

UNITED NATIONS
TRUSTEESHIP
COUNCIL



LIBRARY

MAY 26 1982

Distr.
GENERAL

T/PV.1528
24 May 1982

ENGLISH

Forty-ninth Session
UN/SA COLLECTION

VERBATIM RECORD OF THE FIFTEEN HUNDRED AND TWENTY-EIGHTH MEETING

Held at Headquarters, New York,
on Thursday, 20 May 1982, at 3 p.m.

President: Mr. POUDADE (France)

Examination of the annual report of the Administering Authority for the year ended
30 September 1981: Trust Territory of the Pacific Islands (continued)

This record is subject to correction.

Corrections should be submitted in one of the working languages, preferably in the same language as the text to which they refer. They should be set forth in a memorandum and also, if possible, incorporated in a copy of the record. They should be sent, within one week of the date of this document, to the Chief, Official Records Editing Section, Department of Conference Services, room A-3550, 866 United Nations Plaza.

Any corrections to the records of the meetings of this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

82-60567

The meeting was called to order at 3.30 p.m.

EXAMINATION OF THE ANNUAL REPORT OF THE ADMINISTERING AUTHORITY FOR THE YEAR ENDED 30 SEPTEMBER 1981: TRUST TERRITORY OF THE PACIFIC ISLANDS (T/1837; T/L.1228 and Add.1-3) (continued)

Mr. BEREZOVSKY (Union of Soviet Socialist Republics) (interpretation from Russian): The Soviet delegation has studied the report of the Administering Authority relating to the status of the Trust Territory of the Pacific Islands. Additional information was also given in the statement of the representative of the Administering Authority. We have also listened to statements made by the Special Representatives of the Administering Authority from Micronesia. All this, together with the written and oral petitions which we have received and listened to, provides a great deal of information relating to the situation in the Trust Territory. However, my delegation has several questions relating to specific situations and points mentioned in the report of the Administering Authority to which we should like to have answers.

However, before moving on to these specific questions, bearing in mind the answers which were given by the delegation of the United States, the Administering Authority, during this morning's meeting and also the statement made by Mr. DeBrum, we should like to ask one general question. Despite the fact that this question is general it is unusually important for a further understanding of the process now taking place in the Trust Territory. Our delegation's question is this: could the delegation of the Administering Authority tell us what its understanding, as the Administering Authority, of the concept of trusteeship is?

Mrs. McCOY (Special Representative): This goes back in part to the original concept of trusteeship, which was formed before I took up my duties in this particular appointment. But since the negotiations have been taking place on the Compact of Free Association and since the direction has

(Mrs. McCoy, Special Representative)

come down, particularly Secretarial Order 30-39, that the Administering Authority is to turn over more and more responsibilities, we are no longer a controlling influence or even a governmental influence; we are now more of a housekeeping or an administrative type of organization as far as the trusteeship is concerned. We have turned over to the Governments of the Trust Territory budget, finance and payroll matters - everything that we possibly can - gradually, as they have worked into it, so that we were all assured, by the Governments as well as by our own observations, that they were progressing at the rate that they wanted to and felt they should. It has become common knowledge that we in particular are ready and willing, within our means, to offer assistance in every way that we possibly can. But our role at this particular time remains primarily a housekeeping one; showing a helpful attitude, while each of the Governments becomes more independent and takes on more duties. One of the last things to be still hanging fire is the problem of federal grants. So far these are still going through the Trust Territory headquarters, but already we have our Attorney General in our office in the Trust Territory Government drafting legislation to send through Congress so that eventually each of the Governments will be able to petition on its own for federal grants. This has been at the request of the Governments and we have been most happy to comply. So I think we can say that by and large the trusteeship policy at this point is to promote self-government, promote self-determination by the Governments, and just to be there ready to help; offering assistance, but not interfering. That probably describes my duties now as High Commissioner of the Trust Territory about as clearly as I can describe them.

Mr. TEARE (United States of America): If I could supplement the High Commissioner's remarks, I would say that her description of the current situation in the Trust Territory and the devolution of authority to the four constitutional Governments now established there is a very accurate one. It reflects not only the current situation but also the intentions of the United States.

(Mr. Teare, United States)

At the same time the United States remains very conscious of the solemn obligations it assumed in 1947 under the agreement with the United Nations establishing the trusteeship. The Trusteeship Agreement is one with which I am sure the Soviet delegation is thoroughly familiar. It vests in the United States responsibility for the political, economic, social and educational advancement of the Trust Territory and, as the High Commissioner mentioned, and perhaps the most important feature, for the evolution over time of the Trust Territory towards self-government and self-determination.

(Mr. Teare, Special Representative)

The United States is fostering that development, consistent with the steadily increasing capacity of the four constitutional Governments to manage their own affairs. At the same time, we recognize that there are certain ultimate responsibilities that must remain ours until the time when the termination of the trusteeship can actually be brought about. Some of those responsibilities were mentioned in the High Commissioner's opening statement. One is public order, for instance. Another, certainly, would be the question of foreign affairs.

So the United States is trying to do two things at once. One is to fulfil its ultimate obligations as reflected in the Trusteeship Agreement itself and at the same time, to allow the maximum authority and latitude to the constitutional Governments. Our relative success or lack of success in achieving the objectives of the Trusteeship Agreement obviously are for others to judge but, as Ambassador Sherman stated in his opening remarks on 17 May, we are proud of our record.

