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Fiftieth Session

VERBATIM RECORD OF THE FIFTEEN HUNDRED AND FIFTY-THIRD MEETING

Held at Headquarters, New York,  
on Wednesday, 25 May 1983, at 10.30 a.m.

President: Mr. MARGETSON (United Kingdom)

Examination of the annual report of the Administering Authority for the year ended 30 September 1982: Trust Territory of the Pacific Islands (continued)

Examination of petitions listed in the annex to the agenda (continued)

Report of the United Nations Visiting Mission to the Trust Territory of the Pