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Fifty-fourth Session

VERBATIM RECORD OF THE SIXTEEN HUNDRED AND FORTY-SIXTH MEETING

Held at Headquarters, New York,  
on Wednesday, 16 December 1987, at 10.30 a.m.

President: Mr. BIRCH (United Kingdom)

Report of the United Nations Visiting Mission to observe the plebiscite in  
Palau, Trust Territory of the Pacific Islands, June 1987 (T/1919) (continued)

Report of the United Nations Visiting Mission to observe the plebiscite in  
Palau, Trust Territory of the Pacific Islands August 1987 (T/1920) (continued)

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The meeting was called to order at 10.50 a.m.

REPORT OF THE UNITED NATIONS VISITING MISSION TO OBSERVE THE PLEBISCITE IN PALAU,  
TRUST TERRITORY OF THE PACIFIC ISLANDS, JUNE 1987 (T/1919) (continued)

REPORT OF THE UNITED NATIONS VISITING MISSION TO OBSERVE THE PLEBISCITE IN PALAU,  
TRUST TERRITORY OF THE PACIFIC ISLANDS, AUGUST 1987 (T/1920) (continued)

The PRESIDENT: Yesterday we discussed the report of the Visiting Mission to Palau in August. I believe that members of the Council had no further comments or observations to make on that report. We shall therefore be looking at the report of the Visiting Mission to Palau in June. I was the Chairman of that Visiting Mission. I propose to remain in the President's chair, but I shall be happy to make any comments about the report as Chairman of the Visiting Mission or to answer questions that members of the Council may wish to put to me.

Mr. LEVCHENKO (Union of Soviet Socialist Republics) (interpretation from Russian): I understand that the other members of the Council do not have any questions or comments and that there are no further comments from the representative of the Administering Authority about the report of the Visiting Mission in August. That is a matter for them, but the Soviet delegation has a whole series of comments and questions on that report. Yesterday, we had the opportunity to ask some of them. Today we have some additional questions on that Mission and on the June Mission. But I said yesterday that I should like not to split the two reports, but wished to deal first with the one and then with the other, and we decided yesterday to focus our attention on the report of the August Mission.

Today the Soviet delegation would like clarification on certain questions that arose during the study of that report. To facilitate the discussion I am taking account of your appeal, Sir, for a more constructive approach. We are ready to go page by page and paragraph by paragraph through the report of that Mission. I

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think that would be easier to follow for the interpreters, the précis writers and our other comrades.

My first question concerns the lengthy delay in the submission of the report. The Mission set off in great haste to Palau, and its role there was reduced to the very limited one of observing the course of the political campaign and the voting and counting of the votes. It is well known that all of that ended at the end of June or in the first few days of July. If we exclude the history, the exposition of the question, which was prepared here before the Mission's departure, for practical purposes the heart of the report consists of two or three pages. It may be that I am in error if we should include the annexes and the notes. But the rest of the report is the itinerary - flights from one city to another, meetings with representatives, mayors, other leaders, speakers, ordinary people and so on. That is all very interesting to the members of the Council, but even more interesting, of course, is the substance of the report. Therefore, my first question to you, Mr. President, as Chairman of the Visiting Mission, is this: What was the reason for what we regard as such a lengthy and unjustified delay in submitting the report to the Council?

The PRESIDENT: The report was in fact produced in draft very shortly after the Mission completed its stay in Palau, but, as I think the Chairman of the August Mission explained to the Soviet delegation yesterday, a number of members of the Mission came from more distant parts, and it was necessary to clear with them the text of the report in draft before it could be given to the Secretariat to be issued. The story from then on is that it takes some time within the Secretariat, because of other demands on its time, to produce, translate and print the reports of Visiting Missions. I do not think it is a particularly long delay by the normal standards of producing reports of missions of this sort.

Mr. LEVCHENKO (Union of Soviet Socialist Republics) (interpretation from Russian): That to some extent clarifies our question, but then another question arises immediately, Sir, in connection with your clarification.

The Mission did not take part in preparing the report on site immediately after observing the political education programme. Apparently there were members of the Secretariat there, who, after observation, drew up the draft, and members of the Mission could have approved that part of the report then and there.

In any case, the prime duty of the members of the Mission, including the representatives of other States, was to draw up the report before the Mission was concluded,, whether there or at United Nations Headquarters. They had a very serious mandate from the Trusteeship Council. They could not simply drop their obligations and leave it to the Chairman, dumping the drawing up of the report on his shoulders, and then waiting to receive the draft of the report through the mail. It was their duty directly to participate in drawing up the Mission's draft report. It is not simply the report of the Chairman of the Mission; as the Soviet delegation sees it, it is the report of all the members of the Mission, who had to participate directly in drawing it up and in the discussion of its conclusions and recommendations, which are the most important part of the report. The Soviet delegation understood that on being appointed members of the Mission they were obliged to carry out all their duties and having finished the Mission to submit to you, Sir, as you were obliged to submit to the Council, a completed draft report. Is not that the case, Sir?

The PRESIDENT: I do not really understand the point that the representative of the Soviet Union is making. Certainly, all bodies would like their reports to appear in print as soon as possible after they have completed the draft. I explained that it took some time to clear the draft.

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I personally worked late into the night, very shortly after the Mission was completed, on the draft of the report, and in fact I drafted much of it. I have explained that one reason for the delay was clearing the report with other members of the Mission who do not live in New York. There was also the problem that the Secretariat and Conference Services were busy with other matters. But in particular we needed to know the precise results of the plebiscite, and they could be communicated to us only by the election authorities in Palau. They were not in fact declared until 20 October. I think the report would have been incomplete if we had not been able to include chapter IX, which gives the results of the plebiscite. It would have been much less valuable if we had not been able to include those figures.

Mr. LEVCHENKO (Union of Soviet Socialist Republics) (interpretation from Russian): I think the substance of my question must have been lost in interpretation. I shall speak slowly so that what I say can be interpreted properly and so that there are no misunderstandings.

Having appointed a Mission with a particular composition, the Trusteeship Council gave it a mandate to do this, that and the other and to submit a report. Our understanding is that the Mission did a certain amount of work in Palau, and then, without leaving there, all the members of the Mission jointly, with the assistance of the experienced Secretariat, should have prepared the five-page report, before completing the Mission. Of course, we understand that dumping the entire burden of drawing up the report on the Chairman of the Mission - and I think that for half of the period of the Mission he was not in Palau and did not really understand what was going on - gave him a very difficult job. We can understand, Sir, that you had to spend many evenings drafting the report, making up for what other delegations did not do.

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Therefore, we ask why these difficulties arose. The purpose of the Trusteeship Council's Visiting Mission in Palau was not merely to be there for the vote and then to have its members return to their capitals. Whether it was done there or at Headquarters, they had to draw up the report. I think that all members of the Mission understood that task entrusted to them. That is our understanding of it, Sir: or is there a completely different procedure for drawing up the report of the Mission that you headed, or at least of that part of that Mission that you headed?

The PRESIDENT: I do not think that this exchange is getting us anywhere. I have explained the procedures that we adopted to draw up the report, and to say that I did not understand what was going on because I was not there and that I was making up for deficiencies of other members of the Mission and the Secretariat does not advance this discussion.

Part of our mandate - I refer the representative of the Soviet Union to paragraph 2 of the report - was to observe the plebiscite and specifically a number of things, including the declaration of results. I consider that the formal declaration of the results bearing the President's signature was a necessary part of our report, and we did not receive that until 20 October. It is normal for a report to be partly written on the spot and then for further consideration to be given to it later and for all members of the Mission to have a chance to comment on the draft and not necessarily to stay in Palau until all the secretarial work has been completed.

The aspect of this line of questioning by the representative of the Soviet Union that I find most bizarre is that, if my recollection is correct, at the beginning of this session the Soviet delegation was insisting that we should not

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consider this report until the next session, in May. Therefore, I find it hard to understand why there should now be a complaint that the report was not available earlier.