Mr. BEREZOVSKY (Union of Soviet Socialist Republics) (interpretation from Russian): There was a good reason why I put my first question in that particular way. With some regret I must say that we have not received an exhaustive and satisfactory answer. For the past few years, we have been hearing that the Administering Authority was intending to terminate the Trusteeship. In these circumstances, it is natural that a question should arise about the conceptual approach of the Administering Authority after 35 years of activity in the Trust Territory. How has the Administering Authority understood and how does it now understand the task or tasks of trusteeship? We have been told that at this time the Administering Authority's role is to give assistance to the Governments in the Trust Territory. Our question was about the conceptual approach of the Administering Authority to the task of trusteeship, to the ultimate goals of trusteeship, and we asked that question in connexion with what was said this morning by Mr. DeBrum. It is not only today that Mr. DeBrum has said such things, nor is he the only one to say them - they have been said before - but it seems to me that in the present circumstances this particular approach should be clarified for members of the Council.

(Mr. Berezovsky, USSR)

A reference was made here in passing to the tasks of trusteeship as they are laid down in the Charter of the United Nations and as they are determined by the Trusteeship Agreements. On the one hand, in accordance with these basic documents, the Administering Authority is obliged in every way to help and promote the progressive development of the Territory and lead it towards self-government or independence. On the other hand, I would take the liberty of drawing attention to several documents which we now have before us referring to the negotiations between the United States and the representatives of Micronesia. In particular, there is a press release from the White House on 24 September 1981 which announces the beginning of negotiations after a long review by the new Administration of the United States of its policy towards Micronesia. It says:

(spoke in English)

"The policy review concluded that the United States should move promptly to terminate the United Nations Trusteeship on terms satisfactory to itself" - I stress "satisfactory to itself" - "and to the Governments and peoples of Micronesia"

(continued in Russian)

You will note that the latter take second place. As a further example, I should like also to refer to a statement made by Mr. Noel Koch, Principal Deputy Assistant Secretary of Defense to Micronesian representatives, in which he said:

(spoke in English)

"The review made clear once again the nature and extent of United States strategic interests in Micronesia, by highlighting the importance of this area to the long-term security of the United States itself."

(Mr. Berezovsky, USSR)

He also says:

"As Under-Secretary Buckley has said, this Administration is deeply committed to strengthening the defence posture of the United States, and it is from that perspective that we reviewed Compact and its associated agreements."

I could quote a great deal more, but I do not want to take up the time of members of the Council. Those quotations explain why we ask the Administering Authority what has been the cornerstone of its policy over the past 35 years, and in particular over the past few years, as regards the Trust Territory of the Pacific Islands. Is it giving first place to the basic tasks, laid down by the Trusteeship Agreement and confirmed by the Security Council, of ensuring the progress of the people and their development towards independence? How far do the real actions of the Administering Authority reflect those fundamental tasks?

Mr. SHERMAN (United States of America): The United States is fully cognizant and fully aware of all its obligations under the Trusteeship Agreement. As I and my colleagues have said, we continue to have great pride in the way in which we have carried out those responsibilities.

As the Council is aware, Micronesia is a strategic trust of the United States under the United Nations trusteeship system. It is the only remaining trusteeship of the 11 originally created by the United Nations following the Second World War, and the only one of the 11 to be designated as a strategic trust, pursuant to Article 82 of the United Nations Charter. Since April 1947 the United States has been the Administering Authority of the Trust Territory as set forth in the Trusteeship Agreement, and under Article 83 of the Charter the Security Council exercises all functions of the United Nations relating to strategic areas, with the assistance of the Trusteeship Council. This compares with non-strategic trusts - article 85 - in which the functions of the United Nations are exercised by the General Assembly.

(Mr. Sherman, United States)

Since 1969 the United States and Micronesian negotiators have been meeting to negotiate the future political status of Micronesia. As we have said here before, this has resulted in a tentative agreement, initialled in November 1980 by the United States and three of the Micronesian political entities - the Federated States of Micronesia, the Marshalls and Palau - that provides for the status of free association. Under that free association, the Micronesian States will be responsible for their internal and foreign affairs. The United States will be responsible for the security and defence of the area and will provide economic, technical and other assistance. The fourth Micronesian entity, the Northern Marianas, voted in 1975 to become a Commonwealth of the United States upon termination of the trusteeship.

I do not believe that the strategic interests of the United States in this territory, as recognized in the fact that the territory is designated as a strategic trust, in any way conflicts with the ability of the various entities to become free independent, self-governing territories. The people of the Federated States of Micronesia, the Marshall Islands, Palau and the Northern Mariana Islands have drafted and approved constitutions for their respective Governments. They have held popular elections to elect their leaders. The fourth and final constitutional Government the Republic of Palau, was established on 1 January 1981. Most of the functions of the High Commissioner's office have been transferred to the four constitutional Governments of Micronesia - a goal very much in keeping with the Trusteeship Agreement and the aims expressed therein.

Certainly, after taking office the Reagan Administration undertook a comprehensive policy review of the Micronesian political status negotiations and the agreements reached thus far. Last September President Reagan decided that the negotiations should continue along the same course, and a further negotiating round was held in October in Hawaii, as we reported. Following the successful conclusion of the negotiations, and the signature of the Compact of Free Association, the United States and the constitutional Governments of Micronesia will organize and conduct a United Nations-observed plebiscite throughout Micronesia. The Compact, if approved by the peoples of Micronesia will then be submitted to the United States Congress for its consideration and approval, following which the United States will take the necessary steps to terminate this last trusteeship in the United Nations system.

