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Sixteenth Special Session

VERBATIM RECORD OF THE FIFTEEN HUNDRED AND NINETY-NINTH MEETING

Held at United Nations Headquarters, New York,
on Tuesday, 4 February 1986, at 3 p.m.

President: Mr. RAPIN (France)

- Opening of the Sixteenth Special Session
- Statement by the President
- Adoption of the agenda
- Report of the Secretary-General on Credentials
- Letter dated 8 January 1986 from the Acting Permanent Representative of the United States of America to the United Nations addressed to the Secretary-General, containing a request for a Special Session of the Trusteeship Council to consider the dispatch of a mission to observe a plebiscite in Palau on the Compact of Free Association (T/1880)

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Mr. OLEANDROV (Union of Soviet Socialist Republics) (interpretation from Russian): First of all, I should like to express my pleasure at seeing you, Sir, presiding over this special session of the Trusteeship Council.

With regard to the provisional agenda for the session, I note that item 4, "Examination of petitions listed in the annex to the agenda and related to item 3 of the agenda", does not list all of the petitions that are, in our view, relevant to the question to be discussed. I would ask the Secretariat to explain the situation with regard to those petitions. I would also like to request that they be translated into Russian.

The PRESIDENT (interpretation from French): In answer to the question put by the representative of the Soviet Union, I would say the following. First, figures have been included in the provisional agenda. The petitions on the agenda before the Council are directly related to agenda item 3. Secondly, the petitions that do not appear on the list distributed to members are those received after the material was sent to print. Hence the list will be supplemented.

If I hear no further comments, I shall consider that the agenda of the sixteenth special session, T/1881, is adopted.

The agenda was adopted.

REPORT OF THE SECRETARY-GENERAL ON CREDENTIALS

The PRESIDENT (interpretation from French): I should like to inform members of the Council that the Secretary-General has still not received the credentials of all members of the Council. May I suggest, therefore, that this agenda item be considered at our next meeting.

If there are no objections, it shall take it that it is so decided.

It was so decided.

The PRESIDENT (interpretation from French): I should also like to draw attention to a letter addressed to the President of the Trusteeship Council by the Secretary-General dated 24 January 1986 concerning the financial situation facing the United Nations and the need to reduce expenditures that could be avoided. Copies of the letter and its attachments have been circulated to members of the Council by the Secretariat this afternoon. I urge members to co-operate fully with the steps proposed by the Secretary-General with a view to reducing expenditures to the maximum extent possible.

I should like to refer in particular to the Secretary-General's note urging attention to the need to limit documentation and to use meeting time efficiently.

LETTER DATED 8 JANUARY 1986 FROM THE ACTING PERMANENT REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL, CONTAINING A REQUEST FOR A SPECIAL SESSION OF THE TRUSTEESHIP COUNCIL TO CONSIDER THE DISPATCH OF A MISSION TO OBSERVE A PLEBISCITE IN PALAU ON THE COMPACT OF FREE ASSOCIATION (T/1880)

The PRESIDENT (interpretation from French): The Council will now turn to the main purpose of the convening of the sixteenth special session of the Trusteeship Council. I should like in this connection to call attention to item 3 of the Council's agenda, which refers to a letter dated 8 January 1986 from the Acting Permanent Representative of the United States of America to the United Nations addressed to the Secretary-General (T/1880), containing, as I mentioned earlier, a request for a special session of the Trusteeship Council to consider the dispatch of a mission to observe the plebiscite in Palau on the Compact of Free Association, to be held on 21 February.

Ms. BYRNE (United States of America): In the absence of Ambassador Peter Maxey, I should first like to welcome you, Sir, as the President of the Trusteeship Council at this session. My delegation is sure that you will do the same superb job you did in 1984.

My delegation is most pleased that the Council has agreed to convene this special session to consider our request that a mission be created and dispatched to Palau to observe the plebiscite and related activities scheduled there for 21 February 1986. Representatives of the Palau Government cannot be with us today inasmuch as they have already begun the voter education and preparation programme related to the plebiscite. I know, however, that the Palau Government most sincerely appreciates the efforts that you, Sir, the other members and the Secretariat have made to bring this meeting about.

With the Council's permission I will outline the events leading to the calling of this vote in Palau. We should consider them in the context of prior votes that the Palau people have taken on the Compact.

Members of the Council will recall that at a special session of the Council held in December 1982 the Council determined to create visiting missions for the plebiscites on the Compact of Free Association to be held not only in Palau but in the Marshall Islands and the Federated States of Micronesia as well. In light of the conclusion of the negotiations between the United States and those Governments with respect to the Compact and the termination of the Trusteeship Agreement, the Council determined it appropriate to dispatch such missions.

The first of these plebiscites was, coincidentally, held in Palau on 10 February 1983. In its subsequent report to the Council, the Visiting Mission for that plebiscite determined that the people of Palau had effectively engaged in an exercise of their right to self-determination, a conclusion in which my

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Government heartily concurred. Because of the nature of the ballot, however, and the relationship between the Compact approval process and certain procedural requirements of the Palau Constitution, the Mission concluded that, although approved, the Compact could not enter into force given the lack of a sufficient approval majority on an ancillary question on the ballot. My Government also concurred in that conclusion. A subsequent decision of the Palau Supreme Court on 8 August 1983 confirmed that for Palau the Compact could not be considered approved.

