islands. These remarks will be brief. They are offered in the hope that they will contribute to the Council's consideration of the report of the Administering Authority and the further information supplied by the Special Representative.

We wish, of course, to thank cordially the representatives of the Administering Authority for the comprehensive nature of the information which they have supplied to the Council this year, as in previous years. We have listened with especial interest again to the very frank and wide-ranging opening statement of the Special Representative, Mr. Goding, and we have taken note of the major changes in the various aspects of development of the Territory of which he has advised the Council.

(Mr. Hood, Australia)

We think that the Administering Authority is to be commended for the steady and sound principles it has pursued in granting to the people of the Territory of the Pacific Islands an increasing degree of autonomy and management of their own affairs. We look forward to the year 1965 -- or possibly earlier, as the Special Representative indicated -- when the Territory's Council becomes a truly legislative body with full legislative powers.

While we fully appreciate the difficulties with which the Administering Authority is faced -- and these have been candidly exposed to us -- in particular the small and widely scattered population of these islands, we feel confident that the Administering Authority has achieved much toward reaching the goal of some form of political unity and of a feeling of co-operation, a desire for co-operation, among the various peoples.

To take one or two specific points: We have taken note of the transfer of the administrative headquarters of the Territory from Guam to Saipan. This, together with the unification of the administration of the Territory under a single civilian authority, within the purview of a single department of the United States Government, will surely facilitate better administration.

(Mr. Hood, Australia)

A good deal was said about the training of Micronesians for executive posts in the administration. It is clear that in this Territory, as in other Territories of which this Council has past knowledge and still has within its province, the question of the training of indigenous people for executive posts is one that is not easily answered in short terms. It is a matter of a rather long process. We believe that the Council should continue to press all Administering Authorities that remain for continuing efforts in the direction of training indigenous people for administrative posts. Certainly there is no suggestion that the Administering Authority in the Pacific Islands is not very well aware of the need for this and what the Council will have to say on this would be by way of encouragement and certainly not by way of criticism.

Speaking on economic development, the Special Representative spoke of a new attack that was being made on the economic problems which face the Micronesian people. Our experience in Papua and New Guinea has taught us that long-range economic plans are a good approach in tackling this problem and we are pleased to note that such a plan is being prepared by the Administering Authority in this case. However, it may be felt that the exploitation of the resources of an area such as the Pacific Islands, an area not richly endowed in natural resources, presents problems of a very special character. We wonder whether the Pacific Islands Territory can really ever support a viable economy. Nevertheless, we appreciate the efforts being made toward an increasing degree of self-support in the economic sense. Perhaps here a fisheries industry -- and this, of course, has been noted before in previous years -- can make a not unsubstantial contribution and certainly this avenue of economic development should be fully investigated.

I should like to make one or two other points. We note a certain concern in the matter of war damage compensation which has not yet been adjusted and hope that the Administering Authority will take steps to finalize these outstanding payments within the near future.

In the field of education and social development, satisfactory progress is to be noted. A good, basic, elementary education is essential in any Territory and we note that in this case some 95 per cent of children are enrolled in elementary schools. This is indeed a high percentage, both absolutely and comparatively. Yet we do not consider it essential that all these pupils

(Mr. Hood, Australia)

should receive schooling of a higher or tertiary nature. The important thing is that the educational system and policy be geared and adjusted to the special requirements and needs of the indigenous people and, in this regard, it must of course be realized that the potential of executive-type employment or of high academic experience will, in fact, be limited.

We take this opportunity to welcome Mr. Amaraich to this Council. We listened to his interesting statement yesterday and were gratified to note the intense enthusiasm shown by his people for education. We are also pleased to hear his confirmation that the people of the area were progressing toward becoming a more satisfactory political unit.

(Mr. Hood, Australia)

My delegation was particularly interested to note that the Territory council will one day determine the future of the territory. As in our own Trust Territory, we have always upheld the right of dependent peoples to determine their own future. We realize from our own experience that the development of self-government in an area such as the Trust Territory of the Pacific Islands must be a gradual process if independence and self-government are to be based on sound principles and on a lasting foundation.

I conclude these brief remarks by saying again that we would wish to commend the Administering Authority for a year of progress in all essential fields in this Territory.

Mr. CORNER (New Zealand): It is something of a commonplace, when speaking in this Council, to note that of eleven original trust territories only three now remain under our supervision, and these three are all located in the Pacific. The point, however, is more than a commonplace. If these three Pacific Trust Territories are left it is because they represent special cases -- the untypical territories where, for geographical or ethnic reasons, the normal pattern of development has been complicated and the experience of other areas is not always applicable.

