UNITED NATIONS

TRUSTEESHIP COUNCIL

Distr.
GENERAL

T/PV.1605
15 May 1986

ENGLISH

Fifty-third Session

VERBATIM RECORD OF THE SIXTEEN HUNDRED AND FIFTH MEETING

Held at United Nations Headquarters, New York,
on Wednesday, 14 May 1986, at 10.30 a.m.

President: Mr. RAPIN (France)

- Organization of work
- Examination of the annual report of the Administering Authority for the year ended 30 September 1985: Trust Territory of the Pacific Islands (continued)
- Examination of petitions listed in the annex to the agenda (continued)

86-60590 8589V (E)

44P

(The President)

"The Trusteeship Council may hear oral presentations in support or elaboration of a previously submitted written petition. Oral presentations shall be confined to the subject-matter of the petition as stated in writing by the petitioners. The Trusteeship Council, in exceptional cases, may also hear orally petitions which have not been previously submitted in writing, provided that the Trusteeship Council and the Administering Authority concerned have been previously informed with regard to their subject-matter."

Thus, the Council's rules provide that in the case of oral petitions a person who has made a written reqeust previously is authorized to speak before the Council. As I did two years ago, I intend to apply that rule strictly at our public meetings and consequently to limit petitions in this Chamber to oral statements in the strict sense of the term.

However, again as I did two years ago with regard to the presentation of a film, I am ready to provide every facility to enable petitioners to present outside the meeting audio-visual materials that they wish to submit to member delegations of the Council. Therefore, I have asked that between 12.30 p.m. and 1.00 p.m. the slides that Senator Balos wishes to show to members of the Council should be shown in the Dag Hammarskjold Library to delegations that wish to see them. Accordingly I shall adjourn the meeting at 12.30 p.m.

Mr. Weisgall has informed me that he is obliged to leave us at the end of the morning. Does any delegation wish to put further questions to him, following up those put yesterday morning and afternoon? As no delegation wishes to do so, I shall now call on the petitioners who are to make their statements this morning. I call first on Senator Ataji Balos.

Mr. BALOS: Before I make my statement, I should like to ask permission for Mr. Julian Riklon to substitute as a petitioner for Mr. Laji Taft and Mr. George Allen to substitute for Darlene Robinson.

(Mr. Balos)

First, I join others in congratulating you, Sir, on your election as President of the Trusteeship Council. We look to you to exercise that leadership during these critical times. For reasons that I shall explain fully, we support continuation of the trusteeship.

As Mr. Abebe and the very able staff of the Council secretariat know, I am a participant of long standing in these proceedings. I first appeared before the Council in 1971, and have been here virtually every year since then to address the Council on the difficult problems of the Marshallese people.

In the past I have addressed this body with regard to problems arising out of the United States strategic use of the Territory affecting the atolls of Rongelap, Utirik, Bikini and Enewetak and my home atoll of Kwajalein. I have been the elected representative of the people of Kwajalein since 1968, serving first in the Congress of Micronesia and more recently in the Marshall Islands Nitijela.

I regret to inform the Council that I bring unhappy news from Kwajalein. Article 76 b of the United Nations Charter obligates the United States

> "to promote the political, economic, social and educational advancement of the inhabitants of the Trust Territories, and their progressive development towards self-government..."

Article 5 of the Trusteeship Agreement provides for the protection of the inhabitants against the loss of their lands and resources. The people of Kwajalein Atoll feel that those obligations have not been fulfilled.

For those who are not not familiar with the physical circumstances of Kwajalein Atoll some explanation may help. Our native population of about 5,000 have been put off most of the best and largest islands of the atoll to make way for United States missile testing. More than 2,000 acres of the atoll, or about 800 hectares, have been taken for missile test activity. On that land live the

(Mr. Balos)

2,600 Americans who staff the missile range. Our landowner population must live on only 65 acres, or about 25 hectares, on Ebeye. Added to that population are some 450 guest workers and their families, accounting for some 4,000, making a total of about 9,000 persons on our tiny island.

The relative population densities of Kwajalein Atoll are thus about 1.25 persons per acre for the American community and about 130 persons per acre for the Marshallese community. Our population density is thus over 100 times that of the American community.

Notwithstanding the fact that we achieved significant increases in United States assistance to Kwajalein in 1979 and again in 1982, many of our problems - such as poor health, inadequate food supply, unsafe water, lack of educational facilities and lack of economic opportunity - persist, and some of them are significantly worse now than they have ever been.

Furthermore, some of the progress noted by the visiting missions and in the reports of the Administering Authority has been more apparent than real. For example, the health of our Kwajalein people has been a chronic problem. Contagious diseases are endemic. In past years there were criticisms of Ebeye Hospital, which was woefully inadequate. As a result of those criticims the physical facility of the hospital has indeed been improved; but the public health of our people has not improved correspondingly. That is because the progress with the physical facility was not matched by improvements in staffing and medical supplies; nor was it matched by improvements in the terrible conditions of an inadequate water supply and sewer facilities.

Consequently, the reality is that today we are confronted with outbreaks of both typhoid and syphilis. We have unsafe water because not enough rain falls on Ebeye to give us an adequate drinking-water supply. Since available rainfall is

(Mr. Balos)

proportional to land area, the rain fall deprivation from which we suffer is obvious. By removing us from our land they have taken away not only our means of livelihood off the land but also the rain which falls on it. Deprivation of water is a deprivation of life.

Our project for the construction of electrical generating and desalination facilities is not scheduled to be completed until 1987. Even then it will not give us enough safe water.

The Army, at a price, sends us some water by barge, but it is not enough to enable us in Ebeye to have water constantly in our pipes at all times. We thus have water hours; water is available for only about one hour a day. Many households have no water connections, so those families must use buckets or other containers for water.

One consequences of water hours is bacterial infiltration from faecal material owing to seepage into the system during hours when the pipes are not pressurized. This problem is made very significantly worse by the fact that our sewer system, now torn up for replacement, is almost non-functional.

Valid statistics regarding the extent of the death of our children from infectious diseases have not been easy to compile. The Marshall Islands Government includes the Ministry of Health and gathers the data. It is also the custodian of records, but its Office of Vital Statistics, on Majuro, does not have complete records; nor does the Office of the Clerk of Courts on Majuro.

(Mr. Balos)

To the extent we have been able to document mortality, particularly of children on Ebeye, the emerging picture is both tragic and heartbreaking. For example, Mr. Bejiko, the Vital Statistics technician on Ebeye, has reported that from 1 October 1985, the date the last Kwajalein Military Use Agreement expired, through mid-April 1986, 19 children under the age of 15 died on Ebeye. Most were toddlers, from a few months to two years of age. Most died of influenza, meningitis, pneumonia or hepatitis. Malnutrition was a significant contributing factor to half of the child deaths on Ebeye in 1985, based on our collection of partial records from sources on Majuro. Copies of some, but by no means all, death certificates for 1985 are attached to the printed text of this statement that has been distributed.

We have malnutrition and hungry children on Ebeye for two reasons. First, the amount of assistance from the United States is far too small. Secondly, the way in which that money is now apportioned means that most of it does not reach the people who need it most. Even if the full amount of land rental were evenly shared out on a per capita basis, there would not be sufficient money for a decent way of life.

With the malapportionment which came into being in 1982, at the instigation of the Marshall Islands Government, we see many families with not enough money to buy food. Consequently, hunger is a daily fact of life for most of our people, and some children - those who are already weakened by malnutrition - die of diseases they should not have caught in the first place. One does not see these diseases and death rates in the American community less than three miles away.

I might note that no law or enactment of custom supports the Marshalls Government approach to distribution of the funds. Only one court decision has ever set appropriate shares as among the classes of owners. That decision, rendered by a Trust Territory High Court judge in the 1960s and pertaining to Kwajalein

(Mr. Balos)

military use payments, held that the lower classes of landowner should receive over 90 per cent of the funds.

It would be easy, but wrong, to think that our only problem is one of malapportionment. Equally serious is the absolute lack of adequate resources.

Our capital construction needs amount to over $150 million. This is required in order to complete causeways, a high school and other basic elements of our community's needs. The Compact commitment of only $2.7 million per year will never get us to an adequate level of funding of capital projects. The Kwajalein Atoll Development Authority has tried courageously to improve Ebeye, but it simply does not have the resources it needs to do so. To get to a living-standard level of even a significant fraction of the United States poverty level, as defined by the United States Bureau of Labor Statistics, we would need more than a 10-fold increase in the present level of land payments.

When the old lease agreements for Kwajalein expired on 30 September last, we naively thought that the United States Government, recognizing our desperate situation, would agree to renegotiate. But it has steadfastly refused. It is reasonable to assume that a significant factor in that refusal has been its understanding that when the old leases expired the buildings on the land became the property of the landowners. Taking into account their value, which can be literally measured in billions of United States dollars, a new negotiation would almost certainly lead to a substantial increase in rent.

Instead of renegotiation, the United States strategy, to which our Marshalls Government has been required to agree as a price of receiving Compact-level funding, has been to rush the Compact to approval in the United States Congress as a shield against the legal liability the United States would otherwise have in its own courts arising from the lease expiration on 30 September.

(Mr. Balos)

As a long-time observer of the process of termination of the Trusteeship, I can say that the United States Government is animated more by its motive of limiting its liability for its strategic activities than by any legitimate interest in decolonization.

As a result of the United States and Marshalls Governments refusal to renegotiate, notwithstanding the lease expiration, our people reoccupied some of their lands in recent months. On 10 February that reoccupation was extended to Kwajalein Island itself. On 15 February United States security guards forcefully removed me and other landowners from Kwajalein Island, handcuffed us and held us in custody for many hours. I was personally handcuffed to the rail of an army boat and an attempt was made to force me to go back to Ebeye. Our delegation will make a slide presentation showing these arrests.

The legal consequences arising from those incidents of 15 February and subsequent happenings are extremely complex, but nevertheless very relevant to the deliberations of the Trusteeship Council. One of our legal counsel, Mr. George Allen, is here with me and he will explain more fully the present situation in that regard.

In conclusion, it is evident that the United States, even without congressional approval of the proposed Palau Compact, seeks approval to terminate the Trusteeship in the Marshalls. Let me say, on this historic day, that for this body to give such approval would deprive our people of the best and only protection which may effectively be available to us.

If the past year is any indication, the Compact of Free Association, as it now reads, will not solve the problems at Kwajalein. I cannot stress enough that the situation is very serious and that things are not improving as they should. After lobbying very hard last year in the United States Congress to try to protect the rights of the landowners and to improve relations on our atoll, we have seen the

(Mr. Balos)

situation since 1 October - and particularly since the adoption of the Compact by the United States Congress - becoming worse.

Therefore, I urge each member of the Trusteeship Council to oppose termination. And if this Council should nevertheless approve the Compact, I respectfully suggest that the United Nations should, either directly through the Security Council or by way of the Committee on Non-Self-Governing Territories - the Committee of 24 - or by some other mechanism, continue supervision of United States handling of strategic activity in the Marshall Islands, including that at Kwajalein.

(Mr. Balos)

I say this to you because the reality is that a Marshall Islands Government having only three members of Parliament from Kwajalein out of 33 can be counted on to oppose our people on most issues and can be expected to want to take our revenues for its projects elsewhere in the Marshall Islands.

I am greatly concerned that this may be my last appearance in this Chamber before this body and that in a few more months the only recourse of our people will be in the courts of the Marshall Islands. I am sorry to say that the judges there, appointed by the Cabinet, are at best ambivalent towards the unique concerns of Kwajalein.

For many months brave landowners have acted out their only available course of self-help: occupation of their own lands. In so doing they have found not only safe water and a safe environment for the children, but also a dignity not possible in the teeming squalor at Ebeye. The reaction of the army and the Government of the Marshall Islands has been to characterize our actions as illegal, although no court has done so, and to issue orders to remove us brutally from our land or to shoot us.

Out of a sense of total frustration, many of our women and children then occupied the Ebeye pier in an attempt to return to Kwajalein Island and to protest the intent of the army and the Government of the Marshall Islands to conduct missile testing on a business-as-usual basis, notwithstanding the suffering of our people and the frequent deaths of our little children.

The United States Government refuses to deal directly with the landowners, insisting on Government-to-Government communications. President Amata Kabua of the Marshall Islands came to Ebeye not as President but in his traditional role as an Iroij to ask us to move off the Ebeye pier. He said that he would ask for more assistance from the United States. He is setting up a task force to study the question of Kwajalein.

(Mr. Balos)

If the President does not come up with a solution as he has promised, the people will return to their lands. The problem we are facing is that our children are hungry. Their mothers cannot feed them on the little money they have. They are effectively imprisoned on Ebeye and die of diseases we cannot, and the United States will not, control.

This Council is our court of last resort, and I call on it to help us take the steps necessary to get assistance from the United Nations. We ask for your understanding and your guidance.

Since I fear that this body may go out of existence, I say thank you and, regretfully, farewell.

The PRESIDENT (interpretation from French): I call now on the Reverend Myles Walburn, who will speak on behalf of the Micronesia Coalition of the National Council of Churches of Christ.

Mr. WALBURN: Thank you, Mr. President, for granting the request of our orgnization, the Micronesia Coalition, to appear before the Council today in order to offer testimony concerning the Trust Territory of the Pacific Islands. I am Myles Walburn with the United Church Board for World Ministries, the overseas agency for the United Church of Christ. For more than 125 years the United Church Board for World Ministries has been working with Protestant Christians in Micronesia. I am now responsible for relations between the churches of the United Church of Christ in the United States and those in Micronesia. Further, I speak on behalf of a coalition that represents many years of Roman Catholic and Protestant commitment and experience in the Micronesian region.

Like this Council, the Micronesia Coalition looks towards the termination of the trusteeship, an event that seems closer than ever before, as the end of only the initial phase of our work. We the Micronesia Coalition were formed in 1977 at

(Mr. Walburn)

the request of the Pacific Conference of Churches to monitor, as United States church persons, the negotiations of free association between the United States and Micronesia. Speaking out of their own experience as small island-nations with histories of colonialism, the Pacific churches were mindful of the difficulties of decolonizing an area such as Micronesia. The Pacific Conference of Churches was not convinced that United States trusteeship had brought to Micronesia the social, economic and political advancement mandated in the United Nations Trusteeship Agreement.

Since our task was founded on a relationship of mutuality between Pacific and United States Christians, we have always tried to act in respectful partnership with the Micronesian churches. Thus, as the Council knows, we accept the freely expressed will of the Federated States of Micronesia, the Marshall Islands and Palau to be in a relationship of free association with the United States. The question for us is not the principle of free association, but the particular character or nature of free association developed between the United States and Micronesia. The Pacific churches recognized the reality that this was a negotiation between vastly unequal partners, and so special care must be exercised in order to ensure Micronesian sovereignty, both present and future. Our stance as a coalition has been to provide over the years constructive criticism aimed at this goal.

Given the events of the last year, including the approval of the Compacts of Free Association for the Marshall Islands and the Federated States of Micronesia and a plebiscite on another version of the Compact for Palau, we believe it important to focus first on Palau. Then, in light of the item on the Council's agenda entitled "The future of the Trust Territory of the Pacific Islands", we will comment briefly on the possible role of the United Nations in that future.

(Mr. Walburn)

Before turning to Palau, however, we should like to remind the Council of the concerns we have expressed in previous testimonies about the Compacts of Free Association with the Marshall Islands and the Federated States of Micronesia. Along with our testimony the Council has received copies of a paper distributed to the United States Congress that outlines some of our comments. While commending this paper to members' attention, we would add that during the United States Congressional approval process, testimonies occurred that supported some of our concerns. Throughout the negotiation process we had feared that the economic needs of the Micronesians were being held hostage to United States military plans. We would like to read out from a letter submitted to the United States Congress by Admiral Crowe, head of the United States Pacific Command, and I quote:

> "In return for these important defense rights [denial, access to Kwajalein missile range and so forth], the Compact commits the United States to provide not only significant economic assistance but also favourable tax and trade arrangements."

Such a comment, presented at a critical moment in the approval process, suggests the underlying attitude of the United States Administration towards the relationship of free association.

(Mr. Walburn)

This year, Palau is of special concern as we have witnessed another plebiscite on yet another version of the Compact. We note here with sadness that the tragic death of President Remeliik has also occurred since this body last met.

During a special session of the Council last February the Administering Authority asked on behalf of the Government of Palau for a visiting mission to observe the scheduled plebiscite. Although we ourselves have a somewhat different interpretation of Palau's history of plebiscites than that outlined by the representative of the Administering Authority, we welcomed the invitation and the sending of the United Nations Mission. Out of our concern, we submitted a letter to the Council containing some questions to assist in the work of the team. We have resubmitted that letter with our testimony as a guide to our comments on the plebiscite.

We speak here also on the basis of information provided by one of our members, Ms. Susan Quass, who visited Palau immediately after the plebiscite accompanying a representative of the World Council of Churches. The fortunate timing of their visit allowed them to hear the views of many people concerning both the Compact and the political education process.

In the interest of time, we shall outline only some of our questions. We have already submitted copies of the testimony presented by the Coalition to the United States Congress. That testimony offers more details of our concerns, along with evidence contained in several attached documents. We very much hope that the Council will consider that submission as the background to the points that we raise here today.

In any consideration of the Palauan Compact special attention needs to be given to section 324, the provision relating to nuclear and other toxic materials, since that provision and its varied predecessors have been points of dispute throughout the process of negotiation and approval. It has been agreed by all

(Mr. Walburn)

parties to the controversy that the provision must either lie within the limitations imposed by the Palauan Constitution or be voted on separately with the required 75 per cent approval as mandated in the Constitution. As it now stands, section 324 is claimed by both the Administering Authority and the President of Palau to be compatible with the Constitution. Although we do indeed respect the power of the President and the Congress of Palau to make such a determination, we would like to suggest that there is considerable ambiguity in this claim.

We should add that we are church people, not lawyers, so we shall not pretend to offer legal opinions; others have done that. For some possible legal opinions we would ask the Council to look at the testimony of the Center for Constitutional Rights before the United States Congress, which we have sumbitted today along with our petition. We would ask also that the Council look at a recent study of section 324 by the non-partisan United States Congressional Research Service, which we have also submitted.

We now look at the language of both Compact and Constitution. An example of the kinds of questions to be raised would be the definition of the word "operate" in section 324. Would the operation of a nuclear-capable or nuclear-propelled vessel or aircraft mean the presence of a nuclear-power plant as an engine, which would be in conflict with intent of article XIII, section 6, of the Palauan Constitution? Would a ship either nuclear-powered or containing nuclear weapons that was docked in Palau be considered to be in transit, or would it be considered to be actually storing nuclear materials, which would be in violation of the Constitution? Could the word "operate" as defined by United States defence policy include war exercises?

As we understand it, the popular belief during and after the drafting of the Palau Constitution was that nuclear-related clauses in the Constitution completely banned the presence of nuclear materials. If that is the case, then any

(Mr. Walburn)

introduction of nuclear materials into the area would require the approval of at least 75 per cent of the people. Additionally, if a "neither confirm nor deny" policy is instituted under the Compact, the Palauans will have absolutely no way of verifying the nature of United States nuclear-related activities in their area.

We would next describe some problems with the political education process preparing for the plebiscite. We believe these problems raise a question as to whether or not the plebiscite was an adequate process for determining the will of the people. We quote here a question we raised in our letter of 12 February 1986 as preparation for the Visiting Mission:

> "Is six weeks sufficient time for public education in a legitimate act of self-determination? ... Palauans must have time to distinguish this Compact from two previous versions. The legal implications of section 324 must be made clear to all voters."

We have received and read with interest the report of the Visiting Mission to Palau. While we note its conclusion that the 21 February plebiscite was "another valid act of self-determination" (T/1885, para. 31), the evidence that our member and the representative of the World Council of Churches collected during their visit makes us much less certain of that conclusion. As we raise some concerns, asking the Council to look carefully at the documentation accompanying our testimony to the United States Congress, we note that the Visiting Mission also pointed to "patchy" political education in which "not all of the voters had a ... grasp of the details" (para. 9).

Among the materials submitted are two documents, one entitled "Listing of revisions incorporated into the January 10, 1986 improved Compact" and the other "Common questions". Those materials were distributed as part of the Government of Palau's education compaign. I first draw attention to "Common questions". It will

(Mr. Walburn)

be noted that in question 2 it is assumed that the Compact will require 75 per cent for approval, with reference to article XIII, section 6, of the Palauan Constitution. The author of this document does not point out to the Palauan people that not only nuclear-powered ships but ships carrying nuclear weapons are permitted under section 324.

Further, eminent domain is discussed in question 4, but neither the constitutional limits on that power nor the ability of the United States to appropriate land under the Compact are mentioned. When future economic and political status is discussed, figures are presented for the benefits of the Compact in question 12 that seem to us to be highly exaggerated. Question 19, dealing with the future of Palau if the Compact is not approved, makes no reference to any possible alternative political status.

Similarly, in the document on listings of revisions, the possibility of the presence of ships carrying nuclear weapons is not mentioned in the review of section 324. The discussion of the revisions of section 121 of the Compact does not mention the limitations on the activity of the Government of Palau granted by United States authority over matters of security and defence.

The questions and ambiguities mentioned here and in the analyses and documents we have submitted would seem to raise doubts as to the constitutionality of section 324 of the Compact and the impartiality of the preparation for the plebiscite. On the matter of impartiality, we would draw attention to the copy we have submitted of a letter from President Salii to Governor Moses Uludong, which criticizes him for allegedly campaigning against the Compact and concludes:

"It has been recommended to me that one basis for the distribution of Compact funds should be the stand of each state or Governor on the Compact".

(Mr. Walburn)

Although our questions come mainly from our study of the Compact and of the political educational materials presented here, we would also note concerns raised among people in Palau. We have submitted a copy of a petition from Palauans living in Portland, Oregon, in which they tell their Government that the political education offered them before voting was "too brief to discuss many of the issues". They assert that they were told that there would be "no nuclear provisions" in the Compact. We would also point to the Telex received from some leaders in Palau, which states:

> "the Compact of Free Association ... has not been duly ratified. ... The Government of Palau told the voting public that a 75 per cent majority was necessary ... the political education programme was entirely too short ... (it) campaigned for ratification of the Compact instead of educating the public".

We commend those petitions to the Council's attention.

A request has been made for termination of the Trusteeship by the Administering Authority, even though the United States Congress has not yet approved the compact with Palau. We hope the Council will use this session to consider carefully the documentation presented here, and other testimonies, asking whether this particular version of free association has been implemented in an acceptable manner and in compliance with the Constitution of Palau.

Finally, we come to the future of the Trust Territories - what role for the United Nations? As we review the history of the Trust Territory we recognize the achievement represented by the presence of constitutional Governments in the Micronesian entities. We do indeed applaud and suport the rightful pride of the Micronesians in their self-government and in their sovereignty. But it is because of our respect for such pride that we examine closely this particular relationship

(Mr. Walburn)

of free association. We repeat that we support the freedom of Micronesians to choose such a status, but we seek to help make that choice a part of a process of authentic political development rather than one leading to cultural and political absorption into the United States.

Consequently, our comments have been aimed at ensuring that Micronesians have adequate legal powers within the free-association status and that they have the ability to end that status unilaterally. We note that this last requirement conforms with Principle VII in the Annex to United Nations General Assembly resolution 1541 (XV), which states that under free association the peoples of a territory have

"the freedom to modify the status of that territory through the expression of their will by democratic means and through constitutional processes".

In view of that requirement, we repeat a point raised in earlier testimonies that, under the currently proposed relationship of free association, the Micronesian entities do not have the right unilaterally to terminate the so-called denial provisions of the Compact. In addition, we would like to remind the Council that there is little specification in the Compact of any procedure for review and choice of status other than free association at the time of the expiration of the Compacts.

We are also concerned about the nature of the conference and dispute resolution procedures as specified in Title Four of the Compact and, in the specific case of security disputes, under Title Three. We note that the study made by the United States Congressional Research Office of the Compacts for the Federated States of Micronesia and the Marshalls comments on the lack of any clear mechanism of resolution and the absence of a neutral arbitrator, and notes that:

"referring unresolved issues to the Governments involved for resolution may merely perpetuate an impasse".

(Mr. Walburn)

The Coalition fears the effects of an unclear litigation procedure in an area already torn about with legal disputes. We also wonder about the legal status of this form of dispute resolution, given the less than fully independent status of one party to the dispute.

The desire of the Micronesian Coalition to help ensure the future choice and present sovereignty of Micronesia leads us to look to the United Nations. In 1947 the Trusteeship was granted by the United Nations to the United States, indicating that ultimate responsibility and authority for the protection of Non-Self-Governing Territories lay with the United Nations. We recognize that under free association Micronesia is no longer a Non-Self-Governing Territory. But it must also be stressed that it is not yet fully independent. Although the freely associated States may participate in United Nations programmes, they do not have sufficient international legal personality for admission to full membership.

Again, we recognize that Micronesians have the right to choose this status, which is initially projected for 15 - or, in the case of Palau, 50 - years. But we hope that the United Nations, as holder of the trusteeship, can fulfil its responsibility to ensure that the details of this free association represent a fair termination, promoting growth and stability in the region. One way of fulfilling that responsibility would be to guarantee Micronesian access to a United Nations forum with the power to consider any issues that might be expected to arise under free association. We note as a minimum the language of General Assembly resolution 2064 (XX) regarding the termination of the trusteeship over the Cook Islands, which states that the General Assembly

"Reaffirms the responsibility of the United nations, under General Assembly resolution 1514 (XV), to assist the people of the Cook Islands in the eventual achievement of full independence, if they so wish, at a future time".

(Mr. Walburn)

We ask the Council to ensure that similar guarantees be included in any act of termination of this trusteeship. We would also ask that a particular forum be clearly designated for Micronesian access.