In its report the United Nations Visiting Mission pointed out that the resolution of the impasse created by the results of the 10 February 1983 plebiscite were for Palau and the Administering Authority to resolve. Thus intense negotiations on the Compact of Free Association were held, and on 23 May 1984 a revised Compact was signed by President Reagan's Personal Representative, Ambassador Fred Zeder, and Palau's Ambassador for Status Negotiations, Lazarus Salii. The approval provisions of that Compact specified that a 75 per cent majority would be required in Palau in light of the procedural requirements of the Palau Constitution. In view of the conclusion reached by the United Nations Visiting Mission that the 20 February 1983 plebiscite constituted a valid exercise of the right to self-determination by the people of Palau, and owing to the fact that the revisions made to the Compact were technical in nature and did not alter the fundamental nature of the political status or political relationship that it set forth, the 4 September 1984 vote held on the revised Compact was viewed as an internal referendum in Palau not requiring observation by the international community. In that vote, which enjoyed a high degree of voter participation similar to the 1983 plebiscite, the Compact received an approval margin of 67 per cent. Thus, by its own terms, the Compact could not be submitted to the remainder of the approval process.

(Ms. Byrne, United States)

Since that time several events of significant importance have occurred in other parts of the Trust Territory, as well as in Palau. First, as members of the Council will recall, some even from personal experience, the fifty-second regular session of the Council authorized the dispatch of a mission to the Trust Territory, including all four political jurisdictions, to observe conditions generally and to assess the readiness of the area for self-government. The report of that Mission, filed in October 1985, contained several important observations and conclusions. The most significant of these, in my Government's view, had to do with the high level of support for the negotiated Compact of Free Association that the Mission noted and the Mission's general conclusion that in Palau, the Marshall Islands, the Federated States of Micronesia and the Northern Mariana Islands, the locally elected Governments were already exercising a substantial measures of self-government.

Secondly, as members of the Council are aware, the United States Congress has enacted, and President Reagan has signed, legislation approving the Compact of Free Association for the Marshall Islands and the Federated States of Micronesia. That legislation contains language expressing the hope of the United States Congress that the negotiations with Palau can be expeditiously completed.

Finally, and with increasing intensity during the last months of 1985, Ambassador Zeder and Palau's newly elected President, former Ambassador Lazarus Salii, met with respect to the Compact. These meetings were characterized by a high degree of participation by the members of Palau's legislative branch and resulted in an initialling of new revisions to the Compact in Palau last Thanksgiving Day, 28 November 1985. Further and final negotiations were held in Washington and resulted in an agreement just before the Christmas holidays that the Compact and all of its related agreements should be formally signed in Palau on 10 January 1986. The signing took place in the company of all

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of Palau's elected and traditional leaders on a day that I am told is auspicious for new beginnings in Palauan legend.

On the day of the signing, President Salii transmitted the Compact to the Palau National Congress for its consideration and approval. The Palau Senate initiated legislation that was subsequently approved by substantial margins in both Houses and signed by President Salii on 24 January 1986. That legislation authorizes President Salii to call a plebiscite on the Compact for 21 February and appropriates funding to finance the voter education programme and the administrative costs attendant to the vote.

(Ms. Byrne, United States)

In his letter of 24 January to Ambassador Zeder, President Salii states that:

"Today I signed Senate Bill No. 2-116 which ratifies the Compact of Free Association and its subsidiary agreements. The legislation further requires that a plebiscite to approve the Compact through an exercise of self-determination by the people be held on February 21, 1986, to be observed by the United Nations... . We request the Administering Authority formally to notify the United Nations of this plebiscite in Palau and to invite the United Nations to observe the education program and the plebiscite itself."

The members of this Council know that the United States, as Administering Authority for the Trust Territory, has always placed great importance on the fulfilment of its responsibility that the peoples of the Trust Territory be afforded, under open, legitimate and fair circumstances, the opportunity to express their wishes with respect to their future political status. We have thus encouraged, and have been pleased to facilitate, the direct participation of the Council in the acts of self-determination that have taken place. Further, we continue to respect and agree with the conclusion of the United Nations Visiting Mission to the first Palau plebiscite that the people of Palau had engaged in a valid act of self-determination.

We nevertheless believe, as most certainly does the Government of Palau, that the forthcoming vote in Palau is of a sort to merit observation by the international community. We hold to this view even though the political status of free association set forth in the Compact signed on 10 January 1986 is identical to that voted on by the people of Palau in 1983 and 1984. Sufficient alterations have, however, been made in the specific terms of the free association relationship, including the matter of the relationship of the Compact and the Palau Constitution, to lead to the desirability of international observation.

(Ms. Byrne, United States)

It is thus for these reasons, and on behalf of the Government of Palau, that my Government seeks the creation and dispatch of a visiting mission to observe the 21 February 1986 plebiscite in Palau and its associated events. In making this request, my Government notes that the Council, in past practice, has not restricted mission membership to Council members but has encouraged representatives of other States, particularly those from the region, to participate. Such an arrangement would be a welcome recurrence for the mission under consideration.

In closing, I would like simply to convey to the members of the Council the greetings of the President and the Government of Palau. As I mentioned earlier, their efforts have already turned to the voter education programme. We understand this programme, like ones past, will consist of the translation and printing of the Compact and its related agreements, video-taped, radio and personal presentations on the terms of the Compact and information on alternative political status options, including independence. My Government has the highest level of confidence in the ability of the Government of Palau to administer an open and democratic plebiscite in which well-informed voters will make their choice, and it is my Government's honour to tender this Council an invitation to observe this significant and historic event.

The PRESIDENT (interpretation from French): Does any member of the Council wish to make a statement or address questions to the representative of the Administering Authority?

Mr. OLEANDROV (Union of Soviet Socialist Republics) (interpretation from Russian): My delegation would like to ask a number of questions of the representative of the Administering Authority of Micronesia relating to what was said in the letter and to what we have just heard from the representative of the United States.

(Mr. Oleandrov, USSR)

What is to be put to a plebiscite: merely the Compact and the related agreements listed at the end of the Compact, or, in addition, the recently-concluded agreement between Palau and the United States, contained in a separate document? That is my first question to the United States delegation.

The PRESIDENT (interpretation from French): Does the representative of the Soviet Union wish an answer to his first question right now or would he like to ask all his questions first?

Mr. OLEANDROV (Union of Soviet Socialist Republics) (interpretation from Russian): I put this for consideration by the United States delegation. If it feels it can answer any questions at this time, I would be pleased to hear its answers right now. If that is not possible I am willing to hear them at the next meeting, as the United States delegation wishes.

Ms. BYRNE (United States of America): If I understood the question asked by the representative of the Soviet Union correctly, I would reply that there is a single document, the Compact of Free Association. It has some special language recently agreed between the Government of the United States and the Government of Palau, but the plebiscite will be on a single Compact of Free Association.

Mr. OLEANDROV (Union of Soviet Socialist Republics) (interpretation from Russian): In that case, will the Trusteeship Council be able to take a look not only at the major portion of the Compact but also at the additional agreements that are listed at the end of the document?

Ms. BYRNE (United States of America): We have made available to the Secretariat a copy of the Compact and subsidiary agreements between the United States and Palau. Delegations may get in touch with the Secretariat to receive copies.

The PRESIDENT (interpretation from French): I can confirm that the texts were given to the Secretariat this afternoon and are available to delegations.

Mr. OLEANDROV (Union of Soviet Socialist Republics) (interpretation from Russian): I have a copy of the Compact itself in front of me. In Section 462 there is a list of a number of related agreements to the Compact. Since they were given to the United Nations Secretariat today, I express the hope that they will be made available to States members of the Trusteeship Council. At least our delegation would like to study those documents - the Compact and the related agreements listed therein - before the Trusteeship Council takes a decision on sending a visiting mission to observe the plebiscite in Palau, if that is all right with the United States delegation.

Ms. BYRNE (United States of America): In response to the comments of the representative of the Soviet Union, I should like to point out that the documents we provided the Secretariat today are identical to those that have been officially circulated as Trusteeship Council documents for the Federated States of Micronesia and the Marshall Islands - except for the sole new paragraph to which I referred in my opening statement. Therefore, those texts have been available.

Mr. ROCHER (France) (interpretation from French): I should like, in so far as is possible, the United States delegation to refresh my memory by giving us some information on details of the financial resources allocated to Palau in connection with the Compact of Free Association, and for how long these resources will be provided.

Ms. BYRNE (United States of America): Palau will receive economic assistance as a result of the Compact for the 50-year period following the Compact's effective date. That assistance will be in the form of grants for recurrent and capital development purposes and will be spent in accordance with Palau's own decisions and priorities. The amount of assistance is generally equivalent to the overall level of grant and programme assistance now provided by my Government under the Trusteeship. There is also parity between Palau and the other two future freely associated States in terms of United States economic assistance.

Palau will receive an annual average current account grant of \$20 million during the first 15 years and \$26 million during the last 15 years. All told, including special funding for capital development, Palau's receipts over the full 50-year period will approximate \$1 billion - that is \$1,000 million.

I shall supply any further details that may be required at a subsequent meeting.

Mr. OLEANDROV (Union of Soviet Socialist Republics) (interpretation from Russian): I have a few questions on the Compact itself, since I should like to obtain some clarification from the United States delegation to get a better understanding of the substance of this document.

My first question relates to its preamble; apparently it is connected with the question just asked by the representative of France. Paragraph 3 of the preamble states:

(spoke in English)

"the Government of the United States in promoting the economic advancement and self-sufficiency of the people of Palau ...".

(Mr. Oleandrov, USSR)(continued in Russian)

In this connection, since this is a declaration of intention and preparedness on the part of the United States, my question is: Does the United States intend to promote to the same extent self-sufficiency in the economic and social life of the people of Palau, and to the same extent as in the past during the Trusteeship period? Does the United States intend to make a greater contribution to the economic development of Palau? Or, on the contrary, will it not find it possible to do so in accordance with the Compact agreement?

From previous discussions of the situation in Micronesia here in the Trusteeship Council it became apparent from the Micronesians themselves that, as a result of the Trusteeship System, economically speaking Micronesia had become less self-sufficient than before the establishment of the Trusteeship System. What will the situation be now as regards the United States intentions in promoting Palau's economic development, in particular its self-sufficiency?

Ms. BYRNE (United States of America): I believe it is quite evident from my previous answer to the representative of France that the United States is committed to Palau's economic development. The figures I have given are really quite substantial and there is certainly no diminution in the United States intention to advance Palau's well-being and in fact that of the other members of the current Trust Territory that will become freely associated States with the United States.

Mr. OLEANDROV (Union of Soviet Socialist Republics) (interpretation from Russian): My next question relates to the seventh paragraph of the preamble, which reads:

(spoke in English)

"Now, therefore, agree to enter into a relationship of free association which provides a full measure of self-government for the people of Palau".

(continued in Russian)

In this connection, I should like some clarification from the United States delegation. What does "a full measure of self-government" mean? Does it mean the same thing as the independence of Palau? Does it mean that the Palau authorities would be able to take decisions independently on various questions affecting their domestic life and foreign policy? Or does it mean some sort of special status, and, if so, how can such a status be reconciled with the concept of "a full measure of self-government"?

Ms. BYRNE (United States of America): In response to the representative of the USSR, I think it is quite clear from the terms of the Compact that we are talking about a special status, called "free association". United Nations resolutions have long recognized three methods of self-determination. The first is integration with a larger entity; the second is independence; and the third is some special status called "free association".

In Micronesia, the status of independence has, in effect, been rejected. The people will be voting on a Compact which has been freely negotiated between them and the United States - a Compact of Free Association. So, in response to the representative of the Soviet Union, I can say: No, we are not talking about independence; we are talking about free association.

As for the matter of self-government, as I noted in my opening statement, visiting missions have concluded that a large measure of self-government is already being practised in Palau and the other entities. Under the Compact, Palau would

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have total control over its internal affairs and its foreign policy. I submit that this constitutes self-government.

Mr. OLEANDROV (Union of Soviet Socialist Republics) (interpretation from Russian): I am grateful to the representative of the United States for that clarification. I too understood that it is not the independence of Palau that is meant, and that the "full measure of self-government" referred to is in fact far from independence.

I should now like to ask a question concerning the next paragraph of the preamble to the Compact. That paragraph states that the status of free association "derives from and is as set forth in the Compact". But I do not see any reference in the paragraph to the United Nations Charter or its principles, or even to the principles of international law. I should like to ask the representative of the United States this question: Does the administering Power regard the Compact as an agreement that is part of international law, or is it a document of a different nature - a part of the domestic law of the United States of America?

Mr. MORTIMER (United Kingdom): Let me begin by saying what a pleasure it is to see you, Sir, once again presiding over our business. I would also take this opportunity of welcoming Ambassador Byrne to her new and distinguished task of representing the United States in this Council. We look forward to a relationship with the Ambassador in the coming months that, while it will perhaps not be long, will certainly be co-operative.

I am a trifle confused about what we are discussing here this afternoon. It had been my impression - and indeed this is confirmed by the agenda before me - that we were meeting here today to consider an invitation to send a mission to Palau to observe a plebiscite there. We are not here to consider the merits or demerits of the Compact of Free Association. That, presumably, is something which the voters in Palau will judge.

(Mr. Mortimer, United Kingdom)

Before I ask any questions, perhaps you, Mr. President, could give us some guidance about that. I do indeed have some questions relating to the actual plebiscite, but I had not thought to come to the meeting this afternoon armed with questions of an analytical nature about the Compact of Free Association.

The PRESIDENT (interpretation from French): I have taken note of the comment made by the United Kingdom representative. During the consultations I held last week, I noted that the Administering Power had unofficially distributed to members of the Council the text of the Compact of Free Association. I personally believe that delegations that so desire may, under agenda item 3, request clarifications of that text. Nevertheless, I confirm that we are holding this meeting to decide on the specific question of the dispatch of an observer mission. I concede that to the United Kingdom representative. But I do consider that this question can indeed be clarified by requests by delegations here for specific information on the text.

Does the delegation of the United States wish to reply to the question put by the delegation of the Soviet Union?

Ms. BYRNE (United States of America): In response to the question by the representative of the USSR, I would draw his attention to section 121, paragraph (b) of the Compact. This is found under article II, entitled, "Foreign Affairs". I shall read out the paragraph in question:

"In the conduct of its foreign affairs the Government of Palau confirms that it shall act in accordance with principles of international law and shall settle its international disputes by peaceful means".

I believe that that would indicate that the Government of Palau has undertaken to conduct its foreign affairs under the norms of international law.

I shall also mention - although I believe I do not need to - that the United States too conducts its foreign relations under the accepted norms of international law.

Mr. MORTIMER (United Kingdom): I am grateful for your clarification, Mr. President.

I should now like to ask of the Administering Authority a question relating to the plebiscite. I was grateful for the background information given by Ambassador Byrne about the developments leading up to the signing of the revised Compact of Free Association, which is to be put to the vote on 21 February. I believe she said that this version of the Compact was initialled on 23 May 1984, and she spoke about a 75 per cent majority requirement in respect of that particular text. On the assumption, of course, that the Compact is approved in the plebiscite, what majority would the United States regard as sufficient to constitute approval of the Compact of Free Association?

Ms. BYRNE (United States of America): Section 411 provides only that the Compact must be approved by the people of Palau in a referendum. There is no explicit requirement - either in the Compact or in the legislation in which the Palau Government approved the Compact - beyond that of a simple majority. In view of the agreement between my Government and the Government of Palau, that the Compact and the Palau Constitution are in harmony, it is my Government's view that a simple majority is sufficient to approve the Compact and certify it for approval by the United States Congress.

Mr. OLEANDROV (Union of Soviet Socialist Republics) (interpretation from Russian): I, too, am grateful, Sir, for the explanation you gave, because, as I see it, before deciding on sending a mission to observe the plebiscite the Council should be clear about what the document represents and how the plebiscite will be conducted.

(Mr. Oleandrov, USSR)

I have some questions on the plebiscite itself, but I should also like to ask some more questions about the content of the Compact, in particular section 122, which says:

"the United States shall support application by the Government of Palau for membership or other participation in regional or international organizations" adding

"as may be mutually agreed".

Does that mean that the United States can veto Palau's joining any international organization - if the Government of Palau does want to join any international organization?

Ms. BYRNE (United States of America): If the Compact is approved by the people of Palau, the Government of Palau will be free to apply for membership of any international organization it wishes. The words "mutually agreed" refer to the need to agree on which applications the United States will support. Palau will be able to apply to any organization it wishes, but the two Governments will agree on those cases in which the United States will lend full support. However, there may be cases in which the Government of Palau does not need United States support.

Mr. OLEANDROV (Union of Soviet Socialist Republics) (interpretation from Russian): I am grateful to the representative of the United States for her answer.

I should like to ask a question about section 127, which says:

"The Government of the United States may assist or act on behalf of the Government of Palau in the area of foreign affairs as may be requested and mutually agreed"

concluding with the words:

"from time to time."

What does "from time to time" mean? Does it mean "every time there is a request" or "one request or application for all the rest of the time for which the Compact is in effect"?

Ms. BYRNE (United States of America): The section means simply that the Government of Palau may request the assistance of the Government of the United States on some issue, some development, some event, some objective in the foreign relations field. The phrase "from time to time" means that it will be on a case-by-case basis. The United States and Palau will agree on when the United States will lend its assistance. The phrase simply means that the United States will not automatically support everything the Government of Palau wishes to do in foreign affairs. The Government of Palau is free to do what it wishes in foreign affairs, but the question of American assistance in the attainment of objectives is subject to mutual agreement, on a case-by-case basis.

I am not sure that I understood the question correctly, but that is the answer to the question as I understood it.

Mr. OLEANDROV (Union of Soviet Socialist Republics) (interpretation from Russian): I assure the representative of the United States that she understood my question correctly, and I am satisfied with the answer - if I understood the answer, of course, which is that the phrase refers to dealing with applications on a case-by-case basis and not on a permanent basis.

I wish also to refer to Title One, Article VI, concerning environmental protection. There are various paragraphs regarding the obligations of the United States for environmental protection in Palau. Section 163 (e) says:

"The President of the United States may exempt any of the activities of the Government of the United States under this Compact ... when the President determines it to be in the paramount interest of the Government of the United States to do so ...".

(Mr. Oleandrov, USSR)

In this connection, I should like to know what might constitute the "paramount interest" of the United States. Could this perhaps involve something relating to any nuclear weapons which might at some time be on the territory of Palau? Could it involve such measures as the construction of military bases or airfields which could alter the entire environment and landscape of Palau? Or does that phrase refer to something else?

Ms. BYRNE (United States of America): I should like to answer an underlying premise of the question of the representative of the Soviet Union, and then turn the technical aspects on the environment over to Mr. James Berg, who is a political and economic adviser from the Office of Micronesian Status Negotiations.

I wish immediately to answer the question of nuclear weapons in Palau. That is one of the "dependent clauses" of the question of the representative of the Soviet Union. In the language of section 324 of the Compact, the United States specifically agrees not to

"use, test, store or dispose of nuclear, toxic, chemical, gas or biological weapons intended for use in warfare ... within the jurisdiction of Palau".

That is a clear prohibition to which the United States has agreed.

Mr. BERG (United States of America): In further response, on a technical point, to the question of the representative of the USSR, I would say that in the negotiations the Palauans requested that they be extended the very specialized environmental protection coverage that exists in the laws of the United States. Members of the Council will be aware that the United States has very high standards internally for environmental protection. The United States agreed to abide by those standards and extend them to its own activities in Palau. But in that case, the procedural requirements that exist domestically in the United States would extend also to Palau.

(Mr. Berg, United States)

In the United States, our President has the same authority that is spoken of here. Thus, this comes part and parcel with the application of these extraordinarily high standards of environmental protection. I might note for the interest of members of the Council that no President of the United States has ever exercised this authority within the United States, even though it has existed for quite some time.

Secondly, the United States was careful to commit itself to its obligations under international law expressly in this section.

Mr. OLEANDROV (Union of Soviet Socialist Republics) (interpretation from Russian): I thank the representatives of the United States for their reply, in particular for their reference to the well-known Title Three of the Compact.

My next question is this: By the terms of the Compact, will the people and the Government of Palau have any way of knowing or monitoring whether nuclear, chemical or bacteriological weapons are on their territory, especially on board United States planes or ships which might be in the airspace or territorial waters of Palau?

Ms. BYRNE (United States of America): It seems to me that the Government of Palau will be free to monitor these things. I should say, however, that the basic argument is that the United States has undertaken an obligation not to do the things I cited earlier in my reply to the representative of the Soviet Union. The United States has signed a Compact of Free Association. The United States intends to live up to the obligations undertaken under it.

But, of course, the Government of Palau will be free to monitor, although we have said that we will not use, test, store or dispose of such weapons within the jurisdiction of Palau.

Mr. OLEANDROV (Union of Soviet Socialist Republics) (interpretation from Russian): I am grateful for the explanation given by the representative of the United States.

Looking at section 324 of the Compact, which sets out the obligation of the United States not to use -

The PRESIDENT (interpretation from French): I call on the representative of France, who wishes to speak on a point of order.

Mr. ROCHER (France) (interpretation from French): I am sorry to have to speak at this stage, but I must echo the view of our colleague from the United Kingdom. It appears that I shall have to read out the provisional agenda of the sixteenth special session of the Trusteeship Council.

The first item is "Adoption of the agenda". As we know, the agenda has been adopted.

The second item is "Report of the Secretary-General on credentials", consideration of which has begun.

Item 3 refers to consideration of

"a request for a special session of the Trusteeship Council to consider the dispatch of a mission to observe a plebiscite in Palau on the Compact of Free Association",

and item 4 is "Examination of petitions listed in the annex to the agenda ...".

I have noted that we are considering the Compact of Free Association, article by article. I do not think that is the purpose of our agenda. If we are to consider the Compact, it is not appropriate to do so under agenda item 3, not to mention under item 4, unless our colleague from the Soviet Union wishes to put forward a petition.

(Mr. Rocher, France)

For my part - and far be it from me to prevent anyone from studying the Compact - I do not believe this to be the purpose of our session. We can do this during a regular session or later when we begin consideration of termination of the Trusteeship.

I should like the Council to return to its agenda.

The PRESIDENT (interpretation from French): I wish as President to say that agenda item 3, which refers to the letter dated 8 January 1986 from the Acting Permanent Representative of the United States of America to the United Nations, does indeed refer to the request that the Trusteeship Council be convened to consider the dispatch of a mission to Palau, but that mission would - and I wish to stress this - observe a plebiscite on the Compact of Free Association.

As members of the Trusteeship Council know, there has already been a plebiscite on a draft compact, which, as the representative of the United States has reminded us, took place in February 1983.

(The President)

As far as I am concerned, as President, I think it is quite justified for a delegation member of the Council, if it so wishes, to request any number of clarifications or explanations on the agreement to be submitted to referendum, if only to be able to establish the differences between the February 1983 agreement and the new one.

I can, of course, as the representative of France pointed out, conceive that there might be no need to consider all the articles of the agreement, paragraph by paragraph, because most of them are probably not of a nature to enlighten members of the Council on the decision to be taken on the question before us. I must, however, point out that some important provisions in the agreement, and particularly the requested explanations of them, might shed light on the decision the Council is called upon to take.

Mr. OLEANDROV (Union of Soviet Socialist Republics) (interpretation from Russian): I should like, first, to assure you, Mr. President, that I have no intention of discussing the agreement paragraph by paragraph. I intend only to seek to obtain some clarification on the most key issues of the Compact, and I do not think that the delegation of the United States or the representative of the Administering Authority who is presenting the Compact of Free Association to the population of Palau would be submitting it to us here in the Trusteeship Council if there were something hidden in it.

I should therefore like to complete my question, which concerns a crucial provision of the Compact, the subject of recent negotiations and on which the population of Palau has been asked on five occasions to hold a plebiscite - without its having yielded any results for the Administering Authority. From the Compact of Free Association I see that the United States pledges that it

(spoke in English)

"shall not use, test, store or dispose of nuclear, toxic chemical, gas or biological weapons intended for use in warfare".

(Mr. Oleandrov, USSR)

(continued in Russian)

This is a clear obligation on the part of the Administering Authority, but there is still a question with regard to the second part of that paragraph, which states that the United States

(spoke in English)

"has the right to operate nuclear-capable or nuclear-propelled vessels and aircraft within the jurisdiction of Palau without either confirming or denying the presence or absence of such weapons within the jurisdiction of Palau."

(continued in Russian)

That provision is a key one for settling the question of whether Palau will be a non-nuclear State or one linked to American nuclear weaponry.

In any case, as I understand it, the Constitution of Palau provides that there will in fact be no transit of nuclear weaponry through the territory of Palau. Quite recently, Ambassador Zeder stated that the United States would not end the Trusteeship until Palau ended its ban on nuclear weaponry. Does the United States delegation therefore believe that Palau has abrogated its ban on nuclear weaponry as set forth in the Palau Constitution, or can there be United States nuclear weaponry on the territory of Palau and on vessels and aircraft? There is no need to state here whether such weaponry is present there or not, but can such weaponry be there in accordance with the Compact of Association? That is my question.

Ms. BYRNE (United States of America): I would like to read out two sections of the Constitution of Palau. Article 13, section 6, states:

"Harmful substance such as nuclear, chemical, gas or biological weapons intended for use in warfare, nuclear-power plants and waste materials therefrom shall not be used, tested, stored or disposed of within the territorial jurisdiction of Palau without the express approval of not less than three fourths of the votes cast in a referendum submitted on this specific question."

(Ms. Byrne, United States)

There is no mention of transit in that section.

Article 2, section 3, states:

"Major governmental powers, including but not limited to defence, security or foreign affairs, may be delegated by treaty, compact or other agreement between the sovereign Republic of Palau and another sovereign nation or international organization, provided such treaty, compact or agreement shall be approved by not less than two thirds of the members of each House of the Olbiil Era Kelulau and by a majority of the votes cast in a nationwide referendum conducted for such purpose, provided that any such agreement which authorizes use, testing, storage or disposal of nuclear, toxic chemical, gas or biological weapons intended for use in warfare shall require approval of not less than three fourths of the votes cast in such referendum."

Again, there is no mention of transit in the language in the Constitution of Palau.

Section 324 states that the Government of the United States shall not use, test, store or dispose of nuclear, toxic chemical, gas or biological weapons intended for use in warfare, and the Government of Palau assures the Government of the United States that in carrying out its security and defence responsibilities under this title, the Government of the United States has the right to operate nuclear-capable or nuclear-propelled vessels and aircraft within the jurisdiction of Palau without either confirming or denying the presence or absence of such weapons within the jurisdiction of Palau.

Now, as I can state in simple terms, this means that the Government of the United States specifically undertakes not to do what the Constitution of Palau says cannot be done. There is no mention of transit in the Constitution of Palau, and the second part of that paragraph, section 324, is simply a restatement of the long-standing, well-known policy of the United States neither to confirm nor deny the presence or absence of nuclear weapons - nuclear anything.

(Ms. Byrne, United States)

What it says is that the United States will not do this, and that on the other hand the United States does not have to confirm or deny. So as far as we are concerned Palau is nuclear-free, we are in harmony with the Constitution of Palau, and we maintain our long-standing policy of neither confirming nor denying.

Mr. MORTIMER (United Kingdom): I did not wish to interrupt Ambassador Oleandrov's train of thought, but it occurs to me to ask one question related to this discussion of nuclear matters.

Section 324 is of course part of the Compact which was presumably negotiated meticulously between the United States and the Palau Government, and I believe it has since been approved by both Houses of the Palau Congress, all of whose members are democratically elected representatives of the people. Would Ambassador Byrne just confirm that that is so.

Ms. BYRNE (United States of America): I believe I mentioned that fact in my opening statement. On 10 January the Compact was signed, including the language we have been discussing - the language concerning the Compact as a whole, which includes section 324. Legislation was approved by substantial margins in both Houses and signed by President Salii on 24 January 1986. Let me interject here that that legislation authorized President Salii to call a plebiscite on the Compact on 21 February and appropriated funding to finance the voter education programme and the administrative costs attendant on the vote. On that same day President Salii wrote to Ambassador Zeder, our negotiator, and said he had signed the bill that ratified the Compact of Free Association. That means that the legislature has done the necessary - that is, both Houses have approved and authorized the plebiscite in which the people will have a chance once again to give their views on the Compact with this revised language. It is for that plebiscite that we are asking for a visiting mission sponsored by the Trusteeship Council.

(Ms. Byrne, United States)

I might add that if the Council is to agree to such a visiting mission, there is not very much time.

Mr. MORTIMER (United Kingdom): I am grateful for that clarification. I was of course entirely aware that Ambassador Byrne had made that selfsame point in her introductory statement.

The thought I wished to inject into the Council's proceedings at this point was that whatever one thinks of the merits or demerits of section 324 it does not, on the face of it, seem to be something that was foisted upon the people of Palau exclusively by the United States. It was a co-operative effort, it seems to me, between two democratically elected Governments, and it is now presumably for the people of Palau to pronounce themselves on the content of that particular section in so far as it forms part of the Compact of Free Association itself.

Might I again, with great apologies to Ambassador Oleandrov, ask one further supplementary question. I was inspired by one observation he made to the effect that the Compact of Free Association had been put to the vote in Palau no less than five times. I think that is what he said. Arithmetic has never been my strong point, but I do not recall that this Compact of Free Association has in fact been voted on five times, either in Palau or indeed elsewhere in the Trust Territory of the Pacific Islands. Perhaps Ambassador Byrne could clarify that point for me.

Ms. BYRNE (United States of America): I too am not terribly strong in arithmetic, but as far as I know the Compact has been submitted to the people of Palau twice before, in 1983 and then again in 1984. In 1983 there was a Visiting Mission; in 1984 there was not. I think I have said that it was regarded as an internal affair by the Palauans since they had already given their views the year before.

The plebiscite to be held on 21 February 1986 will be the third time that the Compact will have been submitted to the people of Palau for their views, consent or rejection.

Mr. OLEANDROV (Union of Soviet Socialist Republics) (interpretation from Russian): I am grateful to the representative of the United States for her clarification in answer to my question, and I should like to point out that it would seem, then, that the transit of nuclear weapons is not banned, according to the Compact.

I should like to draw attention to the fact that Section 324 of the Compact contains no mention of the territory of Palau. It speaks of the "jurisdiction of Palau" instead. In this connection I should like to ask a question.

According to this draft agreement, can there be United States nuclear weaponry in American bases that already exist or might exist in future on the territory of Palau and in the part of Palau to which Palauan jurisdiction might not extend, since those will be United States military bases? And in those bases and in American vessels and aircraft, could there be, not only in transit but on a permanent basis, United States nuclear weaponry - outside Palauan jurisdiction?

Ms. BYRNE (United States of America): As members of the Council who have visited the Trust Territory are well aware, the United States has no military bases or naval bases in Palau, nor have there ever been any there since the beginning of the Trusteeship. The United States has never made any military use of Palau, nor has it stationed military personnel there for military purposes. It has no present intention of using it for such military purposes.

Mr. OLEANDROV (Union of Soviet Socialist Republics) (interpretation from Russian): I am grateful for the explanation I have received. As I understand from what the United States representative said, we are talking about the present intention. The Compact itself will cover a long period of time in the military sphere. In fact, it is indefinite in scope and it would seem that the Palauan people would not have any right to go back on these obligations in the military section of the Compact.

Could the United States representative tell us something about the rights of the United States in future to establish such bases and to install its nuclear weaponry and maintain it on the territory of Palau, as well as outside the jurisdiction of Palau?

Ms. BYRNE (United States of America): In response to the question of the representative of the USSR, I would first comment, that the Compact is not of indefinite duration. The Compact is for 50 years, and is not automatically renewable. That is to say, it is for 50 years and anything beyond that time is by mutual agreement between the parties. I can only repeat what I said before: we have not had any military bases in Palau; we do not intend to have any military bases in Palau. As a matter of fact we have greater rights under the present Trusteeship Agreement in this area than we would under a Compact of Free Association. As I said, we have none now, we do not intend to have any. I do not know what more I can say on this score.

Mr. OLEANDROV (Union of Soviet Socialist Republics) (interpretation from Russian): I am grateful to the United States representative for her answer to my question, although it has not fully clarified for me that aspect of the matter bearing on the right of the United States to install nuclear bases on the territory of Palau in future.