When we turn our attention to Micronesia, the first of these Territories, we are at once reminded of the unique administrative problems posed by these Territories. There is, first of all, the problem of a rapidly expanding population itself the welcome result of improved medical services. A population of 77,000 can hardly be described as crushing, but when this population is squeezed into less than 700 square miles of islands, many of them half-barren atolls incapable of great agricultural development, when it is increasing at a rapid rate while striving for a steadily rising standard of living, then population pressure becomes a factor which cannot be ignored in future planning. Then there are the difficulties of transport and communications. The 700 square miles of land are in fact divided into 2,000 islands scattered over 3 million square miles of ocean. Like most Pacific islands, Micronesia is almost devoid of mineral or other economic resources. Hence to finance its development it must depend mainly on cash crops -- coconuts, cocoa beans, fish -- but these crops are subject to sharp price fluctuations and their expansion is often hindered by traditional forms of

(Mr. Corner, New Zealand)

land tenure. Last, and perhaps most fundamental of all, there is the problem of the "island" mentality, that age-long habit of mind whereby the mental horizon becomes coterminous with the physical and thoughts, like homes, are bounded by the reef.

These are the peculiar problems of the Pacific -- conditions duplicated nowhere else in the world. Since all the Pacific territories face these problems in common there are obvious benefits to be gained from regional co-operation. Such co-operation is of course already being fostered by the South Pacific Commission, which stimulates and acts as a clearing house for much agricultural research and medical and social work on Pacific problems. As means of travel improve contacts and mutual awareness will increase. I know that the Government of Western Samoa was especially pleased to have a representative from Micronesia, Mr. Dwight Heine, attending its independence celebrations at the beginning of this year, and I am sure that he discovered many similarities between the problems of the two Territories. Such contacts are worth encouraging. As the Micronesians develop a territorial consciousness so they may also become aware of the uses and value of a wider co-operation with their fellow Pacific islanders.

At any rate, we, being responsible for other and even smaller islands to the south, are well aware of the difficulties facing an Administering Authority in the Pacific. But while we can understand the tasks confronting the United States we can also admire the vigorous way in which it has tackled them, especially during the last year. I have referred already to the prompt and very thorough response by the United States Government to the suggestions made last year by the Visiting Mission and by this Council. We must all have compared the High Commissioner's statement with the Mission's Report, and noted that a very large number indeed of the Administering Authority's innovations had earlier been suggested by the Mission. This is an impressive tribute both to the Mission and to the Administering Authority. It is a tribute to the Mission whose members made much effective use of their time in the Territory. Their suggestions were so carefully framed and so realistically tailored to the Territory's needs that, as we have seen, many of them could be put into administrative effect within twelve months. It is also a tribute to the United States for the sincerity with which it has welcomed, and adopted, all constructive

(Mr. Corner, New Zealand)

suggestions for the advancement of the Trust Territory. I think that the statement by the Special Representative and his replies to questions over the last few days have earned the respect of all of us for the earnestness, patience and responsibility with which he is clearly discharging his tasks.

Formulas and catch-phrases are of little help when administering a Trust Territory. To attempt to impose a pre-determined pattern -- however well we may esteem it and however well it may work in other countries -- is usually pointless and sometimes disastrous. It can in fact become the most offensive kind of paternalism and, as such, is repugnant to all democratic governments. No administering authority can claim to know in advance how best it can fulfil its trust. The only honest course is to ponder, to experiment, to listen to all useful suggestions, and by these means to stimulate but not warp the growth of a territorial consciousness.

This approach has, I think, been consistently followed by the United States, and the High Commissioner's statement has shown the results it can yield. But if an adaptable pragmatism is the mark of a good Administering Authority, we who lack the advantages of any direct connexion with the Territory must be even more conscious of its complexities and of the need to keep an open mind. The great value of the Trusteeship procedure -- and surely the last report of the Visiting Mission illustrates this -- is that responsible discussion in this Council can throw up new ideas or suggest new approaches which the United States has shown itself willing to consider. The Council's annual debates enable us, and perhaps the Administering Authority also, to form a clearer idea of the problems facing the Territory, of the most effective means of dealing with them, and of the intermediate or tactical objectives which will best advance the territory towards its ultimate goal of self-government or independence.

(Mr. Corner, New Zealand)

The first of these intermediate objectives, and one in which all others are to some extent included, has been stressed in both the Mission's report and the Special Representative's statement: it is the development of a Micronesian consciousness, a territorial sense of community. Anyone who has ever visited the Pacific is familiar with what I have called the "island" mentality, that confinement of mental horizons which is the historical product of centuries of isolation. We are told by one of the early Spanish navigators that the inhabitants of one of the Micronesian islands had theretofore assumed that they were the only people in existence and were forced by the arrival of a solitary ship to rethink their whole philosophy. Habits of isolation die hard in such scattered archipelagos and there is still a need for a change, though one hopes a far less drastic one, in the islanders' thinking. Micronesia remains less a real community than a geographical expression, and until a genuine sense of interdependence develops, political institutions are difficult to mature.

Put together, of course, the two give what scientists call a positive interaction. Political development assists the growth of a territorial consciousness; the strengthening of the latter infuses energy into the political machinery. By these means then a collection of island units approaches nationhood. But only when there is a true sense of common cause, a Micronesian "self", can there be any meaningful self-determination; only a national entity can express a national will. For these reasons we supported the Visiting Mission's view that such fragmentary expressions of opinion as the unofficial plebiscite held in Saipan last year are simply a further indication of the need to foster a sense of territorial unity.

