



TRUSTEESHIP COUNCIL

Twenty-ninth Session

OFFICIAL RECORDS

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CONTENTS

	Page
<i>Examination of conditions in the Trust Territory of the Pacific Islands: annual report of the Administering Authority for the year ended 30 June 1961 (continued)</i>	
<i>General debate (continued)</i>	45
<i>Question of the drafting of the Council's report on the Territory.</i>	46
<i>Examination of petitions (continued)</i>	
<i>Petitions concerning the Trust Territory of the Pacific Islands (continued)</i>	47

President: Mr. Jonathan B. BINGHAM
(United States of America).

Present:

The representatives of the following States: Australia, Bolivia, China, France, India, New Zealand, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United States of America.

The representatives of the following specialized agencies: International Labour Organisation; World Health Organization.

Examination of conditions in the Trust Territory of the Pacific Islands: annual report of the Administering Authority for the year ended 30 June 1961 (T/1590, T/L.1040 and Add.1) (continued)

[Agenda item 3 (b)]

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

GENERAL DEBATE (continued)

1. Mr. GODING (Special Representative) said that it was encouraging to note that the members of the Council, with one exception, were in general agreement with the programmes which had been undertaken by the Administering Authority in the Trust Territory of the Pacific Islands. While he was not able to accept all the recommendations made by the Indian representative at the previous meeting, the latter's analysis had been cogent and penetrating and would be carefully studied.

2. There had been some comment on the rate at which the Administration was handing over executive positions to Micronesians. He himself felt that significant progress had been made in that regard, for some sixty-five important executive positions had been taken over by trained and qualified Micronesians and, in the past year alone, over thirty-five Micronesians had been promoted to the professional and senior executive

levels. Of the United States nationals employed in the Administration, less than one quarter were in executive positions, the majority being employed in technical or skilled work for which qualified Micronesians were not yet available. United States personnel were being replaced by qualified Micronesian personnel as rapidly as possible.

3. The French representative had spoken of the desirability of broadening the training and replacement programme, particularly at the Administration's headquarters. The Administering Authority intended to make the maximum use of Micronesians from all districts in the headquarters Administration. The question of making satisfactory salary adjustments for Micronesian workers was being given top priority in budget planning for the coming year.

4. He agreed with the Bolivian representative that the youthful population of the Territory was prepared to meet the challenge of developing local democratic self-government and the larger task of welding the widely separated people into a cohesive national unit. The willingness of the older people to accept the leadership of the young educated Micronesians was another factor which deserved credit and was the more remarkable in view of the fact that in all areas of the Territory the traditional society was one where status, prestige and leadership were intimately related to age.

5. Various delegations had felt that the Council of Micronesia was not moving rapidly enough towards attaining the status of a fully fledged Territorial legislative body. The pace, however, was being determined largely by the Council of Micronesia itself. He was confident that recommendations which the latter's political sub-committee was expected to make would enable the Council and the Administration to accelerate the rate of development appreciably.

6. He shared the New Zealand representative's view that the Pacific areas had much in common and much to learn from one another. During the past year there had been a number of visits of Micronesians and Administration personnel to other Pacific areas for purposes of consultation, training and study.

7. He would assure the Belgian representative, who had commented on the progress made in developing a concept of national unity in the Trust Territory, that every effort would be made to develop that concept further during the coming year.

8. While economic advancement was determined in large measure by the resources available in the Territory, he agreed with the New Zealand representative that economic development was often more a state of mind than a question of physical resources. That provided a necessary and desirable challenge for the Administration.

9. Although there were many islands of minute size in the Territory, there were a substantial number of very considerable area in relation to their present population, which offered an opportunity for more intensive and productive land use.

10. The introduction of outside capital participation in economic enterprises within the Territory was expected to stimulate economic development. It was hoped that one such venture, that of commercial fisheries, would be under way within a few months. While encouraging commercial fisheries using outside capital, the Administration intended not only to maintain its present fisheries project in operation but also to establish similar pilot projects in other districts.