Finally, we thank the Council for taking the time to hear us among the many other petitioners. We have appreciated the time the Council has spent over the years and the documentation it has collected in considering issues related to Micronesia. We hope that you will review this documentation carefully as you contemplate possible termination of the Trusteeship, taking note of the different opinions represented. We especially ask the Council to examine the potential unconstitutionality of the Compact with Palau.

The common goal of all participants in this process is the political, economic, social and educational advancement of the inhabitants of the Trust Territories. We look to this body to ensure fulfilment of that hope.

The PRESIDENT (interpretation from French): I now call upon Mr. Jakob von Uexkull, Alternate Member of the European Parliament.

Mr. von UEXKULL: I thank the Council for giving me this opportunity and honour to testify on behalf of many of my colleagues in the European Parliament. The Parliament Group I represent, the Rainbow Group, is an alliance of 10 parties from six European countries spanning a wide range of interests and concerned primarily with reversing the arms race and environmental destruction, as well as assuring justice for the third world and an end to all forms of colonialism.

Our concern about developments in Palau has several roots. First, Palau was once a European - a German - colony, and just as we feel a special responsibility for Namibia, we feel a special duty to assist Palau in regaining independence.

Secondly, the people of Palau, by adopting, after wide debate and by a 92 per cent majority, a Constitution specifically banning from that Territory all

(Mr. von Uexkull)

nuclear weapons, power plants and waste, as well as chemical and biological weapons, have inspired many people in other countries to support and emulate that initiative.

(Mr. von Uexkull)

Thirdly, as President Eisenhower once said, the arms race will be reversed when popular opposition to it becomes too strong to be ignored. Removing military bases to small isolated far-away countries will make this more difficult as there will be less public scrutiny and opposition. For those who see it as their duty to stop the slide to nuclear annihilation it is therefore imperative to stop attempts by any country to move its military installations to other nations where any opposition can easily be expelled or suppressed.

Fourthly, we are concerned that the unique and fragile beauty of Palau be preserved, and its people allowed their right freely to choose their destiny. The United Nations Plan of Action for the Full Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples refers specifically to Trust Territories. Several points of this Plan of Action are relevant to the Palau Compact, specifically number 9, opposing military arrangements, and number 17, regarding the continued responsibility of the United Nations for all territories where the Plan of Action has not yet been fully implemented.

The proposed Palau Compact and its subsidiary agreements do not address these concerns but require the people of Palau to abandon key provisions of their Constitution and acquiesce in the take-over and destruction of their country at the whim of United States military interests.

The implementation of that Compact would result in Palauans selling their lands, their seas and their national sovereignty. Already, it should be noted, the Office of Micronesian Status Negotiations in Washington is housed in the Department of the Interior, and the United States Congressional body reviewing the Compact is the Sub-Committee on Public Lands and National Parks.

Under the Compact Palau will emerge from Trusteeship only to become a subject territory, having been granted sovereignty only for the purpose of giving it up

(Mr. von Uexkull)

again. In effect its situation will be worse than at present as it will no longer have access to the United Nations or the United States legal system but will, according to the terms of the Compact, be totally dependent on United States Government goodwill to solve any disagreements. International arbitration is not provided for. A joint committee will be established by the Palau and United States Governments and

> "Unresolved issues in the joint committee shall be referred to the Government of the United States and the Government of Palau for resolution, and the Government of Palau shall be afforded, on an expeditious basis, an opportunity to raise its concerns with the United States Secretary of Defense personally regarding any unresolved issue which threatens its continued association with the Government of the United States." (Compact article V, section 351 (d))

It is our contention that the Palau Compact does not meet minimum United Nations standards for decolonization. It conflicts in important areas with the Palau Constitution, for example on the nuclear issue and regarding United States rights to take Palauan land for military purposes. Claims that the Compact is subservient to the Palau Constitution have little practical meaning when, as cited above, any disputes will in effect be decided by the United States Secretary of Defense. Under this Compact Palauan sovereignty will for an indefinite period remain subservient to United States military interests. As United States State Department Counsellor Edward Derwinski stated at the September 1984 hearings in the House of Representatives Foreign Affairs Committee, "We retain primary responsibility for defense and security as we define it". The military rights which the Compact gives to the United States of America can never be unilaterally terminated by Palau.

The claim that this is a voluntary agreement between two sovereign nations

(Mr. von Uexkull)

does not stand up to scrutiny. This Compact is the result of a United States policy of neglect, pressure, intimidation and confusion vis-à-vis the people of Palau.

I come now to sovereignty. Palauans have voted for the Compact under the impression that they will become a sovereign nation with the right to join the United Nations. This has been stressed in the Compact education campaign. It is affirmed by Mr. Wolf, the United States lawyer advising the Palau legislature about the Compact. However, United States Administration officials testifying at the 1984 congressonal hearings referred to above confirmed that Palau would not be eligible for United Nations membership due to the limitations placed on its sovereignty under the Compact. Judge Hefner of the Palau Supreme Court, who has had to pronounce serveral times on Compact-related questions and thus knows its provisions intimately, also does not think Palau could join the United Nations. In an interview last February he asserted that the United States State Department would establish a mission in Palau through which "all international matters will be diverted". The interviewer was Jim Heddle.

Any Treaty which the United States of America has joined or will join and determines to be applicable to Palau can be imposed on Palau under the Compact. A much heralded improvement in the latest version states that the United States of America shall not include Palau as a party to its formal declaration of war on a third party without Palauan agreement. In view of United States military rights in Palau, however, the consequences of this so-called improvement are rather academic, as the United States can do whatever it considers necessary for defence and security "in and relating to Palau".

The Compact gives the United States the right to veto any actions by Palau which the United States determines to be "incompatible with its authority and

(Mr. von Uexkull)

responsibility for security and defense". Palau's relations with other nations will remain subject to United States approval. What does Palau get in return for its subservience? In the letter of intent announced as another improvement in the latest Compact version, the United States promises to provide the Government of Palau with the "public portions of any foreign affairs report dealing with the Pacific Basin".

As for the nuclear issue, according to Palau's Constitution, the nuclear ban can be lifted only by a 75 per cent vote in a referendum on this specific question. This ban forbids the use of nuclear power plants inside the jurisdiction of Palau, which would include nuclear-powered vessels.

But the relevant section 324 of the present Compact is contradictory and confusing. Knowing the crucial importance of this issue for Palau, it is not possible to believe that this confusion is inadvertent. After ostensibly recognizing Palau's constitutional position on nuclear imports, the section continues to allow the United States

> "to operate nuclear-capable or nuclear-propelled vessels and aircraft within the jurisdiction of Palau without either confirming or denying the presence or absence of such weapons".