For the same reasons it seems to us that the administrative and political measures now being taken by the Administering Authority are to be warmly welcomed as important steps in stimulating such a territorial consciousness. The return to the High Commissioner of jurisdiction over Saipan and the decision to transfer territorial headquarters to that district must give the Territory a greater sense of cohesion. Even more important is the development of the Council of Micronesia and the popular election of its delegates. The evolution

(Mr. Corner, New Zealand)

of the Council towards a full territorial legislature contains surely the key to future progress in the Territory. Such a legislature, enacting laws for the whole Territory, drawing up a budget and appropriating expenditures for the whole Territory, and even -- unpleasant though it may seem -- imposing taxation on the whole Territory, could hardly fail to be a most potent force for unity.

The Council of Micronesia, through its Holdover Sub-Committees, is moving rapidly towards this goal and during the next year will no doubt assume new tasks and responsibilities as members gain confidence. It might, for instance, prove possible to associate the Council in the work of budgetary planning and the allocation of territorial revenue. As sessions grow longer the Council may be able to debate and advise on such territorial problems as educational policy, liquor legislation and the best forms of taxation. But at this stage there is less need for the Trusteeship Council to recapitulate what has been done or recommend any series of detailed steps for the future; that is surely the responsibility of the Administering Authority. What perhaps we can and ought to do, however, is to stress the general principle -- of which the territorial administration is clearly well aware -- that no opportunity should be neglected to stimulate the growth of a Micronesian community: not even in such comparatively minor matters as the adoption of a flag, the national anthem, and possibly the issuance of territorial postage stamps. Only on this basis can political development go beyond the district level. In this respect, fortunately, the Administering Authority has its own experience to draw on: the United States, which has drawn forth exactly this kind of national spirit from its own diverse peoples and regions, is eminently qualified to assist it in Micronesia.

In economic development no less than in the political field the same need for a wider framework seems to us to govern future growth. For convenience and clarity we talk of economic and political development under separate headings, but this should not lead us to overlook the fact that both are intimately connected. Indeed, the one stimulates the other. Political development, in our experience, releases new energies and interest in economic development. Economic growth therefore is not a question of simply raising standards of living; it too, with the web of interdependencies it creates, plays its part in the creation of a territorial community. The annual report on the Territory and the

supplementary statement by the Special Representative provide ample evidence that economic development is being stimulated no less energetically than political advancement. We particularly welcome the Administration's undertaking to draw up a long-range and comprehensive plan. We welcome this, not because the elaboration of plans is necessarily a good thing in itself but because, if the Trust Territory is to approach economic self-sufficiency, it must do so by a careful deployment of its entire resources. Since these resources are few, they must be marshalled with the utmost care. The Administration's new policy of aided self-help, by which the people in the districts and villages construct roads, schools and other public works with the help of equipment and funds from the centre, is an excellent method both of economic progress and of practical education. But it has been our experience that unless such work is done in accordance with an over-all plan, there can be waste and duplication -- school buildings for which no teachers are available, dispensaries which are duplicated in the next village, and so forth.

Preparation of a long-range plan based on accurate surveys and studies will no doubt draw together and harmonize projects on which the Administering Authority is already working. In common with most other Pacific islands, the Trust Territory seems to have four main economic needs. The first is the development of cash crops which, in the absence of mineral resources, must always form the Territory's main export revenue. The notable increase in the production of copra last year, the development of cocoa production within five years, and the increase in fish exports give, I think, some indication of the vigour with which the Administering Authority is attacking this problem.

But increasing the planting of cash crops does not in itself always increase export earnings, partly because commodities like copra and cocoa are subject to distressing fluctuations in world prices, but even more because in all such scattered communities the cost and availability of transport is an important limiting factor. It is clear, however, from the continuing expansion of shipping, air services and road construction that the Administering Authority is aware that transport must be provided even though they must subsidize it heavily. Such subsidies will probably always be needed to underpin the Territory's economic structure. Without them, the distances in the Pacific being what they are, little or no export production would be possible.

(Mr. Corner, New Zealand)

Thirdly, there is the need for a rationalization of land tenure. This lies at the heart of all plans for development in the Pacific where small and often rather infertile islands are worked under systems of customary land tenure which hinder more modern methods of cash cropping. The homestead programme is a useful means of overcoming this difficulty -- and one in the American tradition. Perhaps over the next few years the survey and granting of quit claims and the establishment of land-holdings can be even further accelerated.

The final and perhaps most important of all the needs of a developing territory is, of course, capital. In islands where export income is small and the rate of capital formation very slow, loan funds, whether public or private, are essential to growth. For this reason we have no doubt whatever as to the wisdom of the Administering Authority's decision to allow the participation, under suitable safeguards, of foreign capital in the Territory's economic expansion. Even more of a stimulus, we hope, to the growth of Micronesian enterprise will be the projected economic development fund. Some such fund is always necessary to supplement individual efforts and to provide money on projects like the development of copra or cocoa plantations which do not always appeal to the outside investor but which -- since agriculture must inevitably be the mainstay of the Territory's economy for many years to come -- are essential for healthy growth.

Economic development, however, does not stop at the creation of infra-structure or the provision of loan money, any more than political growth is a question merely of the establishment of legislatures. Economic development, as someone has long since noted, is more a state of mind than a question of physical resources. The creation of a suitably informed state of mind is the province of education -- if that is not too crude a definition -- and it is here that educational policy can provide the link between political and economic development and fuse both into a sense of Micronesian community.

The question which then arises is, what form of educational policy will best foster such an awareness. There is an educational dilemma here which we have encountered in our own small territories but which is raised in an acute form by the isolated atoll societies of the Trust Territory, where the rhythms and patterns of life can be far removed from those of modern technology. It is essentially this:

(Mr. Corner, New Zealand)

Should the Territory's educational policy aim primarily at fitting the island people to their natural environment by improving such everyday concerns as agriculture and fishing techniques? Or should it aim at a standard liberal and technological education as advanced as possible and risk educating its pupils out of all contact with their own environment, making them in effect exiles in, or even from, their own homes?

This dilemma is worth studying and worth pondering, but no ready-made solution can be offered. It seems to us that educational policy in such areas as Micronesia must aim at a practical balance directed towards educational excellence on the one hand -- that is, the full development of the innate capacity of the human being in the Territory -- while avoiding the rootlessness which comes from the needless destruction of traditional ways on the other. This the Administering Authority is clearly attempting to do. Once again it is a question of pragmatism, of readiness to consider alternative opinions. Perhaps on such questions as language-teaching and the expansion of secondary education some of us would have been inclined to strike a different balance. Of more fundamental importance, however, is that the Administering Authority has formulated a coherent policy of educational development, that it is carrying out this policy as rapidly as finances and personnel permit, and that it is always ready to adapt in the light of constructive suggestions made in this Council.

In the course of this statement I have laid considerable emphasis -- perhaps excessively so -- on the creation of territorial unity through political, economic and educational development. I have not done so out of any obsession with administrative tidiness, but rather because it seems to me to be the essential preliminary, in this most dispersed of Trust Territories, to more detailed and sophisticated development. In this unique situation the usual slogans and pat solutions will not help. It seems to us as observers -- and we are pleased to note that the Administering Authority agrees -- that the achievement of such a simple but fundamental objective as the development of a sense of political and economic community is the key to the proper attainment of the ultimate objectives of trusteeship.

There can be no doubt, as we frequently noted when the question of Western Samoa was before this Council, that the attainment of these objectives is greatly assisted by the tradition of free and constructive consultation within

(Mr. Corner, New Zealand)

the Trusteeship Council. At a time when the Council's responsibilities are diminishing it is perhaps worth drawing attention to how remarkably effective its method of decolonization has been. Policy is hammered out sensibly and realistically in the course of that three-way dialogue between the people, the Trusteeship Council and the Administering Authority, and this, I think we can now assert, has been the principal contribution of the trusteeship system in advancing the development of dependent peoples. It was, I think, a leader in a more northerly part of the Pacific who observed: Let a hundred flowers bloom; let many minds contend. I understand he has since changed his opinion but let us hope that from the contending of many minds, primarily within the Territory itself but also in this Council, useful ideas can be gathered and the Administering Authority assisted in its efforts to advance the people of Micronesia.

Examination of Petitions

Mr. NOYES (United States of America): I should like to make a brief statement on this matter.

As members of the Council are well aware, the Administering Authority has made an intensive effort to settle the Kwajalein land claims through direct negotiation with the representatives of the former land owners of Kwajalein. Unfortunately, this procedure, which has resulted in the settlement of a large number of other similar claims, has not resulted in the settlement of the Kwajalein claims. Accordingly, a new course is being undertaken, while continuing to seek settlement through negotiation.

This new course is to seek legislation by the Congress of the United States which would permit the claimants to put their cause before the Court of Claims of the United States. This is the same recourse which is available to citizens of the United States in similar circumstances and is, we believe, the normal and proper way to handle the problem at this stage and to advance it to a solution. For this purpose, draft bills have been prepared and submitted to Congress which expressly give the United States Court of Claims jurisdiction in the Kwajalein case.

(Mr. Noyes, United States)

Mention has been made in the Council of possible recourse to arbitration. We do not believe that this is an appropriate method for resolution of the problem as the one which we are following. Even if it were considered appropriate, it presents certain practical problems. It would not of itself resolve the matter since legislation would be required for the purpose of accepting the award in advance as binding on the United States and providing the funds with which to make any payments decided upon through this medium. The Administering Authority believes that the approach of placing the matter before the United States Court of Claims provides an impartial decision on the value of the claims, is fair to the claimants and, in the circumstances, is the most practicable and reasonable course to pursue. We hope that it will result in an early settlement of the matter.

Mr. MORCZOV (Union of Soviet Socialist Republics)(interpretation from Russian): The United States is at liberty to do as it wishes within the framework of its own jurisdiction and within its own territory, and in this connexion I will refer to the words with which the representative of the United States concluded his statement. However, we are not now considering a part of the territory of the United States. In this case it is the Council which is to consider the situation since, under the provisions of the Charter, the Trusteeship Council has certain obligations with regard to the Trust Territory. That is why the rather bold statement by the representative of the United States is his own responsibility exclusively. His opinion should not bind the Council in its adoption of a decision on principle regarding methods which must be followed in solving questions presented in a petition signed by a representative of the Island of Kwajalein.

My second comment is simply that, from the point of view of principle, it would be quite incorrect to subject to any national court -- whether of the United States, the Soviet Union, India, Bolivia or any other country represented here -- a question of a definitely international character, in view of those obligations placed by the Charter of the United Nations upon the Trusteeship Council as an organ ultimately responsible for the effecting of all measures concerned with Trust Territories. The Council may express its thanks to this or that country for having handled the Trusteeship of a Territory during a given period and may transmit that Trusteeship to another State which it would judge more capable of

(Mr. Morozov, USSR)

carrying out the obligations imposed by the Charter. In other words, the Council can put an end to the mandate conferred upon a certain country.

Theoretically, such a possibility is not excluded. But that is not what I propose; I would simply request that this should be understood as something that would indicate the inadmissability, in principle, of a precedent by virtue of which a dispute between the population of a Trust Territory and an Administering Authority could be resolved by the national court of the Administering Authority.

Apart from these considerations of principle, there is another consideration which we cannot ignore. The representative of the United States pretends that the method which he has outlined would be the most impartial means of resolving the problem. Of course, he has furnished no arguments to prove that the noble tribunals of the United States are the only bodies where justice can be found or that any other nation could carry out these functions so brilliantly as the United States courts. He has not abused any arguments to prove that.

(Mr. Morozov, USSR)

There was an axiomatic kind of statement made, an axiom which does not call for any proof, as is known from the rules of elementary mathematics. The statement was made that the most just decision would be obtained in the United States courts, and you, therefore, have to believe that; but we cannot approach such a position with respect to questions of an international kind. Why, for instance, could not an absolutely impartial decision be produced in an organ of arbitration which could be set up especially for consideration of this matter, and a procedure for which is directly provided in the Charter of the United Nations when reference is made to disputes involving international matters, and not problems dealing with national interests involving the interests of a single party -- say, the United States -- because the United States here appears not as a government institution, but as an agent of the United Nations which, under the Trusteeship Agreement, has had certain obligations placed upon it under the Charter. We wish once again to stress this highly important state of affairs, for instance; why not an arbitration board created from among the members of the representatives of the United States -- the Administering Authority -- to be more specific, composed of the indigenous population interested in the solution of this matter and headed by some third party which could be appointed by the Trusteeship Council from among the States which are not here as representatives of Administering Authorities and, therefore, which do not have this solidarity on colonial matters?

Of course, the Soviet Union does not wish to be elected as this sort of a super-arbiter in such a commission, but I think we could well say that one of the countries which does not represent here any colonial Powers, or does not constitute an Administering Authority could head such a board. One could assert with considerable justification that such a procedure would be far more classic as an example of the attainment of a just decision as a result of which facts a decision in that arbitration would be set up either on the basis of agreement -- because after all, we could try to achieve some kind of settlement between these parties -- or, if such an agreement or settlement could not be attained, the matter would be decided by this impartial arbiter to whom the United Nations had entrusted this. This would have been an operative fashion

(Mr. Morozov, USSR)

of solving this matter in line with the greater interests of justice and fairness which we are obliged to observe under the Charter. This is a procedure which would be fully based upon the corresponding provisions of the Charter. That is why, if such an idea could be supported in the Council, I am prepared to introduce independently, or in company with other delegations, a formal proposal toward the solution of this problem.

The question of the island of Kwajalein is a specific instance, an individual question; and in this individual specific instance, as in a drop of water, the entire policy of the United States is reflected in regard to the needs and interests of the indigenous population. One cannot tolerate acceptance on the part of the Trusteeship Council of the moral and political responsibility for the fact that the legitimate claims of the island of Kwajalein would not be satisfied over a period of years, as over a period of years the legitimate claims of the inhabitants of Rongelap, who, for seven and a half years have been awaiting reparations for the actions of the United States which has held, as is known, nuclear weapons tests in that area. Therefore, although the question on this petition is one of the elements of a larger matter which deals with the situation of the indigenous population in the Trust Territory, we cannot ignore this and cannot agree with the procedure that has been proposed just now by the representative of the United States.

Mr. NOYES (United States of America): I would still just like to point out that the United States has been entrusted by the United Nations with the government of this territory; and that while we are responsible to the Security Council and the Trusteeship Council for this administration, in the normal course of events, we have many decisions to make that are not our responsibility as a Trustee for the inhabitants of the Territory; and we feel this falls within that category. I did not say that this particular procedure is the only fair way to settle the problem: I said we felt it was a fair way; we are not seeking to bind the Trusteeship Council by our attitudes, but we feel that the Council should consider the position of the Administering Authority in this respect, and we hope that the Council will agree that this is a fair way to proceed.

Mr. SALAMANCA (Bolivia) (interpretation from Spanish): After having heard the statement made by the representative of the United States Government, I should like to make some comments.

First of all, there is one question still pending which, legally speaking, is a very important one. Perhaps we ought to know, and we may find out next year, whether the inhabitants of Kwajalein Atoll accept the jurisdiction proposed by the United States. Once this acquiescence is given by the population, there will be no problem at all. However, to a certain extent, I share some -- I stress "some" -- of the views expressed by the representative of the Soviet Union. The Council obviously has jurisdiction if there is no legal recourse open to the inhabitants of Kwajalein.

Here I should like to refer very briefly to the historical background. During the Spanish colonial era the origin of the trust was an extremely interesting one to follow. Each Spaniard was given 1,000 or 2,000 inhabitants to be under his protection, and he was supposed to teach them Christianity. Naturally these "encomiendas", as they were called, were the victims of abuses. As a result, a definition of the position of the inhabitants of the colonies in the new world had to be arrived at, and a judgement was arrived at which I think constitutes the juridical point of view of the Trusteeship Council. The relations between the colonial Powers and the inhabitants of the colonies were very clear, that is, there could not be any inequality legally as between the inhabitants of these colonies and the inhabitants of the Metropolitan countries. In other words, justice had to be equal for all.

I know that this is not exactly the same situation in the mandate exercised by the United States. The Congress of the United States has reserved to itself certain rights regarding the jurisdiction it possesses, legally speaking, in these Territories. If a dispute of this nature arises between the Administering Authority and the inhabitants of the islands, the United States can accept this legal dispute or reject it.

If we bear this fact in mind, we come to a very clear conclusion. If the parties agree to accept the jurisdiction proposed by the United States, then there is no problem. If, however, the parties do not agree, if the population of Kwajalein or the Government or Congress of the United States do not agree, then I believe that the jurisdiction of the Trusteeship Council over this matter is clear because in that case the Trusteeship Council can raise the question of arbitration, or it can seek any other means of settling the problem which has arisen between

the population of the island and the United States Government. I think that with this clarification the Council might well accept -- and may I say accept it provisionally -- that the United States Government provide a jurisdiction that is acceptable to the population of the island. Of course, a very interesting legal question arises here too, namely, does the population of Kwajalein have the right to accept or reject that jurisdiction? I understand that if we interpret the meaning of the mandate exactly the Trusteeship Council can intervene if the parties do not accept the jurisdiction which at present is to be offered as a means of settling the dispute that has arisen in Kwajalein. I think that with these clarifications a possibility of negotiation is left open between the population that has raised this issue and the Government of the United States, the party against whom the issue was raised. An equitable solution can be found if this right given to any member of the population of an organized State is maintained in a Territory under mandate because this is a Trust Territory and therefore that right must be safeguarded.

Mr. MOROZOV (Union of Soviet Socialist Republics) (interpretation from Russian): I spoke of some international political considerations which make it impossible to accept the proposal of the United States. I wish to say that even from the point of view of the national legislation of the United States the proposed procedure, however moderate it may be, is not acceptable. In fact, even from the point of view of the national legislation of the United States which is in effect today, as regards the proposal just made, the courts of the United States, including the court that has been referred to by the representative of the United States, do not have competence on questions of this kind. The representative of the United States himself said that the corresponding draft law would be passed if such a proposal were to be adopted. What happens to draft bills which are introduced into the United States Congress on the subject of the Pacific Islands is something we already know. The bill as adopted does not always correspond to the bill that was introduced. However, that is not the point. The solution proposed is not constitutional; it is not constitutional either from the point of view of the Charter as I have just proved, nor from the point of view of national legislation. It is simply a way out of a situation; a substantive decision is being avoided, a decision which the Trusteeship Council has the perfect right to take. Nobody here has brought forward convincing arguments challenging the competence of the

Trusteeship Council to appoint such an arbitration organ, as I just mentioned. I must stress once again that the procedure which has been suggested and which makes conditional the possibility of a decision by the United States, bearing in mind the reaction of the indigenous population, is absolutely unacceptable because the indigenous population in fact, even if it wanted to, does not have the right to accept the competence of the United States courts as regards events which have taken place on the island. This would be a measure which would extend the competence of United States courts under a governmental form rather than exercising this competence in its quality as an Administering Authority.

(Mr. Morozov, USSR)

Of course, this is a very interesting point, and it will be touched upon in the general debate. Such attempts to prepare the ground, at least psychologically and politically, for that kind of solution of the problem of the Pacific Islands on the part of the United States have already been referred to here in questions which have been put to the representative of the United States. We do not now go so far as to raise the whole of the problem in this connexion, but we cannot fail to see that, even if it had been possible by one means or another, particularly as a result of the absence of representative and constitutionally acting national institutions in Micronesia, to extort some sort of agreement from the representatives of this or that group of the population to this unacceptable legal procedure, that would mean nothing at all.