(Mr. Sherman, United States)

Through these political status negotiations, their own constitutional process and the planned plebiscite, the peoples of Micronesia are exercising in full measure their right to self-determination.

Mr. BEREZOVSKY (Union of Soviet Socialist Republics) (interpretation from Russian): Obviously, I shall have to ask the representative of the Administering Authority a rather simpler question: what is the Administering Authority's attitude to the question of the independence - I stress independence of the Trust Territory of the Pacific Islands?

Mr. SHERMAN (United States of America): Let me answer the question as simply as it was put. The independence of the Trust Territories is expressed in their acceptance of the status negotiations. The result of that, the Compact of Free Association, should that be the choice, will demonstrate their full independence in reaching that decision.

Mr. BEREZOVSKY (Union of Soviet Socialist Republics) (interpretation from Russian): From the answer given by Ambassador Sherman, are we to understand the situation as follows: that if the people of the Trust Territory express themselves in favour of independence, then the Administering Authority will accept that decision of the people? Is that correct?

Mr. SHERMAN (United States of America): The United States has long taken the position that the Governments of the Trust Territory are free to negotiate with the United States for the political status of independence if they so desire. They have instead of their own free will, chosen the political status of free association the details of which have been elaborated over the course of an extended period of negotiations. Were the people of the Marshall Islands or of any other component of the Trust Territory to reject the status of free association in a plebiscite, the United States would be prepared to enter into discussions on an alternative political status, including independence, for the component concerned.

Mr. BEREZOVSKY (Union of Soviet Socialist Republics) (interpretation from Russian): That answer given by the Administering Authority leads us to the next question. If the Administering Authority's attitude is so fully in accordance with the duties of trusteeship and the recommendations of the Trusteeship Council, how can it explain why the negotiations which have been going on for such a long time with the Micronesians remain unknown to the United Nations? How does it explain the fact that the negotiations which are going on in conditions of absolute inequality - as we can all bear witness - are taking place without the participation of the United Nations? The Administering Authority is now saying that there exists a Compact of Free

(Mr. Berezovsky, USSR)

Association, that subsidiary complementary agreements exist, and the fate of the Compact itself, as we are informed by the representatives of the Micronesian people, depends upon how flexible the Micronesian representatives prove to be in the negotiations on the subsidiary agreements and on the extent to which they meet the demands of the Administering Authority. The United Nations, and in particular the Trusteeship Council, only knows the general picture. There is a Compact of Free Association, there are negotiations, there are subsidiary agreements, 16 in all, we are told, some of which have already been initialled. We should like an answer to this question.

Mr. SHERMAN (United States of America): I can understand that my Soviet colleague might not be as familiar as is the United States with the process of negotiating for the return, independence or free association of territories responsibility for which was acquired as a result of the ending of the Second World War.

I have been impressed, and I hope the members of the Council have been impressed, by the great diversity of the views that have been expressed by the various members of the United States delegation here, not only the representatives on the United States Government side but also our friends and colleagues representing the various Micronesian entities. To me, the fact that there is difference and divergence on details of the way in which our negotiations are being conducted is a manifest example of just how far democratic processes and institutions have been fostered and created within the Micronesian Trust Territory.

It goes without saying that the negotiations have not been conducted publicly. If they are to be effective, negotiations cannot be conducted publicly. This is consistent with international practice and the interests of all the negotiating parties. Nevertheless, the United States has continuously consulted informally with Trusteeship Council members to keep them up to date on the progress of the negotiations and the issues involved and it has reported fully on the negotiations at the annual sessions of this Council. We intend to

(Mr. Sherman, United States)

continue that practice. However, we believe that the most appropriate time for profitable discussions on the Compact and related agreements before this Council will come when those documents have been formally approved and signed, not before.

Mr. BEREZOVSKY (Union of Soviet Socialist Republics) (interpretation from Russian): I understand the difficulties facing Ambassador Sherman. It is, of course, very difficult to explain why such a situation exists, but we have heard here statements from the representatives of the Micronesians that had they known what would be required of them in the subsidiary agreements they would not have initialled the Compact. Furthermore, the Trusteeship Council is being told that when all the agreements are signed and everything has been confirmed the Trusteeship Council will be informed of what has taken place in the Trust Territory of the Pacific Islands.

(Mr. Berezovsky, USSR)

Does it not seem to the representatives of the Administering Authority that any negotiations - or however we call this process, there were other words used in this respect - carried out by the Administering Authority with the representatives of the Trust Territory one to one, behind closed doors, place the Micronesian people in a subordinate position? As far as I can gauge from the information we have received in the statements made by the representatives of Micronesia, they are told "Either you accept the conditions imposed on you by the Administering Authority, or the trusteeship will continue".

Thus, we once again return to the question of independence. Basically, in most cases the acquiring of independence by colonial countries and peoples, regardless of their geographical situation and their size, as I said before, was the first step, followed by development of a different kind of relationship with the former metropolitan or mother country and with other countries, with whoever they were. In the present instance, the Administering Authority was entrusted with a single Territory, Micronesia, the Pacific Islands. As a result of the Administering Authority's policy, we are now faced with four entities, four individual entities. As a result of the policy pursued by the United States in this Territory, it is no longer a question of how the people of Micronesia will decide, but rather how they will express themselves in favour of the Compact which has been worked out, that is, the Compact of Free Association.