According to the official briefing paper, this gives the United States the right to "manoeuvre ships run on nuclear fuel through Palauan jurisdiction". How it is possible to "operate" and "manoeuvre" a vessel without using it is nowhere explained.

The Compact, under provision 324, would also allow the entry of nuclear-capable vessels and aircraft with nuclear weapons into Palau with no restrictions as to the length, frequency and quantity of such introductions of

(Mr. von Uexkull)

nuclear weapons into Palau; nor are there any restrictions on port visits and landings by such vessels at United States military installations in Palau, for example for purposes of repairs and crew rest and recreation. Can anybody seriously claim that this does not conflict with the intention of the framers of the Palau Constitution to make Palau nuclear free?

(Mr. von Uexkull)

The United States lawyer advising the Palau legislature, Mr. Wolf, claims that without a 75 per cent "Yes" vote the permit to operate nuclear vessels in Palauan waters can simply be removed from the Compact. However, there is no evidence that the United States accepts such a procedure. On 20 December 1982, the United States Ambassador to the Trusteeship Council declared that the authority to bring nuclear and chemical weapons:

> "... into, or transmit them through, Palau is... necessary if the United States is to meet its responsibilities for the defence of Palau and its world-wide defence commitments...". (T/PV.1543, p. 42)

On 2 September 1984, the United States Ambassador to Micronesia, Fred Zeder, told the Pacific Daily News regarding the Palau plebiscite that he had

> "to make it clear that a 'Yes' vote in this plebiscite would be interpreted by the United States as allowing the transit and visits of United States nuclear warships".

If this is still United States policy, then the incompatibility of a Compact with the Palau Constitution is obvious. If, on the other hand, United States policy in this matter has changed, surely there should be a clear statement to this effect by the United States Government.

I come now to United States military land claims. According to article II, section 322 of the Compact, Palau is required to hand over to the United States within 60 days any area demanded for military purposes, unless an alternative site acceptable to the United States can be found. The total compensation under this clause is $5.5 million payable to the Palau Government, which will have to meet any further claims from landowners out of other funds. The relevant subsidiary Compact agreement states:

(Mr. von Uexkull)

"In connection with the provision of defense sites any rent, either use charges or other consideration due to a person's interest in land in Belau, shall be provided by the Government of Belau."

Confiscation of land "for the benefit of a foreign entity" is not permitted under the Palau Constitution. But this is not even confiscation under due process of law with proper compensation. The potential obligations of the Palau Government under this title are so much larger than the total United States grant of $5.5 million that substantial funds from other titles will have to be used, with serious consequences.

This provision clearly shows the total control which the United States will wield in Palau if this Compact is implemented. In return, Palauans do not even get the protection of United States environmental legislation unless the United States agrees. There are no legally binding environmental protection standards in the Compact. Land used by the United States military and then handed back to Palau has to be cleared of bombs, mines, and so on only "as far as practicable". The United States is not required to repair or restore the land to its original state nor can Palau claim compensation for damages to its land.

With regard to United States neglect of Palau, the United States Government has not fulfilled its trusteeship obligations to Palau. In 1962, the Solomon Report, commissioned by President Kennedy, stated:

"Koror once was the thriving capital of Micronesia; it has memories of fine buildings, good roads, shops and bustling urban life under the Japanese. All these are largely gone."

Over 20 years later, Mrs. Mary Lord, who did her Ph.D. dissertation on the non-development of fisheries in Palau, concluded that

(Mr. von Uexkull)

"the physical infrastructure of roads, hospitals, docking facilities, power systems, water and sanitation is not yet back to the level of pre-World War II".

As a recent visitor to Palau, I was surprised and shocked by the contrast between the capital city of Koror prior to the Second World War, as shown in photographs in the local museum, and the reality today after almost 30 years of United States trusteeship.

Development has occurred only in so far as it benefits United States military and political objectives. Palau has been made a governmental welfare State in which the public sector is the main employer. Though an estimated population of 50,000 once lived in Palau on fishing and agriculture, Palauans have been taught to see continued depedence on United States aid as their only economic alternative.

United States policy has not been one of "benign neglect" but a deliberate attempt to bring Micronesia into the United States orbit permanently. The advice contained in the Solomon Report has been implemented.

Solomon wrote that "... the United States needs to retain control of Micronesia for its security reasons". He advised that plebiscites on the future status of the islands "should be publicly announced only a few months in advance... (to) reduce the time in which any opposition - either in Micronesia or in the United Nations - could campaign".

It may be said that Mr. Solomon's students outdid him. Plebiscites were announced only weeks in advance. In the 1984 Palau plebiscite, the full text of the Compact to be voted on was never translated into Belauan and even the English text was very hard to come by. Vincent McGee, who observed the vote on behalf of the Minority Rights Group, reports that less than 50 copies were produced. In 1986 the situation was similar. A Belauan text of the current Compact version was obtained locally with difficulty only two days prior to the voting.

(Mr. von Uexkull)

From the beginning the United States Government has done its best to sabotage Micronesian efforts to determine their future without outside interference. In December 1976, the Washington Post reported, and the United States Senate later confirmed, that the Central Intelligence Agency (CIA) had been using electronic surveillance and paid informers during the previous four years to learn the Micronesian negotiating position in future status talks.

In 1979, Chief Roman Tmetuchel, the elected representative of Palau, insisted on an agreement with the United States that would not give any nation military facilities in Palau and would give Palau the right unilaterally to terminate its association with the United States. The United States ostensibly accepted the Palauan position but then engineered the defeat of Tmetuchel and the traditional leaders of Palau by introducing an adversary democratic system alien to Palauan traditions. Absurdly, this was modelled on the United States federal system, creating a cumbersome set-up with more than a dozen State governments and legislatures in addition to the central government - all in a nation of 15,000 people!

The cost of this system is one reason why Palau today is bankrupt, having been induced to accept a way of life dependent on United States aid and then kept short in order to ensure compliance with United States wishes. According to the United States report to the Trusteeship Council for 1983:

> "the government of Palau has continued... to face threats of closing its doors and declaring bankruptcy... The obvious problem is that the funds available to the Republic have not been sufficient enough to meet the basic funding requirements of the government." (T/1863, p. 91)

(Mr. von Uexkull)

During the February 1986 plebiscite, Jim Heddle, the producer of the award-winning film "Strategic Trust: The Making of Nuclear-Free Palau", again visited Palau and filmed a number of interviews which illustrate the pressures under which this plebiscite took place. I quote from the interview with Mr. Bena Sekuma, Director of the Compact Political Education Programme:

> "Ever since we rejected the last two or three Compacts, suddenly we don't have money for medicine, suddenly we don't have money for school supplies... there is definitely some kind of concerted effort to get us to succumb to the economic pressures."

