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LETTER DATED 8 MAY 1980 FROM THE PERMANENT REPRESENTATIVE OF
THE UNITED STATES OF AMERICA TO THE UNITED NATIONS ADDRESSED
TO THE SECRETARY-GENERAL 1/

My Government takes strong exception to the statement concerning the Trust Territory of the Pacific Islands contained in a letter dated 21 February 1980 to the Secretary-General from the Chargé d'Affaires a.i. of the Permanent Mission of the Union of Soviet Socialist Republics (S/13817). Not only is it replete with false allegations, but one could hardly imagine a greater demonstration of arrogance than for a country which is currently trampling on the sovereign rights and independence of a neighbouring State to make the charges against another nation that are contained in this text. The world knows well which country is pursuing "expansionist goals" and "arrogating to itself the right to decide the fate ..." of another people.

The statement of the Soviet Mission so consistently misrepresents or ignores the facts of the situation in the Trust Territory that the only possible rebuttal is a simple recitation of the truth.

The United States assumed international obligations for Micronesia under the Trusteeship Agreement approved in 1947 by the Security Council and by the President of the United States. The Trusteeship Agreement designated the Trust Territory of the Pacific Islands as a strategic trust under the Charter. On 7 March 1949, the Security Council, in conformity with Article 83, paragraph 3 of the Charter, adopted resolution 70 (1949) requesting the Trusteeship Council to perform in accordance with its own procedures, on behalf of the Security Council, the functions of the Charter relating to the political, economic, social and educational advancement of the inhabitants of the Trust Territory.

For the past 33 years the United States has faithfully performed its obligations under the Charter and the Trusteeship Agreement. It has reported annually on its administration of the Territory to the Trusteeship Council. It has welcomed periodic visiting missions to the Territory. (Such a mission visited the Trust Territory in March this year.) It has invited the Trusteeship Council to observe all major acts of self-determination in the Territory. It has participated in annual sessions of the Trusteeship Council and responded to questions concerning its administration of the Territory by members of the Council.

* Reissued for technical reasons.

1/ Also issued under the symbol T/1815.

A thorough accounting of the United States administration of the Trust Territory for the past year is to be found in the current annual report of the Trusteeship Council to the Security Council (S/13759). The conclusions and recommendations of the Trusteeship Council and of visiting missions which have observed developments in the Territory are totally at variance with the statement issued by the Soviet Mission. The Soviet statement alleges actions by the United States to "impose" a particular status on the different parts of the Territory, ignoring completely the fact that developments in the Territory resulted from decisions taken by the people in the Territory in exercise of their right to self-determination. I wish to reiterate also that although my Government regrets the decision of the Micronesians to seek separate political identities, and my personal opposition to separatism in the Trust Territory is long-standing and well-known, the United States shares the view of the Trusteeship Council that it is ultimately for the Micronesians themselves to decide upon their future political relations with one another. It must also be noted that, although unity is the desired objective, there have been other instances in which Trust Territories have emerged from Trusteeship disunited.

The decision of the Northern Marianas to seek a separate status from the rest of the Trust Territory is rooted in its close links to the United States Territory of Guam in the Marianas and in the history of separate administration in the early years of the Trust (1952-1962). The people came to view their future interest in maintaining close ties with the United States. Following repeated expressions by the people in popular referenda and positions taken by the legislature in favour of a close future relationship with the United States, a Covenant to establish a Commonwealth of the Northern Mariana Islands in political union with the United States was negotiated. The Covenant was approved in a plebiscite observed by a Trusteeship Council Visiting Mission in June 1975. The Visiting Mission concluded in its report (T/1771, p. 41) that: "The People of the Northern Mariana Islands, in a well-organized and well-attended poll, voted by a majority of almost 80 per cent to become a commonwealth of the United States. There was no improper interference by the Administering Authority. The campaign was freely fought. The poll was free and seen to be free." The Northern Marianas remain a part of the Trust Territory until the termination of the Trusteeship.

The United States has also been negotiating the future status of the remainder of the Trust Territory with representatives of the other island groups. In April 1978 in Hilo, Hawaii, all parties agreed to a Statement of Principles to serve as the basis for concluding an agreement of free association. As negotiations based on the "Hilo Principles" continued, the people of the Trust Territory have proceeded to advance in the establishment of constitutional Government, a precondition to final agreement on future status and termination of the Trusteeship. This constitutional process has resulted in the further separation of the Marshall Islands and Palau from the remainder of the districts in the Territory.

