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Forty-fourth Session

VERBATIM RECORD OF THE FOURTEEN HUNDRED AND SIXTY-SECOND MEETING

Held at Headquarters, New York,
on Wednesday, 8 June 1977, at 10.30 a.m.

President: Mr. BYATT (United Kingdom)

Examination of the annual report of the Administering Authoriti for the year ended 30 June 1976: Trust Territory of the Pacific Islands /4/ (continued)

Examination of petitions listed in the annex to the provisional agenda /5/

77-70232

The meeting was called to order at 10.55 a.m.

EXAMINATION OF THE ANNUAL REPORT OF THE ADMINISTERING AUTHORITY FOR THE YEAR ENDED 30 JUNE 1976: TRUST TERRITORY OF THE PACIFIC ISLANDS (T/1781; T/L.1205) (continued)

EXAMINATION OF PETITIONS LISTED IN THE ANNEX TO THE PROVISIONAL AGENDA (T/1780/Add.1)

The PRESIDENT: In accordance with the Council's decision at its 1461st meeting last Monday, we shall now conduct the oral hearings of petitioners. The requests for oral hearings are contained in documents T/PET.10/116 and Add.1, T/PET.10/118 and Add.1 and Add.2, T/PET.10/119 and T/PET.10/120 and Add.1 and 2. The petitioners who have asked to speak are here and prepared to do so, though unfortunately Chief Ibedul, who is listed in document T/PET.10/116/Add.1, is indisposed, and Senator Amata Kabua, listed in document T/PET.10/118/Add.1, is also not with us today.

I have this morning received a letter from Mr. James Gutmann of the International League for Human Rights in which he requests time to make a brief statement to the Council on behalf of the International League for Human Rights in support of a letter of 5 April 1977. I imagine no member of the Council sees any difficulty about this. Unless there are objections, I would propose that we grant Mr. Gutmann's request and include him in the list of petitioners we shall hear this morning.

It was so decided.

The PRESIDENT: I suggest that the petitioners be invited to take their places at the petitioners' table and be heard by the Council. After all the petitioners have spoken, members may put questions to any of them. Depending on the time taken by the presentation of petitions, we may begin the questioning at the end of this morning's meeting or, if by then the time is well advanced, adjourn until 3 o'clock this afternoon and address our questions to the petitioners during the afternoon meeting. If there are no comments, the Council will follow that procedure.

It was so decided.

At the invitation of the President, Mr. Santos Olikong, Mr. Anton deBrum, Mr. George Allen, Mr. Jonathan Weisgall, Mr. Richard Copaken, Mr. Richard Weiner, Mr. Roman Tmetuchl, Mr. Kaleb Udui, Mr. Sadang Silmai, Mr. Thomas Gladwin, Mr. Bill Brophy, Mr. Moses Uludong, Mr. Stuart Jay Beck and Mr. James Guttmann took places at the petitioners' table.

The PRESIDENT: In accordance with the order of speakers agreed to between the petitioners and the Council Secretary, I call upon Mr. Santos Olikong.

Mr. OLIKONG: Mr. President, I wish to preface my remarks today by expressing to you and to the members of this Council our sincere appreciation and thanks for this opportunity to appear before the Council as petitioners.

I am the Chairman of the Palau Special Committee on War Damage Claims Settlement. The Palau District Legislature created this Committee in 1967, and directed it to seek for the people of Palau District an early settlement and payment of claims which resulted from hostilities between the United States and Japan during the Second World War and in the period immediately thereafter.

Appearing with me today are three members of the Palau District Legislature who are also members of my Committee. With the indulgence of this Council, I wish to introduce the Honourable Sadang Silmai, Speaker of the Palau Legislature; the Honourable Yoich Singeo, who is the Vice-Chairman of our Committee and also Vice-Chairman of the Ways and Means Committee of the Palau District Legislature; and the Honourable Baules Sechelong, one of the most senior members of the Palau Legislature and also a member of the Committee on Judiciary and Governmental Affairs. We are also greatly privileged to have accompanying us the Honourable Kaleb Udui, Senate Floor Leader of the Congress of Micronesia and Senator from Palau District. Senator Udui, as members may know, is the former Legislative Counsel to the Congress of Micronesia and has on frequent occasions in the past several years attended and participated in the deliberations and meetings of this Council. All of us will be most happy to answer any questions members may have.

In my remarks today, I will be speaking primarily about the war damage claims problem in and for the Palau District. However, in view of the very nature and character of this particular issue, the sentiments expressed will, of necessity, have direct bearing and equal relevance to war damage claims situations in the other districts of the Trust Territory, including those in the Northern Mariana Islands. Accordingly, this Council may consider our statements as representing the views of all the Micronesian people regarding this overriding public issue.

(Mr. Olikong)

The question of war and post-war damage claims for the people of Micronesia goes back now more than 30 years. Despite this protracted period, the question of war damage claims for the people of Micronesia has yet to be settled completely and with finality, and most Micronesians understandably are becoming restive and disillusioned. During that period, an entire generation of Micronesians has grown up. Individuals who were in the prime of life when they lost some or all of their property, or sustained personal injuries, have now joined the rank and file of the aged. Many of them have passed away, never to know that some day their claims would and could, perhaps, be satisfied. Those who are still alive and who see their friends dying are beginning to have great fear that they too will carry their claims unsettled and unpaid to the grave.

Thus, as years go by and as the date of terminating the Trusteeship system governing Micronesia draws ever nearer, the people in Palau District and in the other parts of Micronesia, are beginning to lose all hope that the Micronesian war damage claims issue will ever be fully resolved or settled.

Admittedly, the negotiations with Japan for the settlement of the war claims were manifestly begun too late; the Micronesian Claims Commission created by the United States to give effect to the Japanese Peace Treaty unfortunately did not commence its task until October 1972 -- some 26 years after the end of the hostilities. In such circumstances, its work was made more complicated and, despite diligent and determined efforts, the Commission failed to bring about the achievement of a "full and complete settlement of claims" -- of all claims in Micronesia.

In retrospect, the difficulty experienced in prompt and early settlement of Micronesian claims could be traced back to the two sets of basic documents which were set up as instruments or vehicles to resolve the war claims issue.

Back in April 1952, when Japan and the United States signed and approved the Japanese Peace Treaty, the party signatories to that Treaty provided in Article 4 (a) that a subsequent "special agreement" would be entered into concerning the property and claims of Japan and of its nationals against

(Mr. Olikong)

the Administering Authority of the Trust Territory, and the property and claims of residents of the Trust Territory against Japan and its nationals.

The United States and Japan signed such a "special agreement" on 18 April 1969. The Agreement acknowledged no liability on anyone's part· nevertheless the Agreement provided that an ex gratia contribution should be made by Japan and by the United States to advance and to promote the well-being and welfare of the people of Micronesia. The United States agreed to contribute $5 million to the Micronesian War Claims Fund and Japan, for its part, agreed to place at the disposal of the United States as Administering Authority the sum of 1.8 billion yen, valued at the time as the equivalent of $5 million, for the purchase of Japanese commodities and services. Thus, a total sum of $10 million was earmarked to cover claims against the United States and Japan for losses, injuries, deaths and damage to property in Micronesia, resulting from the Second World War.

(Mr. Olikong)

But just as the inhabitants of the Trust Territory had no part in the war other than as innocent victims, they also had no voice in the drawing up of the Japanese Peace Treaty; while they were ostensibly the beneficiaries of the ex gratia contributions by the signatories to the "Special Agreement", they did not have any voice in determining the sufficiency of the amount of ex gratia payments to cover their claims, nor were they allowed any recourse or flexibility within the ambit of the "Special Agreement" in seeking further "contribution" from either or both of the parties to settle fully, and satisfy, their claims from the war. In fact, they were even less fortunate, because those former wards of the League of Nations were not, and are not now, "nationals" or "citizens" of Japan; they were at that time, as they are now, "residents" of the islands, and as such even the United States considers them "foreigners". Given such facts, there was and still is no precedent for the presentation and recovery of claims under such circumstances. Indeed, Micronesians possess no representation through which they can secure equity or even sympathetic hearing for their claims.

United States Law 92-39 of 1 July 1971 gave effect to the Special Agreement of April 1969 between Japan and the United States. Title I of that law set forth both the procedure and criteria by which "valid and just claims" of the people of Micronesia would be paid. The sum of $10 million, consisting of contributions from Japan and the United States, was authorized to be used to cover any claims adjudicated and awarded under that Title covering loss of life, injury and damage to property suffered by the people of Micronesia during the war.

Title II of the same law authorized $20 million to cover Micronesian claims against the United States for bodily or material damage caused to the Micronesians by the United States armed forces, civilians and military personnel and employees of the Trust Territory, including damage resulting from the acquisition, use or retention of land without compensation or against payment of inadequate amounts.

(Mr. Olikong)

A Micronesian Claims Commission was established. Under the authority of the Chairman of the United States Foreign Claims Settlement Commission, the Micronesian Claims Commission was directed to receive, examine, determine and adjudicate all claims in Micronesia which might fall within the ambit of Title I and Title II of the law. The Commission was to certify its awards of claims to the Secretary of the United States Department of the Interior for payment and for settlement.

Under its terms of reference the Commission was to receive claims within a period of not more than one year from the date of its establishment, and to complete its work as speedily as possible. In no circumstances, however, was the Commission permitted by law to perform its task for more than two years after the expiration of the one-year registration period.

Given such a complex task to be performed and accomplished within so short a time frame, the Commission was bound to do an incomplete job, regardless of good intentions and good faith. To begin with, the Commission did not commence its work until October 1972, a period of some 26 years after the end of the war. Needless to say, such a long time lapse complicated the task of the Commission. For one thing, it had to rely on information that often was obtained at secondhand; for another thing, the determination of the value of the damage at the time it occurred was made more difficult because few records or documents were available upon which to price claims or to construct a matrix of values that could be used to evaluate those claims in an acceptable and equitable manner.

In part because of this particular problem, some of the claimants brought several suits to the United States District Court, challenging the criteria being used by the Commission; some of these were appealed to the United States Court of Appeals, and the Court remanded at least two of the cases back to the Commission, directing it to apply modified standards and criteria in assessing and assigning values to damage claims and personal injury cases. At least two cases affecting Micronesian claimants are awaiting further appeals and further studies by party litigants.

(Mr. Olikong)

But if such difficulties contributed to retarding the work of the Commission, the amount of money available to pay the claimants and the procedures by which they were to be paid further complicated the issue.

According to its final official report, the Commission noted that by 31 December 1973 it had received 11,104 claims. When it concluded its work in Micronesia, the Commission had, by adjudication, processed a total of 10,976 claims. Under Title I of the law which created the Commission, the total monetary awards certified for payment came to $34,349,509. Monetary awards certified under Title II totaled $32,634,403. As a consequence, a considerable gap existed between awards made by the Commission under Titles I and II of the law and the respective amounts available in the Micronesian Claims Fund for payment of all the adjudicated claims.

The considerable difference between the Commission's determination as to the total compensation which should be paid to the Micronesians and the amount available in the Claims Fund explains the complexity of the problem and the dissatisfaction caused by this matter. In fact, under Title I, the contribution of $10 million by the United States and Japan represented only about one-third of the sum needed to cover the total amount of adjudicated claims. Fully recognizing this fact but desirous of having all claimants receive at least part payment of their awards, the United States Secretary of the Interior decided that an initial payment of up to $1,000 would be made in compensation for each death resulting from the military activities, and that an initial payment of 16 per cent of the awards would be made for all other kinds of loss or damage.

In late March and April of this year, another decision was reached, whereby another 10.6 per cent of the compensation under Title I was paid, thus raising the total percentage of payment made under Title I to 26.6 per cent of the whole amount that should be paid to the Micronesians.

Accordingly, the Micronesian claimants under Title I have yet to receive a balance of payment of their claims amounting to 73.4 per cent of the total amount adjudicated.

(Mr. Olikong)

With regard to Title II claims, the situation in theory, would have appeared simpler; but, as it turned out, the payments situation has been no less unsatisfactory. Each claimant, at the outset, and upon expiration of the appeals period, received 50 per cent of his award, as prorated against the existing available sum in the Micronesian Claims Fund of $20 million. In late March and early April of this year, a second payment was made to claimants, approximating 11.12 per cent of the balance remaining of each of the adjudicated claims under that Title. Accordingly, if added together, the two payments already made for claims under Title II amount to 66.12 per cent, which leaves a balance of well over $12 million unpaid.

Understandably, the Micronesian claimants are not entirely satisfied by this arrangement. Their dissatisfaction has been further aggravated by the requirements of the enabling United States law that before each claimant is allowed to receive any part payment of his claim he has to execute a general release of liability running in favour of the United States and Japan, their agencies and personnel. Thus, in a strict legal sense, those who execute these releases and receive partial payment of their claims will forever be precluded from seeking further recourse and legal remedies from any appropriate national or international adjudicatory bodies or forums.

The situation is further compounded by the fact that the Micronesian Claims Commission, partly because of the time constraint, was not able to receive and to adjudicate all war and post-war damage claims in Micronesia. By its own admission, the Commission received 214 late claims which by law it was precluded from adjudicating.

(Mr. Olikong)

In Palau District alone, my Committee has since then received over 1,000 claims that for one reason or another were not filed with the Commission. Our Committee is advised that over 150 claims have been filed with the War Claims Committee of the Northern Mariana Islands, claims that, again for one reason or another, did not get filed or registered with the Micronesian Claims Commission. Similarly, our Committee is advised that many claims were not filed with the Commission in the other districts of the Trust Territory, and this fact prompted the Congress of Micronesia, during its last regular session in January of this year, to create a Joint Committee on Micronesian War Claims to work closely with committees of the district legislatures to settle finally and completely this long-standing and overriding public issue.

Complaints and grievances are still being received by our Committee in respect to what the Micronesian Claims Commission allegedly did or did not do. Many of them may well turn out, upon close examination and scrutiny, to be without merit or reasonable grounds. Others, however, may very well have substantive grounds that would require appropriate, if not equitable, disposition. The range and scope of those grievances are as wide as they are varied and numerous. A recitation of some of them will illustrate the nature of those complaints. A claimant, who owned and operated a factory producing food products and soft drinks, submitted a claim in view of the destruction of that factory. She also filed a Title II claim, since what remains of the factory after the war was totally demolished by the activities of the United States armed forces. Both claims were, however, considerably reduced, with the reason given that the Commission did not have any means, standards or criteria by which the losses of the particular claimant could be measured or calculated and the awards made.

On still another claim, the initial decision of the Commission was appealed on the grounds that the Commission assigned a lower valuation to some parts of the claim and erroneously disallowed other claimable items. The Commission, while rendering decisions on some of the items, completely failed to reach any decision on other items that were subjects of appeals.

On still another claim, the particular claimant could not produce sufficient proof or evidentiary documentation to prove his entitlement to the submission of a

(Mr. Olikong)

claim as coming within the period in which claims could be considered under the law. The Commission advised the claimant to produce such evidence. Thus, after diligent research, and only after the claim filing period had elapsed, the claimant was able to produce the type of evidentiary documentation that showed that the particular claim was eligible for compensation under the law. The claimant was, however, told that his claim came in too late to be considered or reconsidered. Suffice it to say that the subject of war and post war damage claims is not an issue that is finally and completely settled.

Having said this, I hasten to add that these remarks should not in any way be construed as being critical of or derogatory to the work and accomplishments of the Micronesian Claims Commission. On the contrary, given the unique circumstances in Micronesia and the geographical dispersion of the islands, our Committee is of the opinion that that Commission should be highly commended for having accomplished so much within so short a time span. The question that remains is not what that Commission could have done, but rather what measures should now be taken to complete the work of the Commission and to compensate fully those claims that have yet to be adjudicated in Micronesia.

In that regard, our Committee is happy to note that one solution is now being actively considered by the United States Government. In early April of this year, the United States House of Representatives considered and sent to the United States Senate a bill, H.R. 6550, which would, in addition to amounts heretofore authorized and appropriated, further authorize to be appropriated such amounts as may be necessary to satisfy fully all adjudicated claims and final awards made by the Micronesian Claims Commission. The particular legislation would, however, provide for payment of only 50 per cent of each award made under Title I and full payment of the awards made under Title II of the Micronesia Claims Act of 1971. Thus, if the bill is enacted, the Micronesian claimants will have to seek the balance of payment for claims under Title I from the Government of Japan if the Micronesian claims are to be fully satisfied and settled.

Aside from this fact, however, no concrete steps have been taken with regard to claims that were not presented or filed with the Micronesian Claims Commission and that at present require prompt action and attention.

(Mr. Olikong)

Given the state of affairs just described, our Committee wishes, on behalf of the people of Palau District and of Micronesia, to urge this Council to renew its representation to the Governments of the United States and Japan that each should take prompt and appropriate measures to settle the issue of Micronesian claims once and for all. If necessary, it is our suggestion that this Council seek to enlist the assistance of the good offices of the Secretary-General of the United Nations or a person authorized and designated by him to mediate and to make available the technical expertise of his high office to bring about an early settlement of those Micronesian claims. Arbitration or even handing over the claims to the United Nations for collection are other methods that have been suggested. If these suggestions appear extraordinary, we find that the urgency of the situation nevertheless demands that they be made. The situation is most compelling given the expressed intent of the United States Government, as the Administering Authority, to bring an end to the Trusteeship arrangement for the governance of Micronesia by the year 1981.

With regard to a possible inducement to have Japan contribute additional payments or money to cover the 50 per cent balance of compensation under Title I, we find the observations on this issue made by the 1964 United Nations Visiting Mission to the Trust Territory to be most persuasive and relevant. The Mission observed that:

> "... it found in Micronesia a great deal of goodwill towards Japan -- not only among the many Micronesians of Japanese descent -- and often heard suggestions that economic relations between Japan and Micronesia would do well to develop to the mutual benefit of both countries. For this reason the Mission is optimistic enough to hope that detailed negotiations might lay the basis for a generous gesture from Japan towards its one-time ward and now developing neighbour. Micronesia is badly in need of many things that Japan produces so well -- for instance, vessels suitable for inter-island trade, buildings, machinery, equipment for public utilities, and small machines to help village agriculture and industries. It is possible to envisage what is at present a source of discontent and disillusionment being turned into a means of developing friendly co-operation in this part of the North Pacific". (T/1620, para. 101)

(Mr. Olikong)

The statement just quoted from the report of the 1964 Visiting Mission to the Trust Territory was made at a time when the Special Agreement between Japan and the United States had not yet been executed. The statement expressed was just as relevant then as it is now, as the Micronesian people begin the process of terminating the Trusteeship system and of becoming self-governing among the island States in the Pacific basin.

In relative terms, both the United States and Japan can afford far better than can their developing Micronesian neighbour to pay those Micronesian claims, which, to them, may be considered much too small to remain a source of irritation between and among them, but which to the Micronesians themselves are not at all small amounts to be easily overlooked or forgiven.

The PRESIDENT: I now call on Mr. Anton deBrum.

Mr. DeBRUM: The Marshall Islands Political Status Commission appreciates your granting our petition to inform the Council of the significant developments which have occurred during the past year with respect to the future political status of the Marshall Islands and other island groups of the Trust Territory. With me today as our legal counsel are George M. Allen of Majuro and Richard Copaken, Jonathan Weisgall and William A. Davis, Jr., of Washington, D.C.

For 30 years the Marshall Islands, along with the other island groups in the Trust Territory, sought to achieve Micronesian unity, but we are now convinced that the goal of a unified Micronesia is neither desirable nor possible.

There never has been a unified Micronesia. The very term "Micronesia" is a corruption of language to the extent that it connotes anything more than the historical accident of colonial administration. Vast stretches of ocean extending for thousands of miles separate the different island groups of the Trust Territory from one another, and these physical distances have resulted in the development of entirely different cultures and languages throughout the area. The United Nations and the United States implicitly recognized that fundamental reality in article 6 of the Trusteeship Agreement by referring to the "peoples" of the Trust Territory.

The well-intentioned efforts of the United States to link the Marshalls with distant island groups with which the Marshalls have little or no cultural, linguistic, trade or communication ties have resulted in vast diseconomies of scale that have impeded rather than advanced our economic development. In fact the economic development of the Marshall Islands, like that of much of the rest of the Trust Territory, has been retarded for 30 years by the inefficiency and delay which have attended the severe problems of communication and transportation in the Trust Territory. The imposition of a rigid, highly centralized administration on the Trust Territory has made it virtually impossible to transact business without administrative approval from the central Government, and the recent teachers' strike in the Marshalls is the latest evidence of the complete failure of that system of centralized government.

(Mr. deBrum)

Geographical and physical factors, not the governmental arrangement imposed by the United States on the Trust Territory, have dictated the meaningful relationships enjoyed by the Marshalls. For example, the Marshalls have developed strong commercial ties to the south, especially with the Gilbert Islands and with Nauru, rather than to the west with the Carolines. The Marshalls will import an estimated 7,000 tons of copra from the Gilbert Islands in the next year for processing at a new copra mill. Nauru, which serves the Marshalls with both shipping and air lines, has lent the Marshalls $600,000 for construction of a recently completed dock and currently is constructing a 56-room hotel-office complex in Majuro. The Marshalls maintain no such commercial or financial ties with the other island groups of the Trust Territory. Despite the provision of article 6, section 2, of the 1947 Trusteeship Agreement, calling on the Administering Authority to foster the economic advancement of the inhabitants of the Trust Territory, the only real private economic growth under way in the Marshall Islands has occurred in spite of rather than with the assistance of the Administering Authority.

We are no longer willing to sacrifice our economic well-being and our children's future to preserve the myth of Micronesian unity. The Marshall Islands have made an irrevocable decision to achieve a political status separate and apart from the other island groups in the Trust Territory. During the 12 months since we last appeared before this body, the Marshalls have acted to ensure that the change that must take place is orderly and fully consonant with the freely expressed wishes of our people.

First, on 4 March 1977, the Marshall Islands Political Status Commission formally requested that the United States should enter into negotiations with it to establish self-government for the Marshall Islands, separate and apart from the other island groups of the Trust Territory. That request was made pursuant to Chapter XI of the United Nations Charter, entitled "Declaration Regarding Non-Self-Governing Territories", and paragraph 5 of the Declaration on the Granting of Independence to Colonial Countries and Peoples.

Secondly, the Marshall Islands Development Authority has issued and is attempting to implement an economic plan designed to achieve self-sufficiency in food-stuffs for the Marshalls over a 10-year period.

(Mr. deBrum)

Thirdly, in August 1976, the Marshall Islands Legislature, the Nitijela, enacted Marshall Islands Law 23-32, establishing a Constitutional Convention for the Marshalls. Delegates have already been elected, and the Convention will commence its deliberations in August 1977.

Fourthly, on 8 February 1977, the Marshall Islands formally notified the Congress of Micronesia of the Marshalls' irrevocable decision to separate from the Trust Territory.

Fifthly, the Marshall Islands Political Status Commission participated in the recent Round Table Conference in Honolulu on 18-21 May and engaged in informal bilateral discussions with the United States on the future political status of the Marshalls and its relationship to the United States. Those discussions, the first under the auspices of the new Administration in Washington, were markedly different in tone and substance from previous meetings with representatives of the United States. The Marshalls look forward to the next series of multilateral and bilateral talks, which are now tentatively scheduled for mid-July or late July.

At the Honolulu Conference the Marshalls made two formal requests of the United States: the first was for administrative separation of the Marshalls from the other districts of the Trust Territory no later than 1 January 1978; the second for Marshall Islands representation on the United States delegation to the United Nations Law of the Sea Conference. We look forward to responses from the United States with regard to both of those requests.

Sixthly, the Nitijela has recently enacted legislation calling for a Marshall-Islands-wide referendum on 30 July 1977, on the following question:

"Be it resolved that the Marshall Islands should pursue their future political status separate and apart from the other districts of the Trust Territory."

With regard to this referendum, the Marshalls now formally request that the United Nations Trusteeship Council send representatives to observe and/or supervise the voting.

(Mr. deBrum)

We look forward to frank but friendly negotiations with the United States leading to recognition of a new political status for the Marshall Islands and termination of the Trusteeship. While it is impossible at this point to predict the precise outcome of these future bilateral negotiations, today we seriously question if any status short of internationally recognized independence will produce a workable relationship between the Marshall Islands and the United States.

(Mr. deBrum)

We believe that the United States will struggle for many years with the interconnexions, inconsistencies and complexities of its varied relationships with a host of different dependencies -- not only the different island groups in the Trust Territory but also Guam, Puerto Rico, the Virgin Islands and American Samoa. Associated State status would keep us inexorably stuck in this endless quagmire; but independence, coupled with mutually satisfactory treaty arrangements, could free the Marshalls and the United States from those uncertainties and elements of continuing discontent. As a separate nation-State, we could more easily tailor a relationship that meets our needs and the needs of the United States. In short, independence may enable the Marshalls and the United States to enjoy a more sensible and controversy-free relationship.

That point is well illustrated by our current inability to develop and exploit our marine resources. Those resources are, of course, the key to our economic viability, but the United States is currently constrained by law not to recognize our control over the most important resource that we have -- our tuna. Under our present status, that resource is open to exploitation and even outright depletion by the rest of the world, with no economic benefit guaranteed for our own people. If we were to become an Associated State we would probably not fare much better. As an independent nation, however, we could develop and exploit such a valuable resource ourselves, whether or not the United States eventually adopts a position on tuna consistent with our position and with the position adopted by a majority of the nations of the world. Independence would therefore remove a major impediment to good relations between our peoples.

Independence would also solve another anomaly that the Marshall Islands face in the economic area. Although the Marshalls might technically qualify for economic assistance from international lending institutions, such as the Asian Development Bank or the International Development Association, as a practical matter it would probably not be politically feasible for the United States to support its applications as long as the Marshalls remained a ward of the United States. At the same time, it would be very difficult for the Marshall

(Mr. De Brum)

Islands, as part of the Trust Territory, to obtain the necessary financing for its projects in the form of direct aid from the United States. Independence would enable the Marshalls to receive various forms of financial assistance generally available to developing nations.

Clearly, independence for the Marshalls would be in keeping with both the principles of the United Nations set forth in the Trusteeship Agreement and President Carter's recent policy enunciation that independence is among the status possibilities worthy of consideration.

We recognize that there are those with strong voices in this body and elsewhere which would like to see a degree of unity emerge from the Trust Territory. Our message to the Council is simple and direct. We are willing to discuss with whatever entities may emerge from the remainder of the Trust Territory those areas of common interest, if any, which can be pursued co-operatively. But there will be no meaningful progress along those lines until the United States formally enters into separate political status negotiations with the Marshall Islands, and thereby frees us to consider realistically those possibilities. Genuine and lasting unity cannot be produced by coercion. We are not oblivious to the political realities of the world community, but at the same time the United States and the United Nations should recognize the political realities in the Trust Territory.

No discussion of the events of the past year can ignore the shameful conduct of the Central Intelligence Agency (CIA) of the United States in the Trust Territory. We condemn that shocking incident and we condemn the CIA for placing itself above the law and government control. At the same time, we are mindful that that illegal activity occurred before President Carter came into office, and we respect his personal assurance, as read to the participants in the Honolulu Conference, that "actions by United States officials such as those described in the Inouye Committee report will not recur under my Administration". Regrettable as that episode was, we agree with President Carter that we must put the problems of the past behind us and concentrate on the task of ending the Trusteeship by 1981 at the latest.

The PRESIDENT: I understand that the representative of the United States would like to make a statement before I call on the next petitioner, and I call on him.

Mr. LOWENSTEIN (United States of America): I want to respond at this juncture to that part of the statements of the spokesmen for the Congress of Micronesia and the Marshall Islands Status Commission dealing with activities of the Central Intelligence Agency (CIA) in Micronesia because, it seems to me, it is useful for us to indicate as early as possible in these proceedings the position of the United States Government and delegation on this matter which is of enormous significance.

First, I want to read into the record a paragraph from a letter sent by Senator Inouye who, as representatives know, was the Chairman of the Senate Committee which investigated this matter. In that letter, which has been sent to a number of representatives of the Congress of Micronesia, Senator Inouye says the following:

> "This Committee has investigated the allegations about CIA activities in Micronesia which have jeopardized the successful completion of this long series of discussions. A preliminary statement of findings has been made available to the public and to President Carter. While this Committee did not obtain any names of those Micronesians who unwittingly became involved with the CIA, we are sure that none were associated with the Joint Committee on Future Status or with the present Commission on Future Political Status and Transition. This Committee is also certain that there are no CIA activities going on in Micronesia at the present time.
>
> "I sincerely hope that a feeling of comity and goodwill will prevail and that the Conference will lead to discussions mutually beneficial to both Micronesia and the United States."

(Mr. Lowenstein, United States)

Ambassador James F. Leonard, at the time of that statement the Acting Permanent Representative of the United States to the United Nations, addressed a letter to the then President of the Trusteeship Council, Mr. Guy Scalabre, in which he said the following:

"The United States Government has taken steps to ensure that no such activities will be conducted in the Trust Territory in the future, and we fully endorse the view expressed in the Committee statement that all parties should make every effort to restore those vital elements of mutual trust and confidence which are absolutely essential to a successful resolution of the negotiations on the future status of the Trust Territory. It is our desire to base our relationship with Micronesia on the mutual trust and open discourse which have traditionally characterized United States relations with Micronesia."

(Mr. Lowenstein, United States)

On 18 May 1977, Secretary of State Vance made a statement welcoming the discussions at Hawaii. That statement was read out for him at the Hawaii discussions. It read, in part:

"I am thinking particularly about the matter of CIA activities which were the subject of a recent report by the Senate Select Committee under Secretary Inouye's chairmanship. As you know, this Administration has given its assurances that no such activities are now being conducted nor will they be conducted in the future.

"To dwell upon the past will not help us to meet the challenge of the future. Indeed, it is time now to put this unfortunate past incident behind us and to reaffirm the old and deep ties of friendship and trust between our peoples."

The following message from President Carter was also read out at the Hawaii discussions:

"It is my hope that through this week's deliberations we may put past problems behind us. I can assure you that actions by United States officials such as those described in the Inouye Committee report will not occur under my Administration."

I should like to add a personal word to those statements by President Carter and other leading American officials.

The events described in the statements I have just quoted belong to the past, not merely because, technically, they occurred at some time before this session of the Trusteeship Council began, but because they occurred before President Carter's Administration took office. The aim of this Administration in regard to this question and many others is to deal with the issues raised in the spirit of trust and co-operation that ought to permeate the conduct by all Governments of their foreign and domestic relations with peoples entitled to expect fair treatment -- and particularly peoples for which this Government has a special responsibility, a responsibility it wishes to discharge in every way possible, in a spirit acceptable to those with whom a special relationship has been developed.

(Mr. Lowenstein, United States)

My deep regrets about this incident are based particularly on my realization that if we continue to misuse authority, that can prejudice the proper use of authority in so many other areas.

Hence, I wish to assure our friends from Micronesia, the Trusteeship Council and the United Nations as a whole that the statements by President Carter, Secretary of State Vance, Ambassador Leonard and Senator Inouye were not issued simply as formal renunciations of one activity: they in fact are expressions of a further effort to set the tone which we discussed in our opening statement to this Council and which we hope will permeate all the deliberations here and the subsequent efforts to resolve the intricate and complex matters related to the Micronesian situation in the way most fair to the people of Micronesia.

I appreciate the President's patience in allowing me to make this statement at this time. It did seem to me important to make clear my delegation's strong feeling that this matter must not be allowed to prejudice the future relationship, that it must be perceived as an aberration in the conduct of the trust that we were given some years ago.

Mr. FOKINE (Union of Soviet Socialist Republics) (interpretation from Russian): The Soviet delegation wishes to make a short statement on the procedure that has been followed this morning.

As we understand it, the Council adopted a decision this morning to hear first all the petitioners who wished to present oral petitions. I believe that when the Council adopts a decision, it should either adhere to that decision or take another one changing the previous decision.

The representative of the United States has just made a very important statement, to which we listened very closely and with all the respect we owe to an exposition of the position of the United States. But it did not seem to us that the representative of the United States was speaking as a petitioner. He was speaking as representative of the administering Power, which of course has a special responsibility in regard to the situation in the Trust Territory. I must say that we would have listened with just as much interest to the statement of the United States representative if he had made it after all the petitioners who have been invited here today had spoken.

(Mr. Fokine, USSR)

I should like to conclude this statement with an appeal that the decisions adopted by the Trusteeship Council, even if they relate only to procedure, should be adhered to by all the members of the Council.

The PRESIDENT: My understanding of the decision taken at the beginning of this meeting was that this morning we would hear the statements of all the petitioners and would not address questions to them until they had all spoken. I would not feel it right to turn down a request from a member of the Trusteeship Council to make a statement at any stage of the Council's proceedings. Therefore, in response to requests addressed to me, I called on the representative of the United States and then on the representative of the Soviet Union.

I have received a request from Senator Iehsi also to make a statement at this point in the Council's deliberations -- a statement related, I understand, to the one just made by the representative of the United States. Since Senator Iehsi wished to comment on the statement of the representative of the United States, it had been my intention to allow him to speak at this point, before we continued the hearing of the petitioners. If, however, members of the Council object strongly to that procedure, we could ask Senator Iehsi to defer his statement to a later stage. But it does seem to me that it would be courteous to allow him to speak now, briefly, in order to make the comments which he wishes to make on the statement of the representative of the United States. After that, we would resume our hearing of the petitioners.

Are there any objections to that procedure?

Mr. FOKINE (Union of Soviet Socialist Republics) (interpretation from Russian): In connexion with the statement just made by the President, I should like to note that there is a difference -- perhaps small, but nevertheless significant -- between the statement made this morning by the representative of the United States and the statement made by the representative of the Soviet Union. The former related to the substance of the question; the latter, to the procedure under which this meeting was being conducted.

(Mr. Fokine, USSR)

With regard to the request to which the President has just referred, I would say this: The President has already made one exception; perhaps, therefore, the Council could make a second exception. Nevertheless, the general observation made by the Soviet delegation remains completely valid.

The PRESIDENT: I thank the representative of the Soviet Union, and I shall now call on Senator Iehsi.

Mr. IEHSI (Special Adviser): With your permission, Mr. President, I should like to make a brief statement on behalf of the Congress of Micronesia concerning document T/PET.10/109.

We wish to request that the Trusteeship Council neither consider nor act upon this petition and that it be withdrawn. I should like to explain our reasons for making this request.

First, I want to quote from the joint, open statement of the President and the Speaker of the Congress of Micronesia. This statement was issued on 14 December 1976, just two days after news stories appeared indicating that the United States Government had conducted surveillance activities in Micronesia in connexion with our status negotiations. The statement read, in part:

(Senator Iehsi, Special Adviser)

"The people of Micronesia have no secret schemes or contingency plans to hide from the people of the United States. We sincerely look forward to a long and friendly relationship between our two areas. Although we number relatively few in terms of population, we had hoped that the United States would be willing to deal with us on equal terms as people who have the God-given right to exercise their own inherent sovereignty. Such are the lessons of democracy taught to us over the past 30 years, and we firmly believe in them. Therefore we do not at this point wish to condemn the United States for this alleged surveillance, even though we are deeply disheartened to see that the greatest nation on earth and the leader of the free world feels the need to use morally, legally and politically questionable tactics against the people of our small islands.

"Rather, we would like to take a positive approach and look to the future. We hope that the revelation of this incident will have a positive effect on future United States policy towards the people of Micronesia. We would hope that this incident will serve as a lesson to the incoming Administration, and that the new Administration will call for a reappraisal and review of its policies towards its wards in Micronesia who comprise the last remaining Trusteeship in the world."

There have been several developments that have occurred subsequent to submission of the petition. The Select Committee on Intelligence of the United States Senate has conducted an investigation of the matter. We very much appreciate the efforts of Senator Inouye, Chairman of the Select Committee. We also wish to acknowledge what we believe to be the very sincere comments of the United States representative and the assurances we have received from President Carter, Secretary Vance and others that surveillance activities will not be conducted in the future.

Although we welcome those assurances, we are not entirely satisfied that the present Administration has taken all steps necessary to mitigate the distrust and suspicion which the actions of the previous Administration have created.

The United States has thus far failed to disclose to the leadership of Micronesia any but the most general information concerning its prior surveillance activities. We believe it is essential that Micronesia receive a more detailed

(Senator Iehsi, Special Adviser)

accounting of those activities so that we can make our own independent judgement on their effect upon the draft compact.

We would prefer to tackle the remaining issues directly with the United States rather than in this forum. We believe that progress has been made, and we are hopeful that the problem can be resolved in this manner. Consequently we believe it would be in everyone's best interests if the petition were to be withdrawn.

I also want to make it clear to the Council that, in making this request, I speak in my capacity as Vice-President of the Senate of the Congress of Micronesia and with the authorization of the Speaker of the House of Representatives of the Congress of Micronesia, who is present at this meeting.

Consequently we wish to ask the representative of the United States to invoke the proper procedures on our behalf to effectuate our request.

The PRESIDENT: I thank the Special Adviser for his statement and I note the request he has made.

The Council will now continue hearing the petitioners. I call on Senator Tmetuchl.

Mr. TMETUCHL: Our delegation, representing all the people of Palau, unified more fully than ever before in our history, brings before this body a petition founded upon a vital issue of human rights. Recent statements made by your various Governments, and indeed by all Members of the United Nations, have been consistent and emphatic in supporting the primacy of the human rights of all peoples. Human rights represent a philosophical and moral cause which has inspired vast changes over the centuries in the way human beings relate to one another, changes which are quickening in pace with every passing year and in every part of the world. However, human rights are not merely a noble cause. They also find expression in very concrete events. This is especially true when those rights are violated or threatened with violation. It is such a threat which has brought us half way around the world to present our urgent petition to the Council today.

(Mr. Tmetuchl)

The violation of our rights does not involve such crude activities as political arrests, torture and the like. Nor, we are satisfied, does it at present include electronic surveillance or other forms of spying, despite the outcry that has arisen over past CIA actions in Micronesia. The Administering Authority has acknowledged that regrettable error. We accept their apologies and assurances that it will not be repeated. We too have made mistakes we will never repeat, and we know how they feel.

The threat which concerns us is far more fundamental. We are facing the very real prospect that generations of our Palauan people will have imposed upon them a political status and destiny not of their choosing and not in accordance with their expressed aspirations and very real needs. The United Nations was founded, above all, to ensure the right of all peoples to determine for themselves their way of life, their political affiliations and their future, in accordance with their own desires and without outside interference. It is this right which Palau, a nation with a heritage sharply different from that of the rest of Micronesia, sees imperilled.

It is in peril not from men of evil intentions or greed, nor from nations with imperialistic intent. The danger has instead grown out of a deceptively simple and apparently reasonable concept, that of Micronesian unity and the questionable need to preserve that unity in order to create a State able to survive within the larger world community of nations.

Yet this seemingly innocent principle of unity has brought into being a variety of institutions and policies which threaten to overwhelm and suffocate the right of the people of Palau to determine a destiny of their own choosing. As members know from our situation report of 15 October 1976 and our Declaration of Intent of 17 March 1977, which are before the Council, in the interval since the last meeting of this Council a free plebiscite was held which expressed the overwhelming desire of our people to seek for Palau the right to negotiate its own political status and future separately from the remainder of Micronesia. This, I can assure the Council, did not reflect any hostility to or distrust of other Micronesians or their leaders who, we hope, remain our brothers. Nor did it represent or even imply a demand for any sort of radical change in our relationship with the United States, which has repeatedly demonstrated its deep concern for our needs and interests.

(Mr. Tmetuchl)

It was instead a reaffirmation of a proud people's right to shape their own destiny, of their confidence in their own ability to manage that destiny, and at the same time a recognition of the very real sacrifices which such a separate course might entail.

The strength of that expression by our people surprised even us, their leaders. It at once became our clear and inescapable mandate. It also showed us that we had made a mistake in suggesting even tentative agreement with several draft documents which would have had the effect of denying to our people a full voice in exercising their right of self-determination, most notably the draft compact with the Administering Authority and the proposed constitution of Micronesia. For example, the proposed constitution itself contains several serious flaws, a major one being a violation not only of our own conception of democracy but also of a primary principle fundamental to the Constitution and Government of the United States, our Administering Authority and our mentor. This is the principle of the separation of the powers of government. Under the proposed constitution of the Federated States of Micronesia, a simple majority within the Congress, not a popular vote, elects the President. The President, in turn, appoints the members of the Supreme Court and other Federal Courts with only the advice and consent of the Congress. In other words, the Congress maintains effective control over all three branches of government, the executive and the judiciary, in addition to its legislative responsibilities.

The Palau plebiscite was one of a number of separate events and changes which have taken place since we last met with the Council in 1976. We have all -- Palauans, other Micronesians and Americans -- learned from those experiences, and the process of learning continues. We all know much more than before about the realities and the options which lie before us.

Perhaps the most basic reality which has been clearly recognized by virtually everyone is that the unity of Micronesia is a myth. Not only is there the precedent of the effective separation from the rest of Micronesia of the Northern Marianas. There is also a split between Palau and the Congress of Micronesia leadership which cannot be healed as long as they

(Mr. Imetuchl)

insist upon pursuing policies which depend on the unity of all that remains of the proposed State of Micronesia. These include not only their assumption of responsibility for negotiating political and economic agreements in our name and on our behalf but also their determination to maintain a strong central Government with only domestic decentralization of its components. In that Government, Palau would continue to have only a minority voice and would be forced to surrender some of its most deeply cherished rights. Palau has from the beginning taken the lead in urging some form of unity among our brotherhood of Micronesian States, but a unity in diversity, a unity at first founded upon the loosest of ties, which can then grow in strength as our separate needs and destinies find common bonds of our own choosing. Palau is not and never has been opposed to unity as such. We are only opposed, with absolutely no possibility of altering our resolve, to the repressive form of unity adamantly insisted upon by the leadership of the Congress of Micronesia. If I may speak for a moment for myself, but also as an example of our problems as Palauans, I should say that I started more than 10 years ago to plead before the Congress of Micronesia, as a Senator from Palau, for a practical and realistic unity, a unity within a loose federation of states. My words were ignored. Later, but already now five years ago, I urged that the Congress recognize the reality of the impending separation of the Northern Marianas and begin to build a new relationship which would maintain the bond of unity which then existed between us. Again, no member of the Congress was willing to accept this challenge. This remained true to the very end: at the ceremony of the signing of the Covenant between the Northern Marianas and the United States, I was still the only member of the Congress of Micronesia who had the courtesy to accept an invitation to attend.

In other words, our problem is at present with the Congress of Micronesia, not the Administering Authority, although until recently it appeared to be with both. At our recent meeting with their representatives in Honolulu the Americans listened to us and to others, heard what we were saying and, we believe, left with a full recognition of the existing realities in Micronesia. Because ours was an informal conference, no firm commitments were made by any of us, but the sense of the closing statement upon which

(Mr. Tmetuchl)

all agreed included an explicit recognition of Palau's right to further separate bilateral as well as multilateral discussions. That is all we asked then, and that is all we are telling the Council now. We know the Council too will hear us. Members do not need to choose sides between us and the Congress of Micronesia or any other Micronesian entity. We urge them only to join in accepting our inherent right to determine our own destiny through our own separate negotiations. The Council may then leave it to all of us Micronesians to work out our relationships with one another in an orderly and responsible way, a process which will indeed begin even before our next informal meeting with the Administering Authority. The leadership of the Congress of Micronesia has proposed a prior meeting next month of all the representatives of the various island groups by themselves to begin working out those relations, and Palau at once accepted their invitation.

Let me turn now to a brief review of some specific issues which have been raised in the context of Palau's demand for separate bilateral negotiations. One of them is the linkage which has been made in the minds of some people between our demand and the possibility of a so-called super-port being sited in Palau. We insist once again that these two issues have no relationship or relevance to one another. The "super-port" is at present no more than an over-publicized conceptual prospectus. If it ever emerges as a realistic possibility, the people of Palau will express their wishes at that time through a general referendum. However, they will not even contemplate such a choice until and unless they have before them detailed specifications, and above all an environmental impact report so that they can evaluate its consequences for themselves. At the present time even the preliminary studies needed to define the dimensions of any possible impact have been suspended indefinitely. This, coupled with the outrage against the proposal expressed by powerful environemntal groups in Japan, the United States and throughout the world, makes it appear now that the option of accepting or rejecting a super-port will never come before our people. Under these circumstances, Palau would be foolish indeed to base any of its plans for the future upon such a doubtful prospect.

(Mr. Tmetuchl)

The law of the sea is another matter I must mention, but only in passing because it is currently under continuing discussion elsewhere within the United Nations. This is another specific area in which we are forced to reject completely the position of the Congress of Micronesia and therefore their right to speak for us. The "archipelago theory" to which they subscribe would, if applied to Palau, impose upon us an unrealistic and economically intolerable burden of enforcement. But far more important, it would deprive us of the crucial opportunity to plan for the integration into our over-all economic development of the contribution which can be made by our abundant marine resources.

This raises the larger question of planning for the economic viability of Palau within the larger world. We have completed with United Nations assistance an indicative development plan for Palau. We are satisfied that it will work. But comparing this plan for Palau with the plan emerging and already being implemented on the basis of a politically unified Micronesia under the guidance of the Congress of Micronesia, it is clear that the cost of their plan would be far greater for Palau than ours would be. This is due primarily to the vast cost of operating an unwieldy central Government, in which cost Palau would have to share. This alone would be enough to make the achievement of economic viability for Palau an impossible task, as well as depriving our people of the opportunity of and motivation for working for themselves and making common sacrifices on their own behalf. We must be able to follow the plan we have made for ourselves, and we are increasingly certain that we will survive and prosper under that plan.

(Mr. Tmetuchl)

This does not mean that we expect to be completely self-sufficient or to bargain away our future integrity in return for assistance from any other nation. There is a widely held belief that our demand for separate negotiations implies that we do not want the help and continuing guidance of the United States. That belief rests upon the false assumption that we oppose free association or any other form of relationship with the United States. We do not, and have stated so repeatedly. We have placed no preconditions upon the bilateral negotiations which we demand as our right. We insist only that any future association with the United States take a form which will serve both its interests and our particular Palauan needs and heritage.

It is also necessary to dispel another persistent myth about Micronesia. This is that the Congress of Micronesia represents the great majority of the people of Micronesia as a whole. If one adds up the population of the Marianas, which have already left the Congress, and of Palau and the Marshalls, which are increasingly disassociating themselves from the Congress, the remaining districts comprise at best only the slimmest of majorities, if indeed they are not already in a minority. This is yet another basis for Palau's insistence that the Congress of Micronesia has no right to speak for us, whether in Micronesia, with the Administering Authority or before the members of the Trusteeship Council of the United Nations.

Let me now sum up. In doing so, I would like to remind you of the wise advice given last year to all of us who share a concern for the future of Micronesia. It was offered by the representative of the United Kingdom, Mr. James Murray. At the 1976 session of this Council Mr. Murray said:

> "As my delegation sees it, there are three major tasks to be completed before the end of the Trusteeship. Firstly, the people of Micronesia must decide their form of political organization at the termination of the Trusteeship, and the nature of their relations with the United States. Secondly, an administration has to be set in place adapted to the conditions that are likely to prevail in Micronesia at the end of the Trusteeship. Thirdly substantial progress has to be

(Mr. Tmetuchl)

made towards self-sufficiency; we agree with the comment of the representative of France that self-government without some measure of economic independence is largely meaningless." (T/PV.1457, p. 2)

In the light of everything which I have told them here of our preparations and plans for Palau's future, I know members will agree that we have taken Mr. Murray's advice very seriously over the past year, and that we will be fully prepared to shoulder the burdens and the challenges which our future will bring upon termination of the Trusteeship.

At the same time, I hope I have made abundantly clear to the Council that all our plans and all our preparations depend upon and demand the exercise of our right as human beings to have a direct and individual voice in determining our own particular future. The essential first step towards this cherished goal lies in our conducting bilateral negotiations with the Administering Authority as far in advance as possible of the ending of its Trusteeship. This is the mandate given to us, in their wisdom, by our people. And it is this mandate, and this alone, which brings us before you today.

The PRESIDENT: I call now on Mr. Moses Uludong to make his statement.

Mr. ULUDONG: I bring you the greetings, hopes and aspirations of the people of Micronesia and, more particularly, of the Tia Beluad Movement.

I speak to you on behalf of the members of the Tia Beluad Movement, a coalition of citizens of Palau District.

In the past few days, you have heard from many officials of various governmental bodies from the United States, from the Trust Territory, from the Congress of Micronesia and from the districts. I am authorized to speak only for the organization I have mentioned. I hope that I can also voice the concerns of the people of Micronesia.

I have an urgent message for you. At a time when colonialism is disappearing from all over the world, Micronesia represents a sanctified stronghold of colonialism. At a time when the delicate fabric of our small island society may be torn apart by people whose view of the world is reduced to a profit-and-loss statement, Palau represents one of the last places where a more noble view of man's destiny still remains. There is urgency on two fronts. The first, and most significant, is the status issue, though I prefer to call it the national liberation issue. The second is economic development and, more particularly, the proposed oil super-port for Palau.

First, the question of status. Everyone agrees that we are all participating in the birth of a new nation. All, especially the Micronesians, agree that this birth is overdue. At one time, representatives of 11 Territories appeared before you, eager to gain self-government and independence. We are the only ones who have not attained it.

(Mr. Uludong)

While it is clear that all voices are raised for self-government, it is also clear that there are competing views among the Congress of Micronesia, the Palau District Legislature and the Marshall Islands District Legislature about how to achieve it. The message is that a solution must be provided within one year.

You may ask me why I have said one year. This is the reason: we want to rule ourselves and we cannot wait any longer. The fact that the United States has declared that it will end the Trusteeship in 1981 does not hinder us in any way from implementing the process of self-government immediately. Continuing the Trusteeship until 1981 is not the same thing as continuing to administer our islands until 1981. The administration of the islands should be given over to Micronesians now. We are not talking about changing faces. We are talking about changing the sources of legitimacy and power.

We are aware that large amounts of American money flow into Micronesia every year. Many people, even a few Micronesians consider that money to be a hand-out. I want to note that it is not, and that we consider the money which America spends to be a form of rental payment to us for our strategic position. As anyone who reads the Strategic Trust Agreement under which we are ruled will note, the United States desires to keep foreign Powers out of Micronesia, to preserve Micronesia for American military interests, for the deep-water harbours of Palau, and for the unique configurations of Kwajalein Atoll.

(Mr. Uludong)

There is no reason to believe that Micronesia will not continue, under home rule, to engage in rental agreements with the United States. We are realistic people, but it is not in the natural order of things for the tenant to tell the landlord how to use his rental income.

It is our fear that the debate now going on among the various political segments in Micronesia will provide a cause for further delay in the attainment of home rule. The disagreements exist among men of talent and goodwill. They are the labour pains that have accompanied the birth of every nation. Madison disagreed with Alexander Hamilton. That did not delay the Declaration of Independence of this country. As many here in this Council know, home rule was attained in Papua New Guinea before the end of the Trusteeship and while political infighting was far more heated than in the present case.

Separation versus unity is not the primary issue. The real issue is how we want to regulate our political destiny. Each island group must determine its own political process at the same time that each island group negotiates with the United States regarding its future status. In so doing, the islands will find common links and will form relationships with one another on their own initiative. As I said, we Micronesians are realistic people. Whether we like it or not, we all occupy a certain area of the Pacific and we must deal with similar issues as neighbours and brothers. We are sensitive to the legitimate concerns of this body and of the General Assembly regarding territorial integrity. We are taking those concerns into account. We do not expect that in 10 years Micronesia will have six separate seats in the United Nations. The status negotiations must resume immediately. Those negotiations must recognize the existing political forces in Micronesia, to wit, the Palau Political Status Commission, the Marshall Islands Political Status Commission, and the Micronesian Commission on Future Status and Transition. Immediately after the scheduled informal discussions slated for July, those negotiations must resume. At the same time, each district must initiate the formulation of its own constitutional representative government so as better to advise and instruct its respective status negotiators. In that way, the people of the districts will continually have a voice in the shaping of their future political relationship with the United States. In that way, we will be certain that the final results of the status negotiations will be approved by the people of Micronesia.

(Mr. Uludong)

Let me demonstrate why we must act in this way. For seven years, the United States and the Committee on Future Status have worked to draft a compact defining the relationship of the United States and Micronesia. It now appears clear that the compact does not have the support of the people of Palau or of the Marshalls. So we begin again. For three long months in 1975, the Micronesian Constitutional Convention worked to draft a constitution defining the future government of Micronesia. It now appears clear that that constitution will be rejected by the people of Palau and of the Marshalls. The lesson we have learned is that status negotiations and the formulation of constitutions must go hand-in-hand and must represent the will of the people. We do not have time to ignore history. We do not have time for another dress rehearsal. The next round must be the last.

With regard to economic development, we have but one serious concern. As is known, at the last session of this Council the High Chief of Palau spoke of his strong opposition to the construction of a proposed oil transshipment port for Palau. I need not reiterate that presentation, but I must observe that since last year it has become increasingly important that the construction of that so-called super-port be stopped -- at least until such time as our local political institutions are capable of dealing with it.

We in Palau are expending our energies in forging a new nation. Foreign interests are at the same time trying to figure out a way to extract the highest profit from our land and our harbours. The brazen assumption of those foreign interlopers and their American promoter friends is contained in a study prepared in August 1976, termed the Van Houten Report. In that report it is stated that:

"/Palau/ is the only location where such a development would be welcomed by the local population".

We have a message for those who would be better advised to write fictional novels than political reports. The people would not welcome a port for foreigners, by foreigners and of foreigners.

When -- and only when -- our political institutions are capable of scrutinizing the designs of others will we listen to grandiose plans for super-this

(Mr. Uludong)

or super-that. Now we are engaged in other matters. Port proponents cannot achieve their aims without the people of Palau. We are not asking for environmental impact statements. We are not considering the most feasible way to destroy our reefs. We are talking about a complete moratorium on super-projects until at least 1981. Then we will determine not only what is environmentally feasible but what is politically acceptable. I repeat: there will be no super-port until we have taken the reins of government. In that context, I am authorized to announce that I will present to this Council a petition to that effect containing 1,262 signatures of adult citizens of Palau who are unalterably opposed to the port.

The decisions made with regard to Port Pacific and the commitments made to those interested in it will render self-government or independence a hollow promise. Self-government may be merely a chance to hold the reins of a runaway technological society, to mitigate the dislocation and confusion that inevitably accompany too rapid social and economic change. There are many alternatives to Port Pacific. The Palau five-year indicative plan has been considered by our Legislature and expresses the will of the people. The super-port expresses the dreams of multinational corporations and is not even mentioned in the Palau five-year plan. It is an insult to our people even to have to deal with the super-port at this time.

In conclusion, members of the Council may have noticed that I speak softly. This is a Micronesian trait born of a polite and considerate culture, but no one should mistake the softness of our voices as indicating the hardness of our resolve.

We are certain that the new Administration in Washington, through its greatly respected representative, Mr. Lowenstein, and his staff, and the greatly respected Mr. Young and his staff, will work with us and with the members of this Council so that one year from today we may report that all is well.

The PRESIDENT: I call next on Mr. Guttmann.

Mr. GUTTMANN: After the eloquent and impressive statement we have just heard from Mr. Uludong, anything I could say would be an anticlimax. I want to join him in his concluding remarks and express for myself and for the League for Human Rights the satisfaction we received this morning from the statement of the Administering Authority and the support it brought for Micronesia. I want also to reiterate what the League for Human Rights has expressed in its message to this Council; to urge the Council's concern with the problems which have been presented by other petitioners before me; and, above all, to reiterate our sense of the importance of the new spirit which we are assured has been introduced by the Council and by the Administering Authority to the people of Micronesia and to say that, if that spirit is not made fully operative, the League would urge all the remedies and steps and actions proposed in our letter of 5 April.

The PRESIDENT: We have now heard the statements of all those who have asked to be permitted to speak to the Council. I should like, on the Council's behalf, to thank them all for the statements they have made this morning.

I understand that some members of the Council would like to address questions to the petitioners. I propose that we meet again at 3 p.m. today, at which time the petitioners may make any further comments if they wish to do so, and then we shall put questions to them.

The meeting rose at 12.45 p.m.