I am very grateful to the representative of Bolivia for that part of his statement in which he supported me in regard to my doubts. But I cannot, with all due respect for him and for his well-known juridical talents, agree with that sort of construction, for the reasons which I have now adduced.

I therefore wish to retain my right to present, at the proper stage, a very simple proposal regarding the setting up of an arbitration system under the principles that I have outlined.

Mr. NOYES (United States of America): There is one point which I should like to make clear. As I understand it, the legislation which is being introduced provides for consent on the part of Congress to the jurisdiction of the Court of Claims in this case. There is no way, and certainly no intention on the part of the Administering Power, to impose this jurisdiction on the claimants. It is a question whether they will take advantage of this legislation and bring a claim before the Court of Claims. I am not aware of any objections on the part of the representatives of the claimants to this procedure. In any case, they are free to present any objections or comments which they may have to the Congress when this legislation is under consideration by the Congress. It is simply a case of our opening a means by which this matter may be settled under judicial procedures. If the claimants do not consent to this procedure, then, of course, nothing will happen.

Mr. CORNER (New Zealand): I am wondering whether this discussion is revolving too much, at this stage, around a question of principle, and whether, as has been suggested to me by the remarks of the representative of Bolivia, we are not really involved at this stage merely in a question of timing. It is common ground among all of us that this particular claim has hung fire too long and must be settled, and settled as quickly as possible. I think most of us would agree that we want it settled before the Trusteeship Council's next session begins.

The United States representative, as I understand him, has put forward a proposal by which the United States Administration would submit itself to judicial procedure. We regard the courts of the United States, which are the courts of another democratic country, as being impartial. The United States has offered to set in motion means by which a high United States court can pronounce upon this claim. Certain Congressional action apparently has to be taken first to permit the court to handle the claim. Understandably enough, I suppose, the United States representative cannot guarantee that Congress will pass this legislation. But, assuming that the legislation is passed, then the matter can be submitted -- within the coming year, I assume -- to a high and impartial United States court.

What I suggest, then, is that the proper thing to do is to let this procedure take its course. The Administering Authority is charged with the responsibility of administering the Trust Territory. If it fails in the end to give satisfaction, after exhausting all its own procedures, then the matter will of course come before this Council again, and we may then be in the kind of position suggested by the Soviet representative. But at present all procedures have not been exhausted. Let us exhaust the normal procedures and see what the result is. It is for this reason that I suggest that we should be involved merely in the question of timing, and I would fully support a proposal that this Council agree to give the United States Administration its chance of completing its own procedure, and that the Council see what the situation is when that has been done.

Mr. KIANG (China): In the light of the statement made by the representative of the United States, my delegation presumes that the United States Government is now prepared, first of all, to communicate the proposed procedure

(Mr. Kiang, China)

to the principals involved, and I am sure that this is the step which the United States Government is going to take. If my presumption is correct, I think it would be premature for the Council to take any action while we are not so sure of the reaction of the principals involved. This view is, I think, in accord with the interpretation which my delegation would give to the relevant part of rule 81 of the rules of procedure. I would be most grateful if the United States representative would let us know if that is the course of action which the United States Government is going to take.

Mr. NOYES (United States of America): It is my understanding that the representatives of the claimants in this case are aware of the submission of this legislation to Congress. If it is necessary to take any formal step to make them aware of it, we would, of course, do so, but I believe they are already aware of it and have been consulted.

Mr. KIANG (China): I thank the representative of the United States for the answer he has given to my question. In the light of that answer, my understanding would be that the United States Government is not aware of the reactions of the parties involved.

Mr. MOROZOV (Union of Soviet Socialist Republics)(interpretation from Russian): Efforts are being made here to reject the very simple and reasonable suggestion to set up an organ of arbitration and to institute a precedent by which disputes between an individual and a government -- not an individual dispute but a dispute between the indigenous population of a Trust Territory and a Government -- would be submitted for examination to a court of an Administering Authority. The most elementary course of justice shows that this would be a monstrous interpretation of how to deal with such an event and such an interpretation cannot be entertained here and certainly cannot be considered in the light of what has been said by the representative of the United States. The draft laws before Congress are domestic affairs in the United States and have absolutely nothing to do with the principle that obtains.

In this situation we have, on the one hand, the representative of the indigenous population -- an important group -- and, on the other hand, the Administering Authority. The indigenous inhabitant is seeking to have the Administering Authority take measures of redress which are indispensable and legitimate. It is proposed that this matter be submitted for decision to the Government of the Administering Authority. Such a procedure is inadmissible. No reference to any rules of procedure can carry any weight, since no relationship can be set up between the provisions which govern our work and the situation before us.