I should like to turn once again to the basic instrument, that is, the Charter of the United Nations. Article 73 says that:

"Members of the United Nations which have or assume responsibilities for the administration of territories whose peoples have not yet attained a full measure of self-government recognize the principle that the interests of the inhabitants of these territories are paramount" - paramount, Mr. President - "and accept as a sacred trust the obligation to promote to the utmost ... the well-being of the inhabitants of these territories".

(Mr. Berezovsky, USSR)

The next matter on which I should like to dwell is that, among the basic objectives of trusteeship mentioned in Article 76 of the Charter of the United Nations, the first objective is that of furthering international peace and security - and I stress "international" peace and security, not the security of the United States.

In addition, in the report of the Administering Authority to the Trusteeship Council nothing is said about this, not a word, apart from the heading of the relevant chapter and section of the report. However, it is well known that the Administering Authority, the United States, is engaged in military activity in the Trust Territory, and the United States is particularly active as regards this additional agreement which is now being discussed by it with the Micronesians.

We should like to ask the following question of the representative of the Administering Authority: why is there such a substantial omission in its report to the Trusteeship Council?

Mr. SHERMAN (United States of America): That is a long question, with many parts to it. Let me start by saying that I do not find it complicated to reply, as the Soviet delegation has charged. Our position, I think, has been made clear in the report and in the statements we have made thus far.

Let me address a few other points made by the representative of the Soviet Union. The United States was given a single trusteeship area, Micronesia, but let me reassure him that this is not a single area. It is an area of diverse cultures, diverse languages, diverse peoples with diverse interests. I think the discussion which has already gone on in the first three days of this annual meeting has demonstrated that most clearly. In our stewardship of this Trusteeship Agreement, we have endeavoured to the extent possible to see that these entities were able, precisely, to express their diverse interests in diverse ways and eventually to negotiate diverse agreements with us.

(Mr. Sherman, United States)

There has been no fragmentation of the area by the United States, nor has it been United States policies which have "created" a variety of governmental entities within the Micronesian Trust Territory. Furthermore, let me categorically reject any assertion that the United States has exhibited a "take-it-or-leave-it" attitude in negotiations over the subsidiary agreements"; rather, it has sought energetically and in collaboration with the Government of the Marshall Islands and with the other Governments involved to develop mutually satisfactory agreements that will deal with many difficult issues. Furthermore, we have always maintained that agreements that are subsidiary to the Compact are in many ways as important as the Compact itself. We have stressed that agreements must be considered parts of the package, which will not be complete until all of its components are agreed upon. In our view, there is no instance in which any subsidiary agreement retracts a commitment contained in the Compact; on the contrary, several subsidiary agreements will implement important general principles of the Compact.

Let me revert to the answer I gave to a previous question; that is, were the people of the Marshall Islands or any other component of the Trust Territory to reject the status of free association in a plebiscite, the United States would be prepared to enter into discussions of an alternative political status, including independence, for the component concerned. This has been our policy. It is a policy of flexibility, it is a policy designed to ensure to the utmost the interests of the various entities involved. In no way are we negotiating a forced agreement. It seems to me that the whole post-Second-World-War history of the United States is replete with examples of territory that has been returned to the peoples involved, with the interests of those peoples remaining paramount - a situation which, I might add parenthetically, does not exactly obtain in Eastern Europe, the Baltic States or elsewhere.

(Mr. Sherman, United States)

The United States believes that one of our main goals in the Micronesian Trust Territory is the establishment of democratic institutions and principles as a means of resolving political issues. We believe that that goal has been largely achieved.

We would not expect complete unanimity of opinion on every aspect of Trust Territory affairs or its political future that would not be characteristic of or desirable in a democratic system. What members have heard in this chamber in the last three days demonstrates that there is not complete unanimity of opinion. None the less, the decisions vitally affecting the Micronesians, including their future constitutional and governmental arrangements, have been and will be freely made by the Micronesians themselves through democratic processes observed by United Nations representatives.

Mr. BEREZOVSKY (Union of Soviet Socialist Republics) (interpretation from Russian): I am not satisfied by the statement just made by Ambassador Sherman for the simple reason that I did not receive a full and clear answer to my question. Ambassador Sherman talked about some kind of processes. He even took the liberty of referring to the Baltic Republics, which have absolutely nothing to do with the discussion today. The Baltic Republics are free republics of the Union of Soviet Socialist Republics. But we are talking now about the situation which exists in Micronesia and about the policy being pursued there by the United States.

If the representative of the United States wishes to call this process a democratic process, that is his business, but it is the people of Micronesia that must decide. I fear that his understanding is not fully shared by the people of Micronesia.

We should like to put one other question. What has been done by the Administering Authority over these many years - particularly the years when the Compact of Free Association and the additional agreements were being prepared? Has the Administering Authority, in accordance with its responsibilities, informed the people of Micronesia of their options in regard to their political future? Has the process of the political education of the Micronesian people proceeded towards independence - not towards the creation of a Compact of Free Association, but towards independence?

Mr. SHERMAN (United States of America): My friend the representative of the Soviet Union persists in asserting his view that independence is the only political alternative that exists and the one which should be chosen. But this is not the one which, in effect, has been chosen by the Governments of the Micronesian entities. They have chosen to negotiate with us on a Compact of Free Association. As I have said, if they choose to change that in a plebiscite or if they decide differently, we would be prepared to negotiate with them on other alternatives.

I would revert also to the fact that this process of political education, of progress towards independence, has been observed by United Nations Visiting Missions in the Trust Territories on the spot. They have had untrammelled access to the peoples of the area, who have talked to them freely, openly and directly - as, indeed, they are doing today and have been doing over the past few days to the members of the Trusteeship Council.