Mr. LEVCHENKO (Union of Soviet Socialist Republics) (interpretation from Russian): The Soviet delegation reaffirms its position that both Missions took place in the period to be considered at the next session of the Council. We think it logical that at the next annual session, when we consider the report of the Administering Authority on the situation in the Territory covering the period when the two Missions were taking place, the Council cannot disregard these two documents. We think that is logical, but since it has been decided, with your assistance, Sir, to discuss them, of course the Soviet delegation is prepared to do so.

In that respect we draw attention to the resolution adopted by the Council on 26 May, which says, as is set out in paragraph 2, the beginning of which you read out, Sir:

"The Council requested the Mission to submit to it, as soon as practicable, a report on its observation of the plebiscite."

That is the point of the Mission's mandate. That is why we were asking how the report was drawn up and why there was what we regard as undue delay in drawing it up. Unfortunately, we did not succeed in obtaining an answer, and we shall move on to our next question.

In the same paragraph it is also stated that the Council's clear decision was that the Mission was to start its work on 17 June, as is also clear from other paragraphs in the report. There was some delay in sending the Mission. We cannot

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find an explanation for that. We should like to hear from you, Sir, as Chairman of the Mission, the reasons for the postponement of its work in Palau. The Council's decision was clear; there is a clear date for when the Mission was to start its work in Palau. I think that is a legitimate question, and I should like clarification.



The PRESIDENT: The Mission went to Palau leaving itself sufficient time to carry out the normal procedures of observation and consultation before voting takes place, based on the experience of previous Missions. I do not think that that was cut short. In fact, by the time of the original date of the plebiscite, we had completed - as is indicated in the report - a very wide programme of observation and consultation. As is explained in the report, the plebiscite was, in fact, delayed for a week, and that gave us a little extra beneficial time to observe conditions in Palau. But we were also aware, in setting the date that we would arrive in the Territory, of the financial constraints on the United Nations and of the fact that a visiting mission does cost - whatever it is - \$70,000 a day - to remain in Palau. In view of the concern of us all that we should operate financial stringency we allowed ourselves the amount of time in Palau that we considered necessary to fulfil the mandate which had been set for us by the Trusteeship Council.

Mr. LEVCHENKO (Union of Soviet Socialist Republics) (interpretation from Russian): From your answer my delegation understands that, having received the sanction of the Trusteeship Council to start work on 17 June in Palau, the Mission that you led took a different decision, namely, to delay its departure and to arrive in Palau to start work, not on 17 June, but on 20 June. I do not think there were any consultations in the Trusteeship Council with the Mission giving it that mandate. I think it was an independent decision taken by the Mission, because - at least as far as the Soviet delegation is concerned, and we are a member of the Trusteeship Council - we were not informed in a timely manner that the Mission would not be able to begin work on the date specified in the Trusteeship Council's decision.

The Chairman of the Visiting Mission should have informed other members of the circumstances that prevented that decision from being implemented. If that was not

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done before the Mission took its decision and left, then it seems to the Soviet delegation that it would have been appropriate for the Visiting Mission's report at least to give a specific explanation for the delay in the start of the Mission's work: who took the decision to postpone the Mission's departure, who took the decision to extend the Mission's stay beyond the mandate fixed by the Trusteeship Council and about other matters as well.

For example, why was a decision taken to replace one of the members of the Mission by someone else? On whose behalf was that decision taken? The United Nations? This is highly unusual. Usually, a decision by the Trusteeship Council appoints the representatives of the four participating States and requires that candidatures be submitted; the Council then confirms them when they are forthcoming. That, I think, is what happened in this case.

In paragraph 3 of the Mission's report, there is a list of the designated members of the Mission. From that paragraph and the next, we see that some changes occurred, but we do not know the reasons for those changes. Paragraph 5 tells us that during this very crucial period a certain member of the Mission left - indeed, the Chairman of the Mission left - and a decision was taken to include somebody else. The report does not deal with that either. What about the transport costs - who paid for them? Who paid for the sudden departure of one member of the Mission and the additional transport costs of the other member who was brought in? And there are other questions.

This was not just a private trip: it was an official Mission of the United Nations Trusteeship Council with a mandate from the Council and with a definite composition. Naturally, the United Nations allocated a certain sum of money for the mission, and any increase in the sum allocated would place an additional burden on the United Nations, which is still in the throes of a financial crisis. You

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yourself, Sir, have just said that certain measures were taken in the light of the prevailing financial difficulties.

The Soviet delegation would like, if possible, to get some clarification from you, Sir, or from the financial office, as to who sanctioned all these changes that were not approved by the Trusteeship Council and who paid for the costs they entailed.

The PRESIDENT: I thank the representative of the Soviet Union for that very long question. The answer to most of it is that I, as President of the Trusteeship Council and Chairman of the Visiting Mission, took those decisions. The mandate for the mission was that it begin on or about 17 June, and, in fact, 17 June was the earliest practicable date that we could get together the Mission with the appropriate briefing and leave for Palau. That is what we did.

We had expected that the Mission would be of approximately two weeks' duration. I also have a number of other official responsibilities towards the United Nations personally and towards my Mission. Shortly after our arrival in Palau we discovered that the plebiscite had been postponed for a week and that it would be necessary for the Mission to remain, therefore, and to be away for approximately three weeks.

It was impossible for me personally to stay for that extra week, as I had commitments in New York and in London, and, in consultation with the Under-Secretary-General of the United Nations responsible for this area and other members of the delegation, I decided that I would have to leave. We selected an acting chairman of the Mission, and a further member of the Mission was brought from New York on the authority of the Under-Secretary-General. It would have been, in my view, quite impracticable at that time to ask to consult with the Trusteeship Council, which was not in session, as to how we should handle what was essentially a practical and administrative matter.

(The President)

So those are the answers to those questions. I find, however, that this line of questioning is not really very productive, and unless the representative of the Soviet Union has some questions which I consider to be of a more relevant and important nature as regards the report of the Visiting Mission, instead of minor arguments and point scoring on matters of administration and timing and submission of the report, I propose that we move on to take a decision on these two reports.

I would ask the representative of the Soviet Union if he would kindly make his remarks and questions more relevant to the general issues that are contained in the report.

Mr. LEVCHENKO (Union of Soviet Socialist Republics) (interpretation from Russian): From your answer, Sir, the Soviet delegation can draw the conclusion that you, as President of the Council, did not make the changes in due form in accordance with the Council's mandate, nor did you inform other members of the Council, particularly our delegation. That is quite sufficient. We understand that the decision to extend the Mission's stay was taken at the Under-Secretary-General level and that at that time the Trusteeship Council was not informed. Yes, that is an answer to our question. I would draw your attention, Sir, to the fact that we - the delegation -

The PRESIDENT: If the representative of the Soviet Union would yield for a moment, I would just like to correct that: I said that the decision to extend the stay of the Mission was taken by me as Chairman of the Visiting Mission and President of the Council. The additional financial implications of my leaving Palau and of another member of the British Mission coming to Palau were taken by the Under-Secretary-General responsible. He had control of the funds. I say this to correct what the representative of the Soviet Union has just said.

Mr. LEVCHENKO (Union of Soviet Socialist Republics) (interpretation from Russian): I fail to understand, Sir, why you needed to interrupt my statement to make that change; you could have done so at the end of my statement. The point, however, is unchanged. However, it is your privilege as President, and we will go along with it.

My delegation would just like to say that, that decision having been taken by you as President of the Council, members of the Council - and I am talking about our delegation in particular - were not officially informed about it. I say this for the record. The fact that the Under-Secretary-General decided the question with regard to the financial implications - well, that is part of his mandate, I am sure, and the Soviet delegation does not intend to go into that question. We are

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merely asking questions on paragraphs of the report you submitted to us about events that occurred. Having received an answer on this point, the Soviet delegation would like to move on to other paragraphs.

Paragraph 6 of the report reads, in part:

"Amendments to the Compact, agreed to it January 1986, are contained in the report of the United Nations Visiting Mission of February 1986." (T/1919, para. 6)

In reading that, I am unable to understand who agreed to those amendments to the Compact. We have had some difficulty in finding what was agreed to in January 1986. How were those amendments arrived at? I would like to have some clarification about that to facilitate our understanding of the matter.

The PRESIDENT: I regret that I do not have the report of the Visiting Mission of February 1986 before me, but I believe that any amendments to the Compact of Free Association agreed to in 1986 were made between the Government of Palau and the Administering Authority and are not matters which I consider to be relevant to the activities or the mandate of this Visiting Mission.

Mr. LEVCHENKO (Union of Soviet Socialist Republics) (interpretation from Russian): Well, since this refers to the situation in the Trust Territory, the Soviet delegation believes that those amendments are directly related. In the report submitted by the Visiting Mission there is mention of the amendments, but it does not talk about the substance. You said you did not understand about that either, and we would like an answer. But if it is not possible, we take note of the answer you did give.

Now, I should like to move on to paragraph 7 of the Mission's report -

The PRESIDENT: I should first like to comment on the point we have just considered and make an observation. We included this paragraph in the report because it is not, I understand, the practice always to give in great detail the

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past history contained in United Nations reports, and we thought it would be useful and helpful to readers who wished to know what was contained in the Compact of Free Association to refer them to the relevant documents that are in the archives and that are available as publications or in the files of the Trusteeship Council. That is why we put in those references. I believe that means that if the Soviet delegation wishes to find out what those amendments are, it can refer to those documents. I am afraid that I do not have all the details of the Compact of Free Association or the amendments and extended negotiations there have been on the Compact with United States authorities over the years. I do not carry such details in my head.

Mr. LEVCHENKO (Union of Soviet Socialist Republics) (interpretation from Russian): I understand that you have not deprived me of the right to speak; the microphone is still on. A new method of glasnost is obviously in operation. This is a dialogue, but without switching microphones, as it were.

Now, paragraph 8 of the report says that a decision was taken by the Supreme Court of Palau on 21 June and that the Court ruled that the use of service stations by absentee voters in delivering their ballots to a representative of the Referendum Commissioner outside Palau was illegal. A question comes to the mind of the Soviet delegation: Did the United Nations Secretariat know, or did the Visiting Mission or perhaps the Chairman of the Visiting Mission, with his continuing support of and contact with the President of the Republic of Palau, know that the Supreme Court was dealing with questions of constitutionality as regards this question? And did they know that, consequently, if a decision was taken that it was unconstitutional and that therefore the date of the referendum would be moved, there would be a question as to whether it would be held or not? Did the Mission know about this before it left United Nations Headquarters?

The PRESIDENT: The answer to that question is, No, we did not know that the Palau Supreme Court would declare that the arrangements for the use of absentee voters would be declared illegal. That piece of news came to us after we had arrived in Palau.

Mr. LEVCHENKO (Union of Soviet Socialist Republics) (interpretation from Russian): I should like to say, "Of course, you did not know." Well, you did not know what the decision of the Supreme Court would be, of course, but the question of the Soviet delegation was: Did the Secretariat know? Did the Administering Authority know? Did you, as President of the Trusteeship Council, know that a very delicate question was involved and that the Supreme Court was considering it and could take a decision either way? Did you know which way the ruling would go? Did you know that this claim of illegality was being considered by the Supreme Court of Palau before the Mission was dispatched? Did you know it was considering this case?

This is a very important point. If you knew about it, then there is one question: If you did not know about it, then things appear in a different light.



The PRESIDENT: The representative of the Soviet Union asks if I knew which way the decision would go - that is what I heard him say, in part of his question. The answer is that in democratic countries, unfortunately or fortunately, we do not know which way court decisions will go before they are actually announced.

The fact is that the process of holding referendums and much of the political activity in Palau are subject to an extremely democratic system of court action. I believe we did know - we have always known - that there have been possibilities that almost everything the Government of Palau attempts to do, the opposition will try to challenge through the courts. But the fact was that it was our best expectation that the referendum would go ahead on the prescribed date. There is always a possibility that there will, in a democratic society, be a challenge and that something may not take place. But, as it takes several days to get to Palau and we considered it necessary to be there for some days beforehand to observe the political-education campaign, to observe the arrangements, we decided that we must go ahead on the understanding that the referendum would take place on the day that the President and Government of Palau had appointed for it. It came, I will admit, as an unwelcome surprise to us when we discovered that the challenge in the courts had been upheld and that the referendum would be delayed for a week.

Mr. LEVCHENKO (Union of Soviet Socialist Republics) (interpretation from Russian): Once again, unfortunately, I must say that apparently either I did not correctly formulate my question - in which case I shall assume the blame - or there may have been a problem in the interpretation. The question is very simple: Did the Visiting Mission know and did you, Mr. President, personally know, or did the Administering Authority inform you, that this question was very sensitive in Palau? The Supreme Court was considering such a suit with regard to the legality

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of the various activities going on there before the Mission left New York for Palau. The question is very simple, therefore: Did you or did you know know? I have never had any doubt with regard to the fact that the decision of the Supreme Court could have gone one way or the other. That is natural.

The PRESIDENT: I think I can only answer that by saying that we have always known that there would be a possibility, as there is in any democratic society, of a challenge in the Supreme Court about anything that a Government wishes to do or plans to do.

Mr. LEVCHENKO (Union of Soviet Socialist Republics) (interpretation from Russian): That answer is somewhat closer to the question we asked, and the Soviet delegation will draw its conclusions from that answer. If we are in error, you can correct us. Before its departure from New York the Trusteeship Council Visiting Mission did not know that the Supreme Court was considering the question of the legality of the use of service stations by absentee voters in delivering ballots to a representative of the Referendum Commissioner outside Palau. I state that simply for the record.

I should now like to turn to the following paragraph of the report. Paragraph 9 states that while in Palau the Mission carried out an extensive programme of visits and meetings throughout the islands. From annex IX we can see a list of meetings carried out by the Mission under your leadership, making use, as we understand it, of that extra time the Mission gave itself in order to garner more valuable first-hand information, as the report states. Could you, Sir, kindly inform us what that valuable first-hand information was that the Mission received, and could we not have it also included in the report? It seems to us that would be an extremely important part of the report, and if valuable first-hand information was received by the Mission it is natural, in the view of the Soviet delegation, that it should be duly reflected in the Mission's report and in its conclusions.

The PRESIDENT: I believe that when we refer to the first-hand information we obtained it was information about the atmosphere in which the referendum took place, the prevailing political views. And they are, in fact, reflected in the following chapter - to which I hope we can now move on quickly - on the political campaign.

In particular, we got an insight into the sort of issues which were of interest to the Palauan voters and of their concerns, and they are contained in paragraphs 18 and 19 of the report. I think they are covered there at sufficient length and in sufficient detail. We did not feel it necessary to give further information.

Mr. LEVCHENKO (Union of Soviet Socialist Republics) (interpretation from Russian): If it concerns only the information contained in the report, then the matter is clear.

In that same paragraph of the Visiting Mission's report it is stated that the members of the Mission also had private meetings with members of the Government and the Legislature, as well as with Governors, Chiefs and other leaders in Palau. The Soviet delegation has two questions in that connection. First, were those private meetings held by members of the Visiting Mission in their capacity as members of the United Nations Mission or in their capacity as representatives of States? Secondly, why are they called "private"? After all, the Trusteeship Council has entrusted the members of the Mission to carry out certain functions, meetings both private and non-private. How is the difference made within the Mission on those lines? What kinds of questions are discussed at private meetings and what kinds of questions are discussed at ordinary meetings?

Another question: Were those meetings with representatives that supported change in the Compact or the Constitution as well as with those opposed to the Compact? Did members of the Mission meet in private or official meetings with

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representatives of those who had recently been "furloughed" from their jobs, according to the reports of petitioners, or with those who were threatening the lives of other Palauans who were opposed to the Compact and to changes in the Constitution? What were the impressions members of the Mission gained from those private meetings with members of the Government and other leaders and Chiefs of Palau listed in paragraph 9?

The PRESIDENT: I believe there are a lot of questions there. The answer is that members of the Mission met both in public and in private as members of the United Nations Visiting Mission and not in their national capacities. The difference between public and private meetings is I think a distinction that is generally well known and well accepted. We held public meetings to which anyone was invited to come; we excluded no one. The private meetings were ones in which groups of people had asked to see us and wished to discuss things not in the company of others or they were people that we had sought out that we thought it would be useful for us to talk to. In particular, they were those who were opposed to the Compact of Free Association and those, in fact, who were opponents of the referendum. On the private occasions we were perhaps able to discuss rather more freely and openly and intimately than was possible at public meetings. We saw both supporters of the Compact and a number of people who were opposed to the Compact.

As to the impressions of the Visiting Mission, they are in fact given briefly in chapter VI. One of the things that we found quite remarkable was that many of the concerns expressed here by the Soviet delegation about attempts by the Administering Authority to exploit the Trust Territory, to write provisions into the Constitution or into the Compact to enable the Administering Authority to turn Palau into a nuclear base, concern about the nuclear issue - as we make clear in the report - were not reflected at all in the private meetings or in the public meetings that we held.

I think it would be wrong of me here now to discuss in detail what some of the people who were opposed to the Compact and opposed to the referendum said to us, but I recall one meeting in particular with someone who was a vehement opponent of the Compact, and only after we had talked to him for just over an hour, and only at my prompting, did he mention the nuclear issue as being one of the reasons that he was opposed to the Compact.

(The President)

Another of our impressions was that Palau is a highly sophisticated and well developed political entity. They may be small and distant islands, but I can assure the delegation of the Soviet Union that they are a very sophisticated political people. Much of the argument about their future that takes place is not concerned with the issues that we discuss here. They are concerned with political rivalries and local political power and, to a large extent, with money.

So I think that we were able, through these meetings, both public and private, and in the talks we had with people on the islands, to get a very clear idea of what their concerns were and, as we said elsewhere in the report, they seemed to have a very clear idea of what was involved in the Compact and what they were being asked to vote on. One of the points I made - and I know the Administering Authority has made it many times to the people of Palau - is that they have been free to decide their own future, and at every meeting I said to them, "Your future choice is yours. You can be independent; you can be your own country; you can be associated with another country. That country can be the United States, it could be the Soviet Union or it could be Australia." But the fact is, they chose not to have a compact of free association with any other country and it was the United States with which they all accepted that their future was tied.

Those are some of our impressions. We thought that this would be too lengthy and perhaps too burdensome, and perhaps even appear to some members of the Council to go beyond our mandate, but since the Soviet representative was good enough to ask me for our impressions from those public meetings, I have been very happy to give them.

Mr. LEVCHENKO (Union of Soviet Socialist Republics) (interpretation from Russian): Thank you for that clarification of the subjects on which members of the Mission had meetings with members of the Government and the Legislature, Governors,

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chiefs and so on. In answering the question, Sir, you ascribe to me something about which I was not asking. I have never today referred to the nuclear situation with regard to the Constitution or opposition to it, or to the plans of the United States to build a base in Palau. I do not think I have mentioned that today at all. We are examining the paragraphs of the report of the Visiting Mission, and the questions which arise for the Soviet delegation have to do with the specific content of the report. I cannot therefore agree with the intentions you ascribe to me in your answer to our questions.

The Soviet delegation merely wanted to know the subjects of those private talks, the impressions the members of the Mission got from those talks and whether the members of the Council might not also have information as to what took place during those private meetings. You, Sir, have given a partial answer.

You also referred to chapter VI of the report of the Visiting Mission, entitled "The Political Campaign", and you said that answers to our questions about what was discussed at the private meetings of the Mission were given there. However, while you were speaking I once again carefully read through chapter VI of the report, which deals with a totally different question. That chapter speaks of the results of the plebiscite, the billboards and slogans - in short, the political campaign. It mentions the content of public laws, the facilities involved, and so on.

The Soviet delegation has not yet had an answer to its question. We are naturally interested to know the topics of those private meetings. However, we thank you for your answer and clarifications as to what the Mission did in those private meetings.

In paragraph 12 of its report the Visiting Mission limited itself to stating that a list of communications on the conduct of the plebiscite - the subject with

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which the Mission was directly involved in Palau according to its mandate from the Trusteeship Council - received by the Mission was listed in the annex. Well, the Soviet delegation is of the opinion that, if the communications dealt with the holding of or conduct of the plebiscite with which the Mission was involved, then the readers should not be merely informed of the fact that those communications were received but should also be told from whom they were received. It would also be logical to say what they contained - protests, support for the plebiscite, whatever they may have contained - perhaps even suggestions.

The Soviet delegation proposed that those communications be published as an official document. Unfortunately, the Council's decision was negative and it is the understanding of the Soviet delegation that those communications were not given due attention by the Mission since it considered it unnecessary to publish their content and that the Trusteeship Council is not uninterested in the substance of those communications and had not considered them and will not take any decision on them. That is indeed very sad. However, that is how things are. The Soviet delegation therefore cannot take any further steps.

I should now like to turn to my next question -

The PRESIDENT: Perhaps I could comment on that observation about the written communications we received. The Soviet representative has suggested that we were not interested in the subject of those communications. That is quite wrong. In fact, we did read them very carefully. We considered them very carefully and, as part of that consideration, we decided that they should be available to members of the Council. That is why in our report we have listed them, we have said whom they are from, and we have made sure that they are available to members of the Trusteeship Council in the files of the Secretariat. They can be consulted there.



Mr. LEVCHENKO (Union of Soviet Socialist Republics) (interpretation from Russian): I take note of your explanation, Mr. President, but unfortunately cannot agree with you. In black and white, the report states that the communications concerned "the conduct of the plebiscite", not other matters beyond the purview of the Visiting Mission.

This document is erroneously entitled "Report of the United Nations Visiting Mission"; it should rather be called the "Report of the Trusteeship Council Visiting Mission", for it was the Trusteeship Council that dispatched the Visiting Mission to observe the plebiscite in Palau, Trust Territory of the Pacific Islands.

I repeat: you yourself, Sir, as Chairman of the Visiting Mission, wrote in paragraph 12 of the report that the communications concerned the conduct of the plebiscite. As that plebiscite was the subject of the Mission, the Trusteeship Council should examine, discuss and perhaps even take decisions on those communications, since it would appear that views concerning the conduct of the plebiscite are expressed in them.

If the Mission took those views into consideration when preparing its report and, most important, when fulfilling the mandate entrusted to it by the Trusteeship Council, the report should say so. If that were the case, we should be satisfied, but it would plainly be regrettable if the Mission did not take those views into consideration.

The Soviet delegation will certainly discuss some of these communications, both to draw attention to them and to state our views on them.

Before I go on, I wonder if the President has any comments on what I have just said.

The PRESIDENT: My only further comment on these communications is that, of course, we took them very much into consideration. Indeed, some of the private meetings we held in Palau were with the people who wrote those letters, and we discussed the contents of them at that time. We are here following the normal practice of the Trusteeship Council over many, many years, of publishing certain documents and leaving others available in the files of the Secretariat for those who wish to consult them. There has been absolutely no intention to withhold any information we considered relevant or important to our report - and in fact this has not happened.

Mr. SMITH (United Kingdom): My delegation has listened with great patience to the lengthy and detailed remarks of the representative of the Soviet Union. But having listened carefully we must confess to being somewhat confused. He spoke at great length, in the guise of asking questions, about the duties of the Mission; he has shown great interest in the activities of the Mission - what it should do, what it should not do, what kind of communications it should have heard, what it should have done with the communications, and so on. Yet my delegation has noted that over the years the representative of the Soviet Union himself has virtually never shown any willingness to participate in such missions. Before he goes on about what the missions should do or should not do, perhaps he should make the effort and take the time to go and see for himself what it is like, what the work of a mission is, what the responsibilities are, what the tasks are, and so on. Perhaps then he would have fewer questions to put to the Council and perhaps we could get through our work more quickly and more efficiently.

He has also shown considerable interest in the mandate of the Mission and has shown himself very concerned that the Mission should have been fulfilling its mandate. First, he seems not exactly to have read that mandate carefully and not

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to have read some of its details, but more important he seems also to have forgotten that his delegation voted against that mandate. Does that mean that the Soviet delegation has reconsidered its position and perhaps will now agree in future, if there are future missions, to go with the mission? Does that mean that the Soviet delegation is now in favour of the mandate which was given to the Visiting Missions?

Mr. LEVCHENKO (Union of Soviet Socialist Republics) (interpretation from Russian): Before expediting our work by moving on to the next chapter of the report on which the Soviet delegation wishes to make comments or ask questions, my delegation cannot fail to respond to the statement just made by the representative of the United Kingdom, who first tried to ascribe to the Soviet delegation things it does not have in mind and things it did not say. We are discussing the report of the Visiting Mission. The Soviet delegation is a full-fledged member of the Trusteeship Council, irrespective of whether or not it participated in the Visiting Mission, irrespective of whether or not it voted in favour of the decision to dispatch the Visiting Mission, and it has a legitimate legal right to take an active part in deciding on the fate of the Micronesian people. It is only natural that my delegation should state its views and make comments on the report submitted by the Mission to the Trusteeship Council. No member of the Council can be deprived of this right.

I think it would be appropriate for you, Sir, to clarify this point for the representative of the United Kingdom, if it is not already clear to him.

The PRESIDENT: I am happy to clarify that; we are all well aware - and particularly over the past couple of days - that the Soviet Union is a fully-fledged member of the Trusteeship Council. I should like to continue with the discussion of the report, if we may.

Mr. LEVCHENKO (Union of Soviet Socialist Republics) (interpretation from Russian): In response to the remarks of the representative of the United Kingdom, the Soviet delegation must note that it was once decided to send a high-ranking representative - who was a professor and a specialist in the historical sciences - as a member of a mission. We exercised that right in order to see whether our delegation, which is in the minority in this Council, could have an effect on the results of the Visiting Mission and on the quality of its report. What did we get? As we have said several times, the results were lamentable; the Mission was unbalanced; decisions were taken against the representative of the Soviet Union; his views were not taken into account in the report submitted by the Mission to the Trusteeship Council.

Thus, the matter is a simple one: When the Council discusses the report of a Visiting Mission, the Soviet delegation can express its views or objections concerning any of its contents, and since that time my delegation has been exercising that right.

That concludes my response to the representative of the United Kingdom.

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The Soviet delegation would like now to turn to chapter V of the report, which concerns the political education programme and which states:

"The Trusteeship Council has consistently recommended that the Administering Authority and the various elected Governments in the Trust Territory should carry out effective programmes of political education to ensure that the people of the Trust Territory are fully aware of the options available to them, thus enabling them to exercise their right to self-determination" (T/1919, para. 14) -

and here the words "or independence" ought to have been inserted, in keeping with the wording of the Charter. That statement is a positive one. One questions whether the people of Palau did in fact have the choice recommended by the Trusteeship Council, as reflected by the Mission in its report. Were the options available to the people of Palau when they voted on the Compact in the June referendum?

Can you, Sir, or another member of the Mission answer that question?

The PRESIDENT: The representative of the Soviet Union has said that he would like to have seen the word "independence" included along with "self-determination", in accordance with the Charter. My understanding is that self-determination automatically includes independence. This in fact is one of the options that the people of the Trust Territory have been offered over the years.

During our visit we came to realize, as in fact we had realized before, that the question of the future of the Trust Territory has been a matter of discussion both here and in the Territory for many decades, and particularly in recent years. Gradually the choice has narrowed down in terms of what they regard as viable options. In this referendum all the choices they had considered before and rejected - such as, for example, independence - were not on the ballot paper,

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because this was a referendum on a specific question about the proposal in the Compact of Free Association. It was not a referendum on a much wider question because the people of Palau, through previous years of political consultation, referendums, and discussion with the Administering Authority and indeed with this Council, had taken a decision that independence was not in fact a viable option for them and was a course the majority did not want to take.

Thus, the answer is that the question they were being asked to vote on was a rather specific one.

Mr. LEVCHENKO (Union of Soviet Socialist Republics) (interpretation from Russian): I thank you, Sir, for your reply and clarification that it is your understanding that where paragraph 14 of the report reads "their right to self-determination" it means "independence", in accordance with the Charter. That is a major point, for in your 20 June speech in Palau you quoted aptly from the Charter and used precisely the phrase "self-government or independence". We are happy therefore to hear from you that this is the meaning of paragraph 14.

As to the question whether the people of Palau were given a choice between the Compact and independence, I think the report sidesteps the issue by making no reference to it. A reader who knows the situation will be able to see the question that was put to the vote, but nothing is said in the report, specifically in paragraph 14, to indicate that they had the option of voting in favour of adoption of the Compact or for independence or some other status. But if you find it difficult to answer my question, Sir, I shall not insist on further clarification.

The PRESIDENT: I do not find it difficult to answer your question, and I shall do it now again. The answer is that the people of Palau have had many choices before them, and one of those choices has been independence. As I said earlier, I told them that. They could have had free association or incorporation with the Soviet Union if they had wanted to. But that is not what they chose, and

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in the process of many years they have come to realize that complete independence is not a viable option for them. It was very apparent to us in all our meetings that the people of Palau realized that they were too small and too weak economically to be able to cope in this difficult world as an independent nation. That is why they sought a benevolent country to be associated with.

Most of the argument and most of the interest are in fact about money, and how much Palau will receive in benefit from the Compact of Free Association. Most of the opponents of the Compact, we discovered through our discussions, only opposed the Compact because they reckoned that under their leadership they would be able to get a better deal - in other words, more money - from the United States. We did not find anyone that I recall in our discussions and meetings who advocated or wished that Palau should be an independent country; they simply wanted a different type of Compact, and the main difference was that they hoped or thought they could get more money from the United States.

Thus, the choice of independence had already been rejected over the years by the people of Palau in favour of a relationship with the United States.

Mr. LEVCHENKO (Union of Soviet Socialist Republics) (interpretation from Russian): Before I move on to my next question, I should just like to clarify, Sir, that your answer was that during the June plebiscite the electorate had no options before it. You noted that at some point there had been an alternative but that this was a long time ago. But life goes on and develops, and political thinking, specifically for the people of the Trust Territory, also evolves and develops. The view expressed five or seven years ago is not necessarily the prevailing view today. People change their views more often than Missions come to visit.

To move on to my next question -

The PRESIDENT: Permit me to interrupt to make one final comment on that. I think it is the experience in all countries that as time moves on and societies develop not every question regarding possible futures is on the ballot paper. I imagine that on ballot papers in the Soviet Union voters are not invited to vote as to whether they would like to return to the times of Czarist Russia.



Mr. LEVCHENKO (Union of Soviet Socialist Republics) (interpretation from Russian): Not only did you interrupt me, Sir, but you attacked my delegation on a question that had not even been raised. If the discussion of the report of the Visiting Mission is to go on in this way, the benefit to the people of Micronesia, specifically the people of Palau, will be very meagre indeed. The Soviet delegation could mention many facts from the history of your country, Sir, and others as well, but we do not think those facts are on the agenda of this Council.

For the third time, therefore, I request that I be permitted to continue consideration of the report of the Visiting Mission.

The PRESIDENT: I invite the representative of the Soviet Union to continue.

Mr. LEVCHENKO (Union of Soviet Socialist Republics) (interpretation from Russian): I am very touched, Sir, at your having invited me to continue, and I hope you will not interrupt me this time.

In chapter V of the report of the Visiting Mission mention is made of accusations that the Political Education Committee had used its position to argue in favour of the Compact (para. 15). This gives rise to a number of questions. Did the Mission receive letters or petitions specifically making these accusations? Did the Political Education Committee itself inform the Mission that it had received such communications? Was it the President of the Republic of Palau? To whom, then, were these accusations addressed?

Secondly, what was the nature of these accusations? How did the Mission view the accusations? Did it examine every one, or one out of 10 or 20 or two? What was the result of the investigation? Did the entire Mission consider the accusations, or did a single member do so? How did the Mission go about its work in this regard? Were all the accusations without foundation, or was there some truth in them? Who, specifically, was accusing whom?

The PRESIDENT: As we said in the report, these were accusations "in the past", and my recollection is that they had come from people who had petitioned us here in the Trusteeship Council and in some of the written petitions we had received. We were aware of the fact that where a Government has an organization for political education it is always susceptible to accusations that it might be using its position to persuade people to adopt one course or another. That was the reason we thought this was something we should look into very carefully. We wanted to be satisfied that the people of Palau really understood what it was they were being asked to vote about and what the possibilities were for their future.

Clearly, in all this, in a country that does not have a tradition of written material, what the team from the political education programme said to the voters was in our view most important. That was why we met four of the five members of the Political Education Committee and went to one of their meetings. At our public meetings we always asked people whether they felt the education campaign had been fair and unbiased and had simply been based on what the Compact was about, not attempting to persuade them to vote one way or the other.

I would say that everyone we talked to unanimously said that the political education campaign had been conducted fairly, and that it was purely factual and unbiased. Therefore, we did not find that there were any specific accusations we had to follow up; if there had been we would have followed them up, but there were none. The political education campaign, both from supporters and opponents of the Compact - and one or two members of the Political Education Committee were in fact themselves opposed to the Compact, or had been open opponents of the Compact before they took up their jobs on the Committee - agreed: they gave in their education programme a totally unbiased and factual account of what the issues were.

Mr. LEVCHENKO (Union of Soviet Socialist Republics) (interpretation from Russian): I thank you, Sir, for your clarification of this part of the report, which confirmed that the Mission met with four of the five members of the Political Education Committee. But did the Mission meet with Palauans who had made the accusations? Apart from the written accusations - if indeed there were any - there may have been oral accusations: did you speak with the accusers? Did you discuss their problems and try to understand the work of the Political Education Committee better?

The PRESIDENT: Yes, we did; the names of the people we met are contained in annex IX of the report.

Mr. LEVCHENKO (Union of Soviet Socialist Republics) (interpretation from Russian): That fact is missing from the report, but your confirmation is quite sufficient, Sir.

Turning to the next chapter, we read in paragraph 18:

"The Mission noted that Palau's Public Law 2-27 providing for the referendum contained a provision for government employees to be given arrears of pay within 30 days of approval of the Compact. The Mission considers this to be an unusual feature of such a Law." (T/1919, para. 18)

That is a very moderate assessment of the situation. On the basis of the many petitions the Council has considered and on the basis of the information provided in oral petitions, my delegation has a clearer view: that provision of the law must be viewed as pressure upon employees who were fired after the Compact was rejected. They are now being told in no uncertain terms that if the Compact is adopted they will be repaid all their salary for the months they did not work, and that they should therefore ensure that the Compact is adopted. If that is truly the situation, the Mission might have made a clearer evaluation of that provision. Moreover, if you, Sir, agree with that assessment, you could reaffirm it here.

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I come now to my second point. I do not understand how the local authorities, having fired 900 persons, can say that they did not have any money to pay their salaries. How is that possible? After two or three months these people were told that if the Compact were adopted tomorrow, they would be paid.

I have a question in this regard - perhaps it should be addressed not to you, Mr. President, but to the representative of the Administering Authority. How did this money suddenly become available to the Administering Authority, so that it could not merely give the people their jobs back but pay the arrears for the period when these people had been forced out of their jobs? Where did the money come from? The Administering Authority itself said that it did not have the funds. We know that at one meeting we were told by the Administering Authority that there had been overspending on the part of the local authorities, to whom money had been given.

I know that this is a sensitive issue that I am raising. I repeat that I am not addressing my question specifically to you, Mr. President. Perhaps either you or the representative of the Administering Authority could answer. That would help us to understand the situation in Palau when the referendum took place.

The PRESIDENT: I agree that this did seem to be an unusual provision. That is why I myself actually inserted those words into the report.

I am afraid that here we begin to become involved in the very intricate world of Palauan politics. I am not sure to what extent the domestic politics of an internally self-governing Territory is really the concern of the Trusteeship Council, as we try to bring these Territories to self-determination.

But, if I may, I shall let the Council into one of the confidences that I had in a private meeting with President Salii, when I took up this issue with him. I said, "You know, this looks as though you are trying to bribe people to vote for

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the Compact". His answer was: "Well, I agree that it does. But do you know that this provision of back pay was inserted at the insistence of the opponents of the Compact?". He gave me an explanation as to why that was: those who opposed the Compact - who, I think, were seeking their own political future - would be able to say, if the Compact did pass, that the really good bit about it, the back pay, was there not because the ruling party or the President had asked for it, but because we, the opposition, wanted it. I think that that is the explanation. It may seem to be a curious one, but I think that in some ways political systems in other countries could learn something in terms of political skill and intricacy from the way things happen in Palau.

The Soviet representative asked how it was that the local authorities were suddenly going to be able to pay salaries in future when they said now that there was no money in the kitty to pay anyone and they were laying people off. I am subject here to correction by the Administering Authority, but I believe that the Government of Palau was confident that if the Compact was agreed this would assure the rest of the international community that the political and economic future of Palau was ensured. The funds that would later come from the Compact of Free Association would not be available to pay their salaries, but the President was confident that, with an assured political future through a Compact of Free Association with the United States, the authorities in Palau would be able to borrow the money to pay those salaries and to make good a number of the deficiencies in the things that we have heard mentioned here, like hospitals and the power supply, which had come to an end simply because there was no money to pay for them.

Miss BYRNE (United States of America): I should like to amplify on this technical point.

(Miss Byrne, United States)

Nobody was ever laid off or fired. No employee was let go. The Government of Palau did overspend and find itself with not quite so much money available as it needed to pay the government employees in full. So, for a period, they were paid for 32 hours a week although they worked 40 hours. The arrears mentioned here are for the period when they were given less money than due - that is, they were then paid for the eight hours a week.

Now, the reason the payment was possible was that automatically under the Compact there is economic assistance. That is to say, the Compact has set figures in it for each entity. That is, for the Marshalls, the Federated States of Micronesia - in this case Palau - there is a figure for assistance over a long period. The moment the Compact was adopted and all the other legal procedures were accomplished, that money became available to the Government of Palau.

So they had one form of assistance before the Compact. They overspent. They were in some straits for a period. Under the Compact they have new, assured funding - greater funding and over a longer period of time.

Mr. LEVCHENKO (Union of Soviet Socialist Republics) (interpretation from Russian): The Soviet delegation is grateful to you, Mr. President, and the representative of the Administering Authority for introducing some clarity into paragraph 18 of the report. Perhaps now or later the representative of the Administering Authority could supplement her statement with an answer to the question whether the local authorities discussed with the representatives of the Administering Authority the existing financial provisions and the fact that they intended to give retroactive pay to those employees who had been dismissed. Did the Administering Authority say, "Yes, you will have this money and then you can pay up"? Or was this an action completely taken by the local authorities?

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Having said that, I should like to turn to the next question.

In paragraph 17 of the report it is stated that this was the fifth plebiscite on the Compact and that the Mission had arrived at the unanimous opinion that they found a certain weariness among the electorate at being asked over and over to give their views on this question. The Soviet delegation shares that view expressed in this paragraph of the report. We have also stated that there was no need to keep on having plebiscites on one and the same Compact. The opinion was expressed that other measures should be taken, in particular those relating to the conditions of the Compact but that is a matter for the Administering Authority and the local authorities. We merely wanted to note the correctness of that statement. However, that statement does not give the reasons for the need to hold a fifth plebiscite on that issue. The Soviet delegation would be grateful if someone from the Mission could answer that question. If no one can answer that question, then we are ready to turn to the next question.

The PRESIDENT: I think that the question is answered in chapter III, paragraphs 7 and 8.

Mr. LEVCHENKO (Union of Soviet Socialist Republics) (interpretation from Russian): I wish to thank the President for drawing my attention to that.

To speed up the consideration of the Visiting Mission's report, the Soviet delegation will now turn to paragraph 19 of the report. This paragraph deals, inter alia, with the compulsory purchase of land for military purposes. Could the members of the Mission, or perhaps you, Mr. President, explain what specifically is referred to here, how many requests or complaints were made, and what specific land purchases for military purposes are referred to in that statement? Does this refer to purchases by the Administering Authority or by countries of other regions or of

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that region? It seems to me that clarification of this issue by you, Mr. President, or by the members of the Mission would improve the report.

The PRESIDENT: I believe that in this case these questions, which really concern the details of the Compact of Free Association, are more properly addressed to the Administering Authority. But my understanding is that, should the United States at some future date need to implement the defence provisions of the Compact, it would have the right to purchase certain property in order to exercise those defence responsibilities. But it was pointed out to us by the supporters of the Compact that, in fact, the United States has infinitely more military rights in Palau at present under the trusteeship than it will have in the future under the Compact of Free Association and that, in fact, through the Compact the United States will lose, and not gain, defence facilities should it ever need to use them. Everyone hopes - and I know the United States hopes and prays - that it will never need to exercise the defence responsibilities that it is assuming on behalf of the people of Palau.

Mr. LEVCHENKO (Union of Soviet Socialist Republics) (interpretation from Russian): I too thought that the representative of the Administering Authority would be in a better position to respond than the Chairman of the Mission. I thought that the Administering Authority might give this matter some attention and that the Soviet delegation would receive a reply. Could we receive an answer to this question - in addition to what you, Mr. President, have said - from the representative of the Administering Authority?

The PRESIDENT: That, Sir, is up to the Administering Authority, although I believe that a detailed answer to your question can be obtained by examining the details of the Compact of Free Association.



Mr. LEVCHENKO (Union of Soviet Socialist Republics) (interpretation from Russian): In order not to put the delegation of the Administering Authority in a difficult situation, I would suggest that perhaps it could prepare an answer to those two questions from the Soviet delegation during the lunch period. After lunch, we could begin with the answers to those questions, Mr. President, if you want to speed up our work.

Miss BYRNE (United States of America): Mr. President, I wish to state that your explanation of the situation was accurate. I would further add that this reference to compulsory purchase of land for military purposes would apparently relate to the contingency rights of eminent domain included in the Compact of Free Association negotiated between the Government of Palau and the Government of the United States. That is a contingency right of eminent domain: that is, in case of need the United States Government would be enabled to purchase land. As the President stated, however, that right is vastly less than under the current trusteeship. I should also like to state that, as I said in my statement yesterday in response to the oral and written petitions:

"My delegation would like to note once again that the United States has no intention to place nuclear weapons in Palau nor to undertake any military construction there." (T/PV.1645, p. 52)

And then I went on to discuss the nuclear provisions.

But as concerns the contingency right of eminent domain, the United States has no intention of undertaking any military construction there.

Mr. LEVCHENKO (Union of Soviet Socialist Republics) (interpretation from Russian): We are grateful to the representative of the United States for giving additional information, but specifically the question there is one of compulsory - I repeat, compulsory - purchase of land for military purposes. That is why my

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delegation asked how many such complaints there were, to whom and by whom they were sent, and what decision by the Administering Authority or by the Trusteeship Council could be taken on this matter. Is there any additional information on this question? Does the representative of the Administering Authority or do members of the Mission have any additional information? If so, we would be very grateful.

The PRESIDENT: As far as I recall, we received no written communications on the subject, but it was mentioned, as we have outlined in the report, as one of the concerns at public meetings. Although some individuals feared they might lose part of their land - and this has certainly been played up by the opponents of the Compact - I think it was generally accepted by the people to whom we spoke that if the United States was asked to assume defence responsibilities for Palau, it was reasonable to assume that, if it needed in the future to do anything militarily, it would need some land on which to do it and that it was an accepted principle in all countries that Governments have the right to take certain pieces of land for military or other purposes.

Mr. LEVCHENKO (Union of Soviet Socialist Republics) (interpretation from Russian): Wishing to accelerate discussion of the matter, the Soviet delegation has two questions on paragraph 33 of the Conclusions in the report of the Mission. In particular, the Mission notes here that the counting and tabulation of votes was conducted in a fair and professional manner. The Soviet delegation has never expressed any distrust in this regard, but the paragraph goes on to say that during the course of that process some irregularities were discovered and were settled to the satisfaction of all concerned.

Could you, Sir - or, since you were not there at the time, perhaps some other member of the Mission or your deputy - explain what this is about, how many such irregularities were discovered, and how they were settled? This would add further information to that provision in the report and make it more substantive.

The PRESIDENT: As I say, these were minor irregularities that were corrected immediately. Perhaps I could just give members one example: I think that when voters were in the voting booths no one else could be within a certain distance of them, and it appeared sometimes that in an eagerness to vote the next

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person was getting a bit too close to the polling booth and had to be asked to take half a pace backwards. They were irregularities of that nature, but we do not believe that they affected in any way the outcome of the poll.

Mr. LEVCHENKO (Union of Soviet Socialist Republics) (interpretation from Russian): In one of the petitions which we studied - perhaps it was an oral petition or one of those which are listed as addendums - it is stated that there were no locks on some ballot boxes, despite their being required by law. What is more important, on other ballot boxes, as was stated in the petition, there were locks which did not secure anything: the ballot boxes were in fact open. Thus, the petitioners believe, was a serious violation.

That is why I wanted clarification from you, Sir, as to what kind of irregularities there were. If there were no such irregularities, then the petitioners were wrong. Did the Mission hear any such accusations?

The PRESIDENT: It is my understanding, having consulted quickly with the Secretary of the Council - who of course was present on this Mission - that these accusations or suggestions by petitioners that there was something underhand in regard to the ballot boxes were incorrect.

I believe on one occasion the election-return officer put the keys to the ballot box through the slot and the box had to be opened by forcing the padlock off the box; some of the boxes had two locks, one inside and one outside, and sometimes in the enthusiasm to get the box back the inside lock had perhaps not been closed. But in every case the examination of these minor irregularities was conducted in the presence of both supporters and opponents of the Compact - as they were at the polling stations - and they were resolved to the full satisfaction of both sides. It was the view of the Visiting Mission that these were only minor human failures and that they were not in any sense an attempt to interfere with the ballots that were inside the boxes.

Mr. LEVCHENKO (Union of Soviet Socialist Republics) (interpretation from Russian): That is a very substantive addition and it reaffirms that these irregularities were not only insignificant but not substantive. Now, when the locks were hanging there they did not close anything, and anyone who was interested in doing so, or wanted to, could then have opened the ballot box, put inside new ballots, removed others, and so forth. Fortunately, the Mission noticed this and settled the matter.

In the next paragraph it states that there were also some accusations of malpractice - what kind is not clear. However, those allegations were not substantiated to the Mission.

To round out the report, particularly as this is found in the most important part of the report - Chapter X, "Conclusions" - doubtless it would be logical to say what kinds of accusations of malpractice these were, who made them and what is being discussed here, in fact. If any of the members of the Mission present here - or perhaps you, Mr. President, or the Secretary of the Council, who was present during the entire period of the Mission's stay - could provide additional clarification regarding that conclusion of the Mission, it would be helpful.

The PRESIDENT: I believe the main accusation of malpractice that was made to the Mission was that \$1,000 in counterfeit money had been paid by the Government to one of the States in connection with the election expenses. Whereas each State, I think, had received \$1,000, this particular State had received that money from the Government in counterfeit currency.

We attempted, as this was quite a hot subject while we were there, to find out the truth of the matter. The fact was that we could never actually find anyone who had the story himself: he had always learned it from someone else. When we went to that someone else, he had learned it from someone else. I took it up with the

(The President)

President, I believe, and he denied it. We took it up also with the main bank, which had in fact issued the money. It seemed to us unlikely that a bank would actually hand out counterfeit currency, and as no one could in fact substantiate it, it was simply one of the rumours of the sort that fly around in a quite highly charged political situation. As I say, despite our efforts, we could not find anyone who could substantiate the story, and for that reason we dismissed it. But as these tales of malpractice had been circulating, and as we knew they would be referred to by petitioners, we thought it sensible to mention in the report that there had been these accusations but that we had not been able, despite some quite intensive efforts, actually to find that they had any substance in truth.

Mr. LEVCHENKO (Union of Soviet Socialist Republics) (interpretation from Russian): Thank you, Mr. President, for that detailed answer to our question. We have one other question. I do not think this will give rise to any kind of difficulty for the Mission since it refers to the official results of the plebiscite. In paragraph 26 the results are given in general figures. People say that it has been the practice of all Missions so far to give the breakdown of the vote by regions. In Palau there are 16 States. In addition, if my memory does not fail me, there are about 20 sites outside Palau where voting also took place.

It seems to me that this report of the Visiting Mission would only stand to gain if it gave specific data on the plebiscite - if it gave detailed results of the vote on the Compact both within Palau, broken down by States, regions and cities, and outside those States. That would be very valuable information for the members of the Trusteeship Council.

The PRESIDENT: I take that really as an observation rather than a question, but the fact is that this is the manner in which the results were received from the President by the Secretariat and that is the manner in which they were published. I think it is worth pointing out that we, as a Visiting Mission, did not at any stage regard it as our duty - in fact, it was not within our mandate - to tell the Palauan authorities how they should or should not conduct the plebiscite or tabulate or present the results. We were there merely to observe. But I note what the representative of the Soviet Union has said, that it would perhaps be more revealing to have more detailed results than this, but this is the manner in which the results were transmitted to us by the President of Palau and that is the way they have been published in our report.

Mr. LEVCHENKO (Union of Soviet Socialist Republics) (interpretation from Russian): I am pleased, Mr. President, to note that you agreed with the reasonableness of our proposal and I think that with your agreement the Soviet

(Mr. Levchenko, USSR)

Union's request could be fulfilled. We shall therefore ask the Council, on your behalf, to request from the Chairman of the Mission more detailed information so we can study it at our leisure.

I have a very brief question. In annex IV there is a letter addressed to you, Sir, concerning the request by Mr. Salii that the Mission be extended. The question is: Are there any substantive reasons why the original letter requesting an extension, addressed to you, Mr. President, was not published in this report?

The PRESIDENT: The answer is that there was no written request. I called on the President early in our visit and it was at that time that he made this request to me orally. He explained the circumstances and asked whether we could stay for a further week. I discussed the matter with him and said that I would wish to consult with the other members of the Mission and with the Secretariat. I then went back and later in the day gave him my response that we would stay for that extra week, but there were no written communications on the matter and I think that this letter, which we published, was a courteous way for the President to thank the Trusteeship Council for agreeing that the Mission should remain in Palau to observe the plebiscite, which had been delayed for a week.

Mr. LEVCHENKO (Union of Soviet Socialist Republics) (interpretation from Russian): The Soviet delegation raised this question only because the substance of the request was first made to the Chairman by Mr. Salii and that is the main reason why the other documents from the United States Liaison Officer and your other correspondence were given. This is why we think that, as long as you, Sir, and the Mission as a whole thought that it was an extremely responsible task, the inclusion of the later correspondence, with the original request missing, simply gives rise to some misunderstanding as to why it took place the way it did. But since, as you state, the request had been made orally, apparently you and the President of the Republic thought that was not sufficiently important and should be officially



(Mr. Levchenko, USSR)

recorded in a document. Well, that is a decision for the Mission.

If you have no objection, Sir, I shall continue in order perhaps now to complete discussion of this report. I am now on annex XVII, "Written communications received by the Visiting Mission in Koror, Palau". We respect the decision that the Mission took to place them in the files without discussion in so far as it was a decision of the Mission in accordance with the rules of procedure, but we very much regret that, despite the request of the Soviet delegation, the members of the Trusteeship Council did not have the full text of these communications so that they could be studied and provide additional information for a full review. On behalf of the Soviet delegation I must say that they are extremely substantive and could have supplemented the report of the Visiting Mission.

My last question refers to annex VIII and what it entails. We have, signed and certified on 20 October by Mr. Salii, a document that is the result of the vote. To the Soviet delegation it is still a mystery why the President of the Republic required such a long period of time to certify this document. What were the President's doubts that made him defer certification of the results of the plebiscite? After all, the Commissioner responsible for carrying out the plebiscite in accordance with the presidential proclamation should have certified the results of the vote no later than 10 days after the vote. The Commissioner carried out his part of the work, but the President of the Republic delayed doing so. Apparently he had reasons for so doing. Does the Mission have any idea what the reasons were for such a lengthy delay on the part of the President of the Republic in certifying the results of the vote? If you, Mr. President, or perhaps some other member of the Visiting Mission or of the Administering Authority, have any views on the matter, the Soviet delegation would be extremely grateful for clarification.

The PRESIDENT: The representative of the Soviet Union mentioned that we had published a letter from the President thanking us for remaining for an extra week, but not the request. In fact, the request to stay that extra week is contained in chapter I, paragraph 5, but admittedly it does not say that it was an oral request.

As to why it took until 20 October for the President to certify the results of a referendum held in June, I do not feel that it is a subject on which the Visiting Mission should speculate or offer comment, except to the extent that one of the purposes of the Trusteeship Council is to bring the territories for which we are responsible to self-determination, in whatever form they choose. Part of that process is that before they reach their final stage territories should be internally self-governing. It would be a mistake if we as a Council, once we have given self-governing status to a Territory, then continually acted like a nanny and tried to interfere in the manner in which a mature people on the point of final self-determination managed their affairs.

I regard the manner in which the people of Palau decide to determine their own future, the type of questions they ask themselves, the sort of referendums they hold and the manner in which they convey the results, as being a matter for the people of Palau, which has self-governing status. We as a Council are all determined to bring the territories for which we are responsible to the final stage of self-determination as quickly as possible, and I for one am content to leave to the President of Palau the question why he took some little time to tell us formally of the results of the plebiscite, without seeking any further explanation.

I hope we have now brought this stage of our deliberations to a close, but I see the representative of France wishes to speak, and I call on him.

Mr. GUINHUT (France) (interpretation from French): I shall be very brief, Mr. President.

Since the Soviet delegation - as is its strict right - has gone into the minutest details of the report, my delegation would like to thank you, Sir, particularly for your outstanding patience and for the very precise and extremely detailed manner in which you have given so many answers.

The PRESIDENT: I thank the representative of France for those kind remarks.

The meeting rose at 1.05 p.m.