In July 1978 the Congress of Micronesia conducted a referendum observed by a Trusteeship Council Visiting Mission on a federal constitution for all parts of the Trust Territory excluding the Northern Marianas, that is, the administrative districts of Kosrae, the Marshall Islands, Palau, Ponape, Truk and Yap. The constitution was approved by a substantial majority of voters in the districts of Kosrae, Ponape, Truk and Yap, which became the Federated States of Micronesia

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when the constitution went into effect in May 1979. However, it was rejected by a majority of voters in Palau and the Marshall Islands. In accordance with the locally drafted legislation setting the terms of the referendum, the constitution became effective only in those districts where a majority of the voters were in favour of it. The referendum had the double significance therefore of expressing the will of the people on both the constitution and the question of unity.

Thereafter the Marshall Islands and Palau proceeded to draft their own constitutions. In a referendum held 1 March 1979 and observed by a Trusteeship Council Visiting Mission, the people of the Marshall Islands adopted the draft constitution which became effective in May 1979. The Trusteeship Council meeting on 15 June 1979 at its forty-sixth session adopted the following conclusion: "the Council considers that the constitutional referendum held on 12 July 1978 in the Territory excluding the Northern Mariana Islands, and in consequence of the result thereof the referendum held on 1 March 1979 in the Marshall Islands, were essential steps towards termination of the Trusteeship. It notes with satisfaction that the Chairmen of the Visiting Missions sent by the Council to observe the referendums concluded that they were held in conditions which guaranteed the free expression of the wishes of the populations concerned. It notes that, as a result of these referendums, those concerned now have their own Governments". (S/13759, p. 125, para. 74).

In a referendum observed by a Trusteeship Council Visiting Mission, the people of Palau in July 1979 approved a draft constitution by a large majority. It is anticipated that, following the resolution of certain technical problems resulting from actions by the local legislature and the courts, constitutional self-government will be established in Palau, as it has been in the other parts of the Trust Territory.

Formal negotiating sessions on a compact of free association premised on the Hilo Principles were held in Saipan in January and July 1979, in Washington, D.C. in the summer of 1979, and in Kona, Hawaii in January 1980. On 14 January the draft compact was initialed at Kona by President Amata Kabua of the Marshall Islands and the chief United States negotiator, Ambassador Peter R. Rosenblatt. The Federated States of Micronesia also participated in the Kona negotiations, and Palau was represented by an observer delegation.

Discussions on the compact will proceed during the coming months with the Federated States of Micronesia and Palau. Following approval by all of these entities, the people of the Micronesian States will have the ultimate voice when they participate in a United Nations-observed plebiscite on the final compact. The compact will be submitted also to the United States Congress for approval. The United States remains committed to the goal of terminating the Trusteeship in 1981.

The Soviet contention that free association of the Micronesian States with the United States would be "the equivalent to their annexation by the United States" is transparently false. Under free association the Micronesian States will, in accordance with the provisions of the Hilo Principles, be responsible for their own foreign relations as well as for their internal affairs.

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The United States firmly rejects any implication that by enabling the people of the Trust Territory to exercise their right to self-determination, it is in violation of the Charter and the Trusteeship Agreement. The charge would be patently absurd.

My Government also rejects the charge that it has violated the provisions of Article 83 of the Charter which endow the Security Council with "all functions of the United Nations relating to strategic areas ...". Rather, it is the Soviet Union which has sought, contrary to Article 83, to raise issues related to the Trust Territory outside the organs designated by the Charter.

In conclusion, I wish to reiterate that the United States has acted in full conformity with the Charter and the Trusteeship Agreement. It has not sought to modify the Agreement in any way. It has encouraged the development of self-determination of the people of the Trust Territory. The United States will continue to do so until the Trusteeship is terminated.

I request that this letter be circulated as a document of the Trusteeship Council. Inasmuch as the Soviet statement to which it responds has been circulated as a document of the Security Council, I request that this letter also be circulated as a document of that body.

(Signed) Donald F. McHENRY