I would be happy if any of my colleagues on my delegation, the representatives of the various Micronesian entities, would like to speak to the question of whether they consider that their right to negotiate freely or to exercise self-determination has been in any way impaired by the United States.

I might add that High Commissioner McCoy would be prepared to talk about the educational process in this regard.

Mrs. McCOY (Special Representative): I think that when one looks back, in particular, at what the Trusteeship has been doing recently one will see that we have spent about five years now in working on education for self-government. Our ultimate goal for all our activities in the Trust Territory has been to bring the people there to a point where they can take care of their own affairs or can meet mutually agreed upon international and regional standards of self-sufficiency, and where they have the ability and will to choose among the various alternatives.

So, in five years of education and working on self-government, the option of independence has naturally been included. Now it is up to local political education to take over.

Mr. BEREZOVSKY (Union of Soviet Socialist Republics) (interpretation from Russian): I would ask Mrs. McCoy not to become angry with the questions constantly being asked. She has just pointed out that independence is not the only alternative for the people of Micronesia. Well, that is her approach to this situation. I asked the question somewhat differently, and unfortunately, I did not get an answer to my question.

I asked from the point of view of how the people of Micronesia were informed about possible independence - and here I agree that the people should be prepared and informed about the various alternatives. I am interested in how the people were informed of their possible independence. I am very interested in that question. I did not ask whether they are prepared only about independence as an alternative.

We have listened more than once to statements made by the Administering Authority that the political education of the population is being carried out fully and that the Compact has already been translated into the different languages of Micronesia and that it is possible to read it in the different languages of Micronesia. The Trusteeship Council is politically illiterate in this respect since it does not receive the documents submitted by the United States on this. So I am interested in the question of how the people of Micronesia are informed, not only -- and I stress not only -- of the Compact of Free Association but of other no less important alternatives, which might be dearer and more important to the people -- such as the alternative of independence. That is what I am asking Ambassador Sherman. Unfortunately, I did not receive an answer to that question: how are the people of Micronesia informed about possibilities of receiving independence unconditionally, without signing additional military agreements?

Mr. SHERMAN (United States of America): It seems to me that what the Soviet representative is asking is whether the Micronesian people are able to understand the democratic process - free choice being an essential element thereof. There have been, prior to the negotiations currently under way, four constitutional referenda, a plebiscite, elections. In the debate prior to that, every possible alternative, every possible policy, has been examined by the people.

Again, I would ask the President to call, if he wishes, upon my colleagues representing the various Micronesian entities to let them respond as to how they have been informed about the alternatives available to them.

The PRESIDENT (interpretation from French): Of course, the Special Representatives may speak if they so wish. I now call on whoever wishes to speak first.

Mr. UHERBELAU: This is the third consecutive year that I have observed the deliberations of the Trusteeship Council, and on those three occasions the same questions are asked and the same answers given relating to this issue of political status for the Republic of Palau.

In December 1980, the Palau delegation posed a question to the Administering Authority as to whether or not independence was a viable political option together with the Compact of Free Association. A subsidiary question to this was whether or not, if the Compact of Free Association is rejected in Palau, the Administering Authority would give Palau time to negotiate meaningfully for an independent status.

We have been provided a partial answer to that question by Ambassador Sherman - that should the Compact of Free Association be rejected, the United States is prepared to negotiate alternative status arrangement, including independence, with that entity that had rejected the Compact.

(Mr. Uherbelau)

I might add that it is the position of the Palau delegation that should the Compact of Free Association in its initial form or final form be rejected in Palau in a freely conducted plebiscite, that does not necessarily mean that the concept of a free association arrangement is totally rejected. I thought that I would point that position out during this discussion.

Mr. De BRUM (Special Representative): I do not wish to let the moment pass without saying a few words about the comments made by Ambassador Sherman regarding the attitude of the United States in the negotiating process.

First of all, let me say that if there is one thing that can be identified as a large feather in the cap of the Administering Authority, it would have to be their accomplishments in educating our people in the processes of democracy.

(Mr. DeBrum, Special Representative)

The fact that we are able to be here today and take part in these deliberations is in fact a demonstration of that very important achievement. However, there have been instances where the United States has adopted a take it or leave it position regarding various Compact offers and counteroffers. There are indeed cases where the subsidiary agreements themselves are being used to modify sections of the Compact itself so drastically that those hard-won sections in the Compact become meaningless. There are instances where, the Compact notwithstanding, they are becoming so drastically modified that one begins to think that perhaps the offers in the agreements and the Compact were really not reached in good faith. I will be very happy to provide examples of these for both our friends in the United States Mission to the United Nations and anyone else who wishes to examine them.

There is no doubt that independence is an available choice for us, although we like to think of independence as being a status that we have always had - certainly modified over the years by the various international agreements but nevertheless a status that is always ours to have whenever we want it. The history of the negotiations on free association with the United States will prove that there were on more than one occasion formal requests from the Micronesian negotiators that the United States begin negotiations on the status of independence. The Committee on Future Political Status of the Congress of Micronesia requested this option from the United States early in the negotiations. At that time the United States rejected the notion of independence negotiations. There is no doubt that free association as a concept has been accepted by the Government of the Marshall Islands as a possible relationship between ourselves and the United States and that we are freely negotiating the status. However, the level of freedom enjoyed in such negotiations must be judged on just how far free association can be negotiated without conditions so demanding that the question of free association itself becomes one that we must reconsider. For example, when the United States says in the negotiations that a guarantee of military rights for 50 years is a sine qua non of free association, it is true that we can reject that demand by the United States. But, if we reject that demand, the Compact negotiations

(Mr. DeBrum, Special Representative)

will never end, and if the Compact negotiations never end, the theory continues, there will be no plebiscite, and if there is no plebiscite, naturally there is no termination. True, we are free to negotiate free association and we are free to choose any status we wish. The question is, how do we arrive at a point where that freedom can actually be said to be true and present in the negotiations.

Have there been impaired opportunities in the negotiations? Yes, there have been impaired opportunities in the negotiations. The costs of the negotiations to the Government of the Marshall Islands have been staggering. We have been doing this for a number of years without financial assistance from the Administering Authority, although we have many times requested such assistance. Carrying out the negotiations, flying to Washington and having to meet four or five times a year to work out various sections of the Compact or the subsidiary agreements, is a costly endeavour. We signed an agreement for the United States to provide satellite telecommunications for the Marshalls in January 1980. Such facilities have yet to be provided. Prior to that the Japanese Government announced before this Council its willingness to provide satellite communication facilities for the Marshall Islands, an arrangement which the United States unilaterally asked Japan to withdraw. Have there been impaired opportunities? Yes, there have been impaired opportunities. The arrangements that are now being suggested take care of people who are exposed to radiation have been offered to us on that basis: take it or leave it. We have been told that there is some money to pay compensation but that for these moneys to be paid, for medical programmes to continue, we must relieve the United States of all claims, past, present and future.

I can understand, possibly, the absence of full information flowing from the negotiations to the United States Mission to the United Nations, but I must say, on behalf of the Marshall Islands, that we are delighted to hear of the new and refreshing attitude that Ambassador Sherman expresses. If such an attitude had been the controlling foundation for past negotiations, I believe that termination would have occurred a long time ago.

Mr. TAKESY (Special Representative): I should like to address myself to the question of dissemination of information and particularly an informed process for the people of Micronesia. We in the Federated States have always recognized and lived by the proposition that independence is always a choice for any people and we are no exception. But we must also be realistic and, recognizing that, we have undertaken to explore with the United States, the Administering Authority, what status will be acceptable, meaningful and helpful to our people.

(Mr. Takesy, Special Representative)

Nearly three decades of educational process by the Administering Authority have brought us this far. We are now expressing our views to the Council, and we hope that when the Compact is finally concluded we shall have an opportunity to present it to our people in a responsible way so that they will be able to make an informed and responsible choice, widely acceptable not only to this body but to the international community. Like the Soviet representative, I can hardly wait for the people of Micronesia to speak to the outcome of the negotiations.

Mr. SHERMAN (United States of America): The whole concept of free association was first proposed by the elected Congress of Micronesia in 1970 after study of, and full debate on, the various alternatives. We did not invent the concept. The Charter and the Trusteeship Agreement call for fostering self-determination, not for any particular status option. This free association conforms with the words "free association" in General Assembly resolution 1541 (XV), which includes independence and integration as other options. Resolution 2625 (XXV), "Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations", also sets out those options. Therefore, we are not inventing a new system.

I should like to ask Mr. Richard Teare, who represents the Office of Micronesian Status Negotiations, to speak to the issue of the negotiations and the way in which they are conducted.

Mr. TEARE (United States of America). I should like simply to supplement Ambassador Sherman's remarks, noting that the political status of free association has few precedents in international law and no precise precedent in United States constitutional law. The new and unique nature of that political status perhaps accounts in some measure for the length of the negotiations, which have been in progress since 1969, and -- here I agree with Foreign Secretary DeBrum -- at great cost, not only financially but in terms of the time, energy and patience of many of those involved.

(Mr. Teare, United States)

Nevertheless, free association was originally a Micronesian choice.

I refer my colleague from the Soviet Union to a quotation from Mr. Lazarus Salii, then of the Congress of Micronesia, which appears in the collection of documents from the negotiating round in Maui in October 1981. Mr. Salii's remarks were very eloquent. They had originally been uttered almost 10 years to the day before that.

The Council has already heard several interpretations of the negotiating process from various components of the United States delegation. My own interpretation might differ from each of those in one respect or another. However, it has been the consistent practice of the United States not to discuss the content or the substance of these political status negotiations in public forums or in the press. As Ambassador Sherman said earlier, we believe that private negotiations, in this matter as in so many others, are the best way to proceed. I have no intention of departing today from that practice. Therefore, I shall not try to engage in a further intra-delegation dialogue on the subject. But I would emphasize once again the remarks of Ambassador Sherman, that the United States has long been prepared to consider other alternatives. We have pursued free association primarily because it was an idea presented to us by the Congress of Micronesia. It was an idea that they obviously believed, and the United States eventually came to conclude, had a great deal of merit.

The product of the negotiations to date - the initialled compact -- once approved and implemented is not immutable. Rather, it will grant each of the signatories the unilateral right, after further processes, to alter or even abandon the status of free association in favour of some other political status. I believe that not only with an option over the last many years but with options at present and further options in the future under the Compact, there has been and will continue to be ample opportunity for the free expression of the will of the people of Micronesia.

The PRESIDENT (interpretation from French): Mr. Teare referred to statements by Mr. Salii. Perhaps he could give a copy to the representative of the Soviet Union, so that he may make useful reference to them as well. That should be possible.