(Mr. Oleandrov, USSR)

Now I should like to refer to the plebiscite itself. Could the United States representative explain to us how the question will be asked in the plebiscite to which the population will have to answer yes or no. That is the first part of my question. The second part is: Will the population of Palau be given any alternatives - for example, independence - to the status of free association with the United States?

Ms. BYRNE (United States of America): In response to the representative of the USSR, the plebiscite ballot will put one question, as follows: "Do you approve free association with the United States as set forth in the Compact of Free Association and its related agreements?" That is the question that will be on the ballot.

As for the second part of the question of the representative of the USSR, there will be no alternatives on the ballot. There will be the single question I just read out. Now in explanation of that, in the 1983 plebiscite and in the 1984 referendum the voters of Palau were asked what political status they might prefer should free association be defeated, and they were given a choice between independence and another type of relationship with the United States. In both cases, that is, in 1983 and 1984, the majority of those choosing to answer the question voted for another type of relationship with the United States and specified a closer relationship than free association.

In light of this situation, the Palau National Congress did not believe the question needed to be asked again in the 1986 plebiscite.

Mr. OLEANDROV (Union of Soviet Socialist Republics) (interpretation from Russian): I should like to thank the United States representative for her explanation and to ask my last question on the plebiscite.

(Mr. Oleandrov, USSR)

From the text of the Compact I see that it has been drafted in English only. The Compact contains more than 140 pages, including the related agreements. I should like to ask whether it is true that before the plebiscite thousands of dollars were sent for a campaign for free association? There have been reports that this would be \$500 for each voter in Palau - also, has the Compact with its related agreements been translated into the language of Palau, so that Palauans might be able to read the texts and have an understanding of what they are voting on?

Ms. BYRNE (United States of America): As I stated twice in my opening statement, the Government of Palau has already turned its efforts to the voter education programme. The programme

"will consist of the translation and printing of the Compact and its related agreements, video-taped, radio and personal presentations on the terms of the Compact and information on alternate political status options, including independence". (supra, p. 12)

So, yes, the Compact and its related agreements will be translated - probably have been by now. But in any case they are certainly being translated. Fortunately, in Palau there is only one local language, that is, all Palauans speak Palauan. Palau is not fragmented into several languages, as is the case in some of the other islands of Micronesia. Hence the task is relatively easy, or at least easier, and it will be translated.

(Ms. Byrne, United States)

As I understand the matter about "\$500 a person", the Government of Palau asked the United States for a grant of \$400,000 to enable the Government of Palau to undertake the voter education programme; and that amount would translate into \$500 a person. However, it is not at all anything shady or underhanded. Palau needs money to defray the cost of translating the Compact and educating the voters by means of radio and television, and it is completely in order.

The PRESIDENT (interpretation from French): Since no other delegation wishes to ask questions of the Administering Authority or make comments, I shall now call on the representative of the United Kingdom, who wishes to present a draft resolution on the question of the dispatch of a visiting mission to observe the plebiscite in Palau. The draft resolution is contained in document T/L.1247.

Mr. MORTIMER (United Kingdom): I have both the honour and the pleasure to introduce the draft resolution contained in document T/L.1247 dated 3 February 1986, sponsored by my delegation. I imagine that colleagues will find the draft resolution largely self-explanatory, but I should like to draw their attention in particular to the following points.

First, Council members will note that the third preambular paragraph expresses the hope that representatives not members of the Trusteeship Council should be included in the forthcoming visiting mission. My delegation welcomes their inclusion and believes that their representatives have an important part to play. I hope that that reflects the views of other members of the Council.

Secondly, the draft resolution provides in operative paragraph 1 for the mission to leave New York on or about 13 February in order to give it sufficient time to observe the campaign prior to the plebiscite on 21 February.

(Mr. Mortimer, United Kingdom)

Thirdly, operative paragraph 2 of the draft resolution indicates the suggested size of the visiting mission; it also envisages that the mission will be made up of representatives of two States members of the Trusteeship Council and two non-member States from the South Pacific region. Information came to hand this afternoon that Fiji has now decided to fill the second place available for South Pacific States on this mission, in addition to Papua New Guinea, whose agreement to participate was notified to us earlier. Therefore, a consequential change is necessary to operative paragraph 2 of the draft resolution. With the Council's permission, I shall read it out slowly so that it can be incorporated into the draft resolution that will be submitted to the Council next Thursday. Operative paragraph 2 should now read as follows:

"Further decides that the visiting mission should be composed of not more than five members, the members of the mission to be representatives of Fiji, France, Papua New Guinea and the United Kingdom of Great Britain and Northern Ireland."

Finally, the remaining operative paragraphs of the draft resolution draw on earlier texts and are couched in standard terms: they give instructions to the visiting mission on the performance of its duties and there is in addition the usual request to the Secretary-General to provide the necessary staff and facilities to assist the members of the mission.

My delegation has no hesitation in recommending acceptance of this draft resolution by the Council. We believe it provides the mission with an appropriate mandate with which to observe and report on the forthcoming plebiscite.

The PRESIDENT (interpretation from French): Does any member of the Council wish to make any comments at the present stage of our work?

Since that is not the case, I should like now to draw the attention of members of the Council to document T/L.1248, which contains the financial implications of the draft resolution in document T/L.1247.

From the consultations that I have undertaken, I understand that members of the Council wish to take a decision on the draft resolution at the next meeting, to be held on Thursday, 6 February, at 3 p.m. At that meeting those members of the Council who wish to make general statements will of course be able to do so. The Council will also consider written petitions related to item 3 of the agenda and take decisions on them.

The meeting rose at 5.10 p.m.