11. Increasing attention was being devoted to the development of co-operatives. A Territory-wide seminar on the subject had been held and others were planned. A co-operative officer had been added to the headquarters staff and others had been appointed at the local and community levels; they were at present in Fiji, attending an advanced training course in co-operatives, and would conduct similar training sessions in the various districts of the Territory on their return. There were already some twenty-three co-operatives operating in the Territory and more were expected to be formed.

12. As the Chinese representative had pointed out, it was necessary to maintain a proper balance between the district centre activities and the needs of the outlying islands. The need for decentralization of services was fully recognized and the Administration's programme called for the establishment of more field hospitals with adequate staff and equipment. The major obstacle to the extension of field hospital service was not so much a lack of funds as the scarcity of qualified medical staff. Within the next few years a number of young medical officers would return from training at the Central Medical School in Fiji; that would make it possible for the field medical service to be expanded considerably. The establishment of public intermediate schools in heavily populated areas away from district centres was also planned.

13. There was also the problem of extending services to communities situated close to the district centre but isolated owing to the lack of adequate transport. The building of roads to link the communities with large semi-urban district centres was being encouraged on a number of the larger islands. Extension of the road system would facilitate expansion of social services in the surrounding community and would enable the rural inhabitants to reach the district centre for medical treatment, for schooling and for marketing their produce. In such areas some centralization of activity might be more beneficial than further decentralization. For example, it was more practical to have one good consolidated elementary school to which children were transported by bus than to have several small scattered schools, each inadequately staffed.

14. He wished to assure the Indian representative that every effort would be made to accelerate the introduction of English as the language of instruction in elementary schools. That programme had the general endorsement of the Council of Micronesia, but it represented a major task and immediate implementation in all the schools could not be expected. It was recognized by the Administration that six should eventually be the school entrance age but the shortage of teachers made the attainment of that goal difficult. Nevertheless, in the preceding year some 1,400 children under eight years of age had attended school and in most districts children below that age whose parents wished them to attend school had been accepted.

15. The Administering Authority fully shared the concern which had been expressed in the Council for those individuals in the Trust Territory whose claims in respect of war damages, land settlements or relief from the problems generated at Rongelap had not yet been satisfied. The steps taken with a view to settlement of the claims would be pursued diligently and he hoped to be able to report in a year's time that all the claims had been satisfactorily settled. He regretted that he was not able to reply to the Indian representative's question concerning the attitude of the claimants to legislation authorizing the United States Court of Claims to adjudicate the Kwajalein claims. It did not appear desirable to seek to commit the claimants in advance to a specific text of legislation. In any event, the United States Congress would act on such legislation only after the claimants and their attorneys, as well as the Executive Branch of the United States Government, had had full opportunity to present their views at the Congressional hearings on the legislation.

16. As in previous years, the summary records of the Trusteeship Council meetings would be circulated as rapidly as possible throughout the Territory. The Council's deliberations were followed with keen interest there and were featured in news bulletins and radio broadcasts.

17. In conclusion, he wished to express his appreciation of the keen interest shown by the Council in the administration of the Territory.

QUESTION OF THE DRAFTING OF THE COUNCIL'S REPORT ON THE TERRITORY

18. The PRESIDENT suggested that the Council should consider certain procedural aspects of its discussion of the Trust Territory of the Pacific Islands, and specifically what procedure it should adopt in preparing its report.

19. Sir Hugh FOOT (United Kingdom) proposed that under rule 66 of the rules of procedure the Council should appoint a drafting committee to prepare a draft report. Since many members of the Council had other commitments, it would be sufficient to appoint a committee of two.

20. Mr. ULANCHEV (Union of Soviet Socialist Republics) said that there was no reason to adopt the United Kingdom representative's proposal since the Council was now small enough to be able to prepare its own report without difficulty.

21. Sir Hugh FOOT (United Kingdom) pointed out that, as the Fourth Committee was about to begin its consideration of Ruanda-Urundi, it would be difficult for the Council to meet again for some time. Much would be gained, therefore, by entrusting the preparation of the report to a drafting committee.