Mr. BEREZOVSKY (Union of Soviet Socialist Republics) (interpretation from Russian): After the statements made by the representatives of Micronesia there is no need to add anything. There is hardly any need to comment on what Mr. DeBrum said, and there is hardly cause for comment in the statement of the representative of the Federated States of Micronesia, who said that their consideration of the question of free association and the negotiations on it were continuing because the people of Micronesia were realistic. It is hardly possible to add to that statement.

I should like to return once again to some of the questions that have been asked, including those as to how the people of Micronesia were informed of the "alternatives", in the words of the representative of the United States, to their independence. In the Administering Authority's answers to all these questions we were informed that if the people of Micronesia rejected the Compact of Free Association the Government of the United States would discuss other possibilities.

(Mr. Berezovsky, USSR)

It is only after the people have rejected it that the United States will discuss alternatives. Again we return to the Administering Authority's idea of what trusteeship involves.

The representative of the Administering Authority has just said that the people of Micronesia do have the right in the future to reject the compact and to consider alternatives but, as members of the Council know, and as I have understood the contents of the compact and of the additional agreements, that is not mentioned. The presence of the United States is envisaged, unlike the period of 15 years in the Compact, as one of 50 to 100 years. In fact, the timetable in the Compact of Free Association is cancelled by the additional agreements.

How are we to view such a situation? The representative of the United States referred to the resolutions of the General Assembly, but he forgot to mention one fundamental General Assembly resolution, the historic Declaration on the Granting of Independence to Colonial Countries and Peoples (1514) (XV), which says:

"Immediate steps shall be taken, in Trust and Non-Self-Governing Territories of all other territories which have not yet attained independence, to transfer all powers to the peoples of those territories, without any conditions or reservations, in accordance with their freely expressed will and desire, without any distinction as to race, creed or colour, in order to enable them to enjoy complete independence and freedom."

That is what should form the basis of the actions of the Administering Authority, not promises that alternatives will be discussed if the path proposed by the Administering Authority is rejected.

Further, we have not yet received an answer to the question on military activities of the United States in the Trust Territory under the terms of the documents on which the United States is now holding negotiations with the Micronesian representatives. That is nevertheless an important question.

We have not received an answer, either, to the question of whether from the point of view of maintaining international peace and security - that most important criterion of the United Nations - the Administering Authority would allow the documents now being prepared by the United States behind closed doors with the representatives of the Micronesian people, to be submitted, after they have been adopted, signed and printed - for consideration by the United Nations. Is that admissible?

Mr. SHERMAN (United States of America): The Soviet representative has several times referred to the question of what concept the United States is following in carrying out its obligations under the Trusteeship Agreement. I think I might be permitted, as an American, to state that many years before the Charter of the United Nations was adopted, and many years before any of the resolutions mentioned here today were adopted, a document was produced in the United States which declared the inalienable right of all peoples to life, liberty and the pursuit of happiness, and all the benefits that true independence provides. We fought a war, we have fought many wars, to guarantee those rights. That is the basic concept which motivates the United States in conducting all its domestic activities and all its foreign affairs. It is that concept, that solemn catalogue of the rights of man listed in that document, which is the moral and legal groundwork for everything that we do and have done, not only in Micronesia but elsewhere throughout the world. I think the history of the past 200 years and more demonstrates the firm commitment of the United States to those rights, and I do not, I think, need any instruction from others as to the proper way in which they ought to be interpreted or carried out.

I would state again - for now, I think, the fourth time - that we did not invent the concept of a Compact of Free Association that we are negotiating now. It was chosen, adopted, by the freely elected Congress of Micronesia more than ten years ago, after consideration of alternatives, and chosen as the one on which it wished negotiations to begin. Once those negotiations are completed, and as we have said we expect them to be completed in the not too far distant future, a plebiscite will be held to enable the populations of the various Micronesian entities to vote on whether or not to accept such a compact. The language of the plebiscite ballot is part of the negotiations. We have not foreclosed alternatives that may be available to people in voting in that plebiscite. That is part of the process of political education. The alternatives could be accepted or rejected in a plebiscite. We trust that all members of the Council will want to observe the plebiscite in which the peoples of Micronesia will make their free and untrammelled choice.

Mr. BEREZOVSKY (Union of Soviet Socialist Republics) (interpretation from Russian): Obviously, I will surprise no one if I say that, unfortunately, I have not received an answer to one of my last questions regarding the lack of data on maintaining international peace and security in the report of the Administering Authority, on the military activities, and on the measures provided for in the additional agreements concerning the military activities of the United States in the Trust Territory of the Pacific Islands.

(Mr. Berezovsky, USSR)

If the representative of the United States so desires, I could rephrase my question. I could refer to specific documents, to these very documents which are now being discussed, if that is necessary; if not, then we would be ready to listen to the answer of the United States.

In broad outline, we should like to recall a number of points, the first relating to the additional agreements between the United States and the Federated States of Micronesia. Under these the United States will be able in the future to station and deploy nuclear weapons in the Territory, and of course the question naturally arises, what specific aims are being pursued by the emplacement on these islands of nuclear weapons? What aims are being pursued by the carrying out of specific kinds of nuclear-weapons testing and the testing of tactical chemical and bacteriological weapons, for example, on the Territory of the Federated States of Micronesia and Palau?

We would once again recall those provisions of the additional agreements which talk about the deepening of the Majuro harbour for military purposes, or about the land which is to be adapted for carrying out military training and manoeuvres in this area or again, for example, the building of military aerodromes in Airai and Angaur. We would also like to mention the time-table for these military activities in the agreements. We are asking all these questions specifically from the point of view of their relation to the questions concerning the obligation under Article 76 (a) of the United Nations Charter to further international peace and security. Naturally in this respect the question arises: how far are these activities in conformity with the purposes and principles of the United Nations.