Apart from any considerations of principle which have been presented by both sides, I should like to hear from the representative of the United States why he is not prepared to trust the fairness of decisions that could be reached by the procedure that I outlined in my earlier statement. According to my outline, the claimant representatives of the indigenous population would have only one voice in the triumvirate that is being proposed to deal with this arbitration. Of the other two deciding voices or votes, one would belong to the representative of the Administering Authority -- in other words, the United States itself -- and the other voice in the adoption of this decision would belong to a representative of a country which is not an Administering Authority here. Of course, in this regard it is known that there are very few countries which do not represent Administering Authorities around this table.

Although the Soviet Union represents a non-Administering Authority, we would waive our right to participate in this matter if we were elected to do so. We would do that because we feel that our participation might meet with the objection of the representative of the United States. Therefore, in order to facilitate the adoption of the proposal which we outlined, we would automatically withdraw as a party in the format which I have outlined. But India and Bolivia, if I may call them by name, are also non-Administering Authority countries who are members of this Council. Why then should we trust to the wisdom of the Administering Authority in this decision, rather than the wisdom of the Members of the Council who meet here and whose objectivity and impartiality is beyond question? Why is such a complicated procedure being suggested and the machinery for it being put into effect? Congress is set up for it, this bill has been introduced and this procedure is being forced on everybody which, as a matter of elementary justice, is completely inappropriate and unacceptable and which cannot fail to give rise to some suspicion and doubt. Why cannot the United States agree to a simple procedure which could not harm the position of the Administering Authority? That procedure might undermine the Administering Authority's prestige, in its view. But it seems to me that the only procedure which could do harm is that which is being insisted upon by the representative of the United States, acting in accordance with his instructions in the matter.

We request that if it is not possible to change this point of view -- we also frequently act in accordance with our Government's instructions -- that the representative of the United States not insist upon a final decision in the matter now but that he allow the matter to be discussed. The business-like and completely pure approach which we suggest is unconnected with any other. If the Council were to by-pass the proposed procedure and assert the priority of the national courts of Administering Authorities in disputes involving the indigenous inhabitants of a population on questions relating to the responsibility resulting from actions of the Administering Authorities, the situation would become very bad indeed. Of course, anything can be accomplished by a raising of hands in the manner of rubber-stamp votes. But indigenous populations would object to such a procedure.

(Mr. Morozov, USSR)

It seems to me that even if the Council is not prepared to approve such a proposal unanimously today, it could not unanimously waive it. Perhaps it might be better if we returned to this question later, in the light of the present discussion. In the meantime, the representative of the United States might weigh the situation again and not insist that such matters as disputes between the population of the Trust Territory and the Administering Authority be adjudicated in the courts of the United States. Such disputes are not within the competence of any national court, nor can they ever be. Only the Trusteeship Council is competent to deal with them if such matters are not to lose the identity which was given to them under the Charter.

Mr. NOYES (United States of America): I wish to reiterate that I did not say that the course which we suggested and are presently following is the only fair way in which to deal with this matter. It is the way which the United States, as the Administering Authority, prefers for various reasons, including many practical reasons. I say again that we are opening our courts to jurisdiction and if the claimants do not wish to submit the case to the Court of Claims, then that course will not work and we shall have to consider some other course. Under those circumstances, perhaps arbitration would be one of the courses which we would consider.

We do feel that we have been entrusted with the government of the Trust Territory and its inhabitants and I see no reason why the Council should be concerned that a Court of Claims of the United States should be less fair than the United States Government in administering the Territory.

I still feel that ours is the practical way of dealing with the issue. We believe that if the Congress enacts this legislation, it will lead to an early and a fair settlement. I have not insisted on our position. It is obviously a matter in which the Council will make its own recommendations, if it so desires. But I would urge that the course we are following is entirely fair and is likely to reach that result which the Council would like, namely, a fair settlement.

Mr. RASGOTRA (India): I do not know whether we have exhausted for the time being the discussion of this petition, but I should like to submit my delegation's views on its subject matter in the course of a statement I intend to make this afternoon. I should be grateful if any final decision on this petition could be deferred.

The PRESIDENT: If no representative indicates a desire to speak further on this point I shall take it that the suggestion of the representative of India that this matter should be further deferred until after the conclusion of the general debate is acceptable to the Council.

It was so decided.

The PRESIDENT: Since there are six speakers for this afternoon, and since we may wish to devote further time to the question of the petition that has been before us, I would ask the Council whether it wishes to meet at 2.30 p.m. instead of 3 p.m., in view of the fact that we shall be adjourning somewhat earlier than usual this morning.

It was so decided.

The PRESIDENT: May I draw the Council's attention also to the fact that we shall have to make a slight change in our plans. It had been thought that the Council would meet on Friday afternoon, but because of the difficulty of providing verbatim coverage it would be desirable to meet on Friday morning instead. That meeting, of course, would be in this chamber, despite the fact that today's Journal shows a meeting of the General Committee of the Assembly here on Friday morning. I am advised that the General Committee will meet in the Economic and Social Council chamber.

The Council will meet again at 2.30 this afternoon.

The meeting rose at 12.25 p.m.