22. Mr. DE CAMARET (France) recalled that at the twenty-seventh session (1171st meeting) his delegation had argued in favour of reducing the number of drafting committees and other subsidiary bodies set up by the Council. Nevertheless, it would be undesirable to have meetings of the Council, the General Assembly and the Fourth Committee at the same time, and in the present circumstances the Council would complete its work more quickly if it appointed a drafting committee. He therefore supported the United Kingdom proposal.

23. The PRESIDENT put the United Kingdom proposal to the vote.

The United Kingdom proposal was adopted by 8 votes to none, with 1 abstention.

24. The PRESIDENT suggested that the drafting committee should consist of the delegations of India and New Zealand and that it should endeavour to submit its report on Friday, 15 June.

It was so decided.

Examination of petitions (continued)

[Agenda item 4]

PETITIONS CONCERNING THE TRUST TERRITORY OF THE PACIFIC ISLANDS (T/PET.10/34) (continued)

25. The PRESIDENT invited the Council to consider the question of petition T/PET.10/34.

26. Mr. DE CAMARET (France) said that the special representative had given very detailed explanations on the question of Kwajalein, to which the petition related. The Council's report would undoubtedly include a full record of his statements, to which the petitioner should be referred, as was the usual practice and as the French delegation had already suggested. His delegation had also suggested that the petitioner's attention should be drawn to the other parts of the report dealing with the Council's debate on the question, although that was not the usual practice. His delegation now wished to make those suggestions a formal proposal.

27. Mr. ANTONOV (Union of Soviet Socialist Republics) said that the petition under discussion was not the first that the Council had received on the matter. Other petitions had been submitted (T/PET.10/30 and Add.1) and the Council had adopted in that connexion resolutions 2006 (XXIV) and 2063 (XXVI). In the latter resolution the Council had urged the Administering Authority to explore with the petitioners all possible means of reaching an equitable settlement of their claims. The Administering Authority, however, had deliberately delayed doing so. The United Nations Visiting Mission to the Trust Territory of the Pacific Islands, 1961, had accordingly submitted recommendations in its report to the Council (T/1582, p. 32). The Council had endorsed the Mission's suggestion that if a satisfactory solution was not arrived at in the very near future, the amount of compensation and the manner in which it was to be paid should be determined by arbitration. Since then almost a year had passed but no steps had been taken by the Administering Authority to put resolutions 2006 (XXIV) and 2063 (XXVI) into effect. It was now essential for the Council to take effective action without delay.

28. The USSR delegation therefore proposed that the Council should decide, with a view to finding a prompt and effective solution to the question of the form of payment and amount of compensation, to set up within three months an arbitral body composed of a representative of the Administering Authority, a representative of the group of the population concerned and a representative to be appointed by agreement between the interested bodies. In the event of such an agreement not being reached within three months, the representative of a State to be selected by the Council would become the third arbitrator.

29. The PRESIDENT said that, as he understood it, the French representative's suggestion was not con-

cerned with the substance of the land claims issue but was a procedural proposal that the Council should postpone final action on the question until it adopted its report. It was not clear whether the USSR representative was opposing that proposal. It would be entirely in order for the USSR representative to make a substantive proposal when the Council came to adopt its report on the Trust Territory.

30. Mr. ANTONOV (Union of Soviet Socialist Republics) said that in his view the French representative's proposal was not merely procedural; if adopted, it would have to be included in whatever resolution the Council adopted on the petition under discussion. There was no need to postpone consideration of the petition until the Council discussed its report. The petition was concerned with a specific question on which the Council was obliged to take a decision, regardless of whether or not it adopted a report on the Trust Territory.

31. Mr. SALAMANCA (Bolivia) said that he had already given his views on the point at issue. The USSR delegation had now put forward a specific proposal on the matter, namely, recourse to arbitration. After hearing the United States representative, he had the impression that the United States delegation was not categorically opposed to the possibility of arbitration. In his view, however, arbitration should be a last resort. The United States Congress had been asked to extend the jurisdiction of United States courts to the claims in question. That solution might be acceptable to the inhabitants of Kwajalein or it might not, and in the latter event arbitration would be an alternative solution.