Mr. SHERMAN (United States of America): Let me talk at rather greater length on the whole question of defence and security in the Trust Territory.

(Mr. Sherman, United States)

The Compact of Free Association needs to be read as a whole, with consideration of all the concepts on which the free association relationship is founded. Under that Compact, as I have said before, Palau, the Marshall Islands and the Federated States of Micronesia are guaranteed full internal self-government and authority and responsibility for their foreign affairs. The undertaking of the freely associated States to refrain from actions incompatible with United States security and defence authority is not intended to be, nor will it be, carte blanche authority for the United States to infringe upon the rights and responsibilities of the Micronesian Governments under free association. United States security and defence authority will be construed in a way which is not incompatible with Micronesian authority and within the context of a close political relationship, founded upon mutual trust and good faith. The Compact contains precisely that commitment.

As of now, the United States maintains only one facility in the Trust Territory for military purposes. It is a missile testing range at Kwajalein in the Marshall Islands. This facility is operated by a civilian contractor. There is also a small United States coastguard station in Yap whose mission is strictly civil navigational assistance.

Article 5 of the Trusteeship Agreement states explicitly that the United States shall be entitled to establish military facilities and station armed forces in the Trust Territory. That is consistent with the strategic significance of the Trust Territory and the nature of the trusteeship. Article 13 of the Trusteeship Agreement grants the United States, as Administering Authority, the right to close the area for security purposes. The United States, as is well known, is not implementing that authority today but would not fail to do so should the need arise.

The initial Compact of Free Association would give the United States the obligation to defend Palau, the Marshall Islands and the Federated States of Micronesia and their peoples from attack, or threats thereof, as the United States and its people are defended, and it would give the option to foreclose access to the use of Palau, the Marshall Islands and

(Mr. Sherman, United States)

the Federated States of Micronesia by military personnel or for the military purposes of any third country. This obligation and this option would extend for a minimum period of 15 to 17 years, subject to extension by mutual agreement. The foreclosure option is sometimes referred to as the concept of strategic denial. The United States and Palau have agreed that the United States may exercise the foreclosure option for an additional period in return for continuing United States defence guarantees of equal duration. Such mutual security arrangements are now under discussion between the United States and the Marshall Islands, and between the United States and the Federated States of Micronesia. No such provision can be included in any future political status arrangement unless it enjoys the agreement of the Micronesian and United States sides.

The United States does not intend at the present time to construct any military facilities in the Trust Territory. However, the Trusteeship Agreement gives us authority to do so should the need arise. In addition to the authority provided by the Trusteeship Agreement, the Northern Mariana Islands Commonwealth Covenant provides that the United States shall have the option of leasing certain land in the Northern Mariana Islands for possible use as military facilities. Although the United States intends to consummate that lease this year, no construction is currently planned and we shall lease back substantial portions of this land to the Northern Mariana Islands for a token sum.

My colleague has asked for details of the subsidiary agreements to the Compact now under negotiation. I would simply state again that negotiations are still under way, and we do not intend now or subsequently to discuss matters under negotiation. This is not conducive to the effective conduct of negotiations; it is fully in accord with international practice. We shall continue to brief members of the Trusteeship Council informally as to the progress of negotiations, and at such time as an agreement is concluded it will of course be presented to the Trusteeship Council for its information.

Mr. BEREZOVSKY (Union of Soviet Socialist Republics) (interpretation from Russian): I am not going to dispute the provisions of the Trusteeship Agreement which provide for the United States to carry out military activities on the Trust Territory of the Pacific Islands. I stress: on the Trust Territory of the Pacific Islands.

But now we are talking about the fact that military activity will be maintained and continued, but on what will no longer be the Trust Territory of the Pacific Islands. There is no provision in the Trusteeship Agreement which gives the United States the right at this moment, to make use of its power as the Administering Authority to impose on the people of Micronesia a contract with slavish conditions that provide for a United States military presence in the future. Such a contract should be a question of mutually acceptable conditions but, I repeat, that in the situation the Micronesian people find themselves in the words "mutually acceptable" are illusory.

I should not need to remind the representative of the United States of the Constitution of Palau. But since I am obliged to do so, I will say what happened to that Constitution and why. We have heard about this from the Micronesians themselves. What happened came about because the people of Micronesia rejected the proposal to have nuclear and chemical weapons in their territory. They have absolutely no desire for such weapons. But the representative of the Administering Authority is now telling us about "mutually acceptable conditions" and about guarantees and safeguards. That is the point.

Therefore, the statement made by the representative of the United States about the right of the United States to conduct military activities in the Territory is of limited application.

(Mr. Berezovsky, USSR)

If the representative of the United States has something to add on the subject, we are ready to listen with interest. I should like to say that the Soviet delegation still has many questions to ask, and we should like to continue putting them to the Administering Authority.

Mr. SHERMAN (United States of America): I should like to reply briefly to the last statement-cum-question posed by the representative of the Soviet Union.

First of all, I would reject categorically the assertion that negotiations with our Micronesian partners are being conducted under slavish conditions. Such statements will become this dialogue. The United States will not force anyone to any choice. The peoples of Micronesia will make their choices via negotiations and via a free plebiscite. These devices may be foreign to my Soviet colleague, but to the rest of us they are hardly illusory.

The meeting rose at 5.30 p.m.