Mr. Sekuma adds that he was

> "not satisfied as to the timing and pressure we are under to be able to make a decision in such a short time".

In conclusion, Mr. Sekuma states:

> "I only wish that we are allowed to commit ourselves for our lifetime only and not to commit the lifetime of future Belauans... I can safely say that they will hate us for the decision to accept the Compact if we do it this time. This sentiment is shared by many of us."

(Mr. von Uexkull)

As the delegtion from the Trusteeship Council observing the February 1986 plebiscite noted, there was almost no opposition campaigning this time. The opposition has been silenced and frightened, not convinced. Fewer Palauans voted than previously and the percentages of those voting "Yes" and "No" changed little, despite the almost total silencing of the opposition. For example, the major Palauan newspaper, which at the time of the 1984 plebiscite was a lively forum critical of the Compact, this time restricted itself to repeating pro-Compact propaganda. Publisher Senator Moses Uludong stated:

"The people of Belau really have no choice ... I am not taking any public stand on whether I am for or against the Compact."

In another interview with Jim Heddle, freelance journalist Ed Rampell stated:

"If you speak here and exercise your constitutional right as either an American or a Belauan you are taking your life in your hands ... I am scared to talk to you now. I am scared I am going to get firebombed. I am scared I am going to get shot ... Human rights violations seem to be increasing ... People are tired, people are scared."

Speaking from personal experience, I can say that after the murder of President Remeliik last June contacts with Palau suddenly dried up. Letters were not answered, agreements were not kept. Palauans believe they can no longer win against the might of the United States.

I should like finally to draw attention to two specific cases. The first is the events after the murder of President Remeliik last June. First, the son and nephew of Chief Roman Tmetuchel, the strongest presidential candidate, were arrested on the charge of conspiracy to murder, based on the sole evidence of a heroin addict who failed numerous lie detector tests. That effectively removed Chief Tmetuchel from the presidential election, after which the accused were

(Mr. von Uexkull)

released for lack of evidence, only to be rearrested and convicted on the same evidence at the time of the referendum. The case has been described by United States lawyers as the most blatant example of a political trial they have been confronted with.

The second issue I request the Council to look into is the power plant constructed by the British International Power Systems Company (IPSECO). Palau's inability to pay the $32 million owed for the plant is one important reason why many Palauans fear independence, as they would enter the international arena with Palau's credit in ruins. The plant is not working and it is doubtful that it ever will certainly not economically. The total $2 million per annum provided under the Compact for energy expenditure for the whole country is not even enough to pay interest on the cost of the plant, which could, in any case, serve only part of the country. Many Palauans were left under the impression that the United States would pay for the plant, but that is not the case.

Why was the plant built? There is evidence involving clear cases of conflict of interest, with United States citizens both representing the IPSECO company and negotiating the Compact funds which would be used to pay for the plant. There is evidence of bribery and false documentation, intended to convince Palau that there existed a British export credit guarantee. As the audit of the United States Department of the Interior noted in November 1983, the contract for the plant was awarded without tender or competitive bidding to a company with no record of experience in this field, except a power plant in the Marshall Islands, also beset by problems. It was awarded although a Japanese company, the China Sea Company, was prepared to build the plant to the same specifications for less than one third of the price quoted by IPSECO.

(Mr. von Uexkull)

The attorney for the Koror State Government in Palau, Mr. Patrick Smith, warned against the project beforehand. His house was promptly firebombed and he was forced to leave Palau. A British company of private investigators, Pro-Security Limited, of Folkestone, Kent, headed by Barry Thomson and Christine Legister, investigated the circumstances of the deal, also at the request of the Palauan Senate. They have been served with an injunction which prevents them from revealing their findings, but are prepared to testify if requested to do so by the United Nations.

In conclusion may I say that I am, of course, aware that the request to approve the Compact is supported by the President of Palau. Some will therefore classify this petition as interference by an outsider. But, as I said in my address to the Chiefs and peoples of Palau when invited to address them in 1984 by the High Chief Ibedul of Palau, we are not interfering but, on the contrary, offering support to a people whose fate is being decided far away and which is faced with massive, concerted, and continued interference by the Government of the United States against its attempts freely to decide its destiny. When the people of Palau can freely decide and have their decisions respected, our support will no longer be needed.

The PRESIDENT (interpretation from French): We have heard the statements of the three petitioners who were to be heard this morning.

I have just received letters from Mr. George Allen and Mr. Julian Riklon, who would like to make oral presentations to the Council on behalf of the population of Rongelap. I intend to grant those requests, and I propose that we hear those two petitioners at our afternoon meeting.

Delegations that wish to put questions to the petitioners who have spoken are now invited to do so.

Mr. KUTOVOY (Union of Soviet Socialist Republics) (interpretation from Russian): The Soviet delegation listened with great interest to the statements made by the petitioners, and with particularly close attention to the statement of Senator Balos. Yesterday certain representatives expressed the view in the corridors that not all the petitioners who had spoken had been to Micronesia, and that they had not presented the real state of affairs. The picture given by Senator Balos in his statement caused my delegation serious concern. We are particularly disturbed by his information about the incident on 15 February this year.

In that connection, Mr. President, we ask you to request from the Secretariat, particularly the department that deals with Trusteeship Council questions, to endeavour to obtain information on the incident and make it available to the President and members of the Council.

Further, in connection with what you said, Sir, about the forthcoming statement by Mr. George Allen, who is accompanying Senator Balos, we should like to have more detailed information on the situation in Kwajelein, particularly the arbitrary action of the military authorities against the population of the atoll. In this connection, we wish to ask the American lawyer how, from the point of view of American law, he would qualify such actions by American military authorities against the elected representatives of the population of Kwajelein.

The PRESIDENT (interpretation from French): I shall transmit to the Secretariat for reply the question put to me by the representative of the Soviet Union. If I understood correctly, the other questions were addressed to Senator Balos, on whom I now call.

Mr. BALOS: With your permission, Mr. President, I should like to ask Mr. George Allen, our legal counsel, to respond to the questions asked by the representative of the Soviet Union about the 15 February incident.

The PRESIDENT (interpretation from French): I call on Mr. Allen.

Mr. ALLEN: I was on Kwajalein Atoll on 15 February; I arrived there that day from Honolulu via the Air Micronesia flight that landed about 1300 hours.

Prior to going there, I had had conversations with a senior lawyer in the Pentagon in the office of the general counsel of the Office of the Secretary of Defense and had been assured that when I reached Kwajalein I would be able to see and meet with clients of ours who had for the preceding few days taken up occupancy of about a hectare of land on Kwajalein Island itself. Specifically, they had been occupying for that week some facilities called the Pacific Club and the Ocean View Club, which are places where Americans can go after work to have a drink, play cards or pool, watch television and so on.

Our clients, it should be understood, had been in continuous occupation of several of the smaller islands of the atoll from the time the leases expired on 30 September to that date. That is, the period between 1 October 1985 and early February 1986 was that during which landowners had remained in occupancy of some of the smaller islands north of Kwajalein on which there are actual defence installations, and that occupancy had not seemed to provoke any particular concern on the part of either the Army or officials in Washington.

(Mr. Allen)

However, when people went on to Kwajalein Island itself in the week of 10 February and began to occupy recreational facilities and to be visible in a way that they were not many miles to the north on the actual defence sites, that seemed to be extremely provocative to the Army Command.

When I arrived at Kwajalein I was in fact escorted under armed guard - the guards are personnel of a civilian security contractor, not troops - from the air terminal, a distance of about a mile, to the dock and told that I would not be able to meet with my clients, who were a few hundred yards away, but instead would be required to proceed on to Ebeye Island. I was extremely apprehensive about the situation at the dock, because I could see that people were arriving from Ebeye: they were coming in small boats, eight or 10 persons about every 20 minutes or half-hour. According to Senator Balos, who was there and had been for about 24 hours, the guards were not permitting them to go through the dock area - which is now very heavily fenced with barbed wire and cyclone fencing, as it has been since 1982 - to the area where people were camped.

The effect of this was that the number of people at the dock was building up. There were probably 50 or 60 persons when I arrived there at 1 o'clock. Many of them - probably 35 - were young children who had arrived the night before. When one crosses from Ebeye to Kwajalein, especially in wintertime, one gets wet because there is a lot of chop on the lagoon. The children had been there overnight and were wet, tired and hungry, and there was not adequate supervision for them. Of course, it had not been contemplated that they would remain on the dock; it was thought that they would go through the dock checkpoint to the camp area, where there would have been dry clothing, blankets and so on.

Clearly the Army Command had decided, for whatever reason, that it was going to put a stop to what it perceived to be escalation of the number of people on Kwajalein Island, which at that time was about 150. The 1982 occupation had risen

(Mr. Allen)

to many more than that, and I am sure that the Army Command was concerned that it was going to have an ever larger occupation on its hands.

My hope had been - and I think it was not unreasonable, based on the communication we then had with the United States Government in Washington - that, if some modus vivendi could be achieved for a period of a couple weeks in which the occupation would remain at some fairly stable number and in a place that could at least be tacitly agreed upon, some negotiations might get under way. However, my experience is that the American Government is not a monolith and does not act as one or with one voice. And, clearly, there are people in the Army Command who passionately do not want to see the situation negotiated but, rather, wish to see their view as to what is legal prevail.

In any event, at about 4 o'clock that afternoon when I was over on Ebeye, security guards - and this is what photographs in the Hammarskjöld Library show - moved in on the people on the dock, who included Senator Balos and a great many children, and attempted to force them off the dock and on to boats to take them to Ebeye. They handcuffed Senator Balos to the rail of a boat and the boat proceeded to Ebeye. I was on Ebeye dock when it arrived; a great many people were there. Boats go only at 4 knots from Kwajalein to Ebeye, so in the time it takes for a boat to make that trip word precedes it by radio that it is coming. The people on the dock wished to get on the boat and go back to Kwajalein Island, because they were concerned about what was taking place there. Some of them - about 20, mostly men ranging in age from, say, late teens to early seventies - did get on the boat.

(Mr. Allen)

When the boat returned to Kwajalein - it never did land on Ebeye, except briefly when it was in effect boarded - the people were dragged off. We have now seen videotape of all that; the Army videotapes everything, for reasons that mystify me. They dragged the people off the boat with three or four armed security guards per Marshallese person. Some of those they dragged off were elderly men. They then held people handcuffed, including Senator Balos. The wives of Mayor Jacklick and Senator Kabua were not handcuffed but were held in what I would call a paddy-wagon, a vehicle normally used to catch dogs.

(Mr. Allen)

They were held there for about six hours. During that time the Command at Kwajalein apparently sought to communicate with the Marshall Islands Government on Majuro. It must be remembered that President Kabua had written to the Department of Defense only about 15 days earlier, saying unequivocally that there was no lease, either implicit or express, with regard to Kwajalein.

I do not know what was said between President Kabua and the State Department representative on Majuro. I know only that at about one o'clock that night Senator Balos and others of our clients were released by the Command, and they then came back to Ebeye by boat.

Since then, the situation has deteriorated. It is now enormously complex, both factually and legally, with ligitation in the Marshall Islands, in Honolulu and in the Federal courts in Washington, D.C. As I shall say in my statement this afternoon, the United States District Court in the District of Colombia has issued to the Department of Defense an order to show cause why a writ of habeus corpus should not be issued allowing the landowners to return to their own land on Kwajalein Island which, with the exception of a recent condemnation of some of it, is still not under lease from the landowners to anyone.

Mr. KUTOVOY (Union of Soviet Socialist Republics) (interpretation from Russian): We are very grateful to Mr. Allen for the information he has furnished us. We should, however, still like to request him to answer our second question. If he cannot do that now, perhaps he could do so when he makes his statement this afternoon.

The PRESIDENT (interpretation from French): If the representative of the Soviet Union has no objection, I should like to adjourn the meeting now, in accordance with my announcement this morning, in order to enable representatives who wish to do so to see the slides that Senator Balos wishes to show the Council.

(The President)

The technical services are now available for the presentation of the slides in the Dag Hammarskjöld Library.

We shall resume our work this afternoon at 3 o'clock. Other questions can be put to Mr. Allen this afternoon, since he will be making a statement at that time.

Mr. MORTIMER (United Kingdom): I am entirely in agreement with what you propose, Mr. President. I would only say that I have many questions for all the petitioners who have spoken this morning. Hence, through you, I would ask that they make themselves available to answer our questions this afternoon.

The PRESIDENT (interpretation from French): We shall of course continue putting questions to the petitioners this afternoon. I would therefore ask those petitioners who have spoken this morning to be present at this afternoon's meeting.

Statements will be made this afternoon by two petitioners. It is my impression that many questions will be put to them. It does not seem likely that we shall be able to begin the next stage of our work today. Should that be possible, however, and in order that we may use the full time of our meeting, until six o'clock, I would ask representatives to be prepared to begin putting questions to the Administering Authority if we do conclude our hearing of the petitioners in time.

The meeting rose at 12.35 p.m.