32. He did not think that the differences between the USSR delegation and the United States delegation were as great as they appeared to be. The idea of arbitration as a possible solution had been endorsed by the Visiting Mission and had not been rejected by the United States delegation. If the problem had not been solved by the time of the Council's session in 1963, the possibility of recommending a solution by means of arbitration would still be open to the Council.

33. Mr. NOYES (United States of America) said that, in view of the observations of the Bolivian representative, he would like to make the position of his delegation quite clear.

34. The problem before the Council was how the Administering Authority should deal with the private claims of a small number of inhabitants against the United States Government with respect to the value of certain parcels of land on Kwajalein. Hundreds of similar claims of other inhabitants of the Trust Territory had been settled in various ways. Everyone agreed that the present claims should be settled on an equitable basis and the Administering Authority had willingly accepted and tried to carry out a number of the Council's recommendations on the matter. That had not solved the problem, however, and in keeping with article 3 of the Trusteeship Agreement his country was now considering legislation which would provide a means for the judicial settlement of the long-standing dispute.

35. The USSR representative's view that the settlement of such claims was an international matter and that it would be unfair for the settlement to be entrusted to United States courts constituted a total misunderstanding of the nature of the Trusteeship System. It was not difficult to imagine what chaos

would have ensued over the past fifteen years if any claim by any inhabitant of any Trust Territory could have been brought to international arbitration of the kind outlined by the representative of the Soviet Union.

36. The USSR representative had indicated that it was a matter which the Trusteeship Council was competent to decide. The United States held, however, that under the terms of the Trusteeship Agreement the United Nations had entrusted decisions on such matters as the settlement of private claims to the United States Government. In return, the United States had accepted the obligations laid down in the Trusteeship Agreement. His delegation agreed that the Trusteeship Council had certain functions to carry out and was properly seized of the matter. The Administering Authority had in the past co-operated to the fullest possible extent with the Trusteeship Council and had every intention of continuing to do so. While he could assure the Council that the Administering Authority would give every consideration to any recommendation made by the Council, it felt that the course it was following was fair and reasonable and that there was no reason for the Trusteeship Council to recommend any different course of action.

37. Mr. ANTONOV (Union of Soviet Socialist Republics) said that he fully understood the point of view of the United States delegation. The land of the indigenous population of Kwajalein had been in the hands of the United States for eighteen years and was used by the United States Government for its own purposes. In view of the fact that the United States courts had disregarded such illegal seizures of land during those years he did not think they would now settle the claims in the interests of the indigenous population. If the matter was left to the courts and if the petitioners appealed again to the Trusteeship Council at its next session, many members of the Council, including the representative of France, would say that such petitions were inadmissible because they were directed against judgements of competent courts of the Administering Authority.

38. His delegation had already stated that it did not consider the dispute to be within the competence of

the United States courts. The dispute had been before the Council for a number of years. It had been considered and reported on by subsidiary bodies of the Council and the Council had reported on it to other bodies of the United Nations. All those reports had been approved and at no time had it been decided that the matter was within the competence of the United States courts and not within the competence of the United Nations. The handing over of a Trust Territory to an Administering Authority did not make that Territory the private domain of a particular Government. The authority of the United Nations remained supreme and the United Nations was entitled to take any decisions it saw fit with respect to that Territory.

39. His delegation did not ask for an immediate vote on its proposal. It would like the members of the Trusteeship Council to study the proposal; if any of them had suggestions regarding a time-limit for setting up the arbitration commission, his delegation would consider such suggestions sympathetically. It did not think, however, that the question should be postponed to the next session and that it should be entrusted to the United States courts in the meantime. He recalled that at one time the petitioners, in despair, had tried to appeal to the United States courts but, as the Council had been informed at its twenty-sixth session (1061st meeting), that approach had been rejected. It now appeared to be the desire of the United States Government to hand the matter over to its courts. He understood the reasons for that desire but his delegation considered it unlawful and not in keeping with the Charter of the United Nations.

40. Sir Hugh FOOT (United Kingdom) noted that the USSR proposal had not yet been translated and circulated. He suggested that the discussion of the matter under consideration should be concluded at the next meeting, when the Drafting Committee's report would be before the Council.

It was so decided.

The meeting rose at 12.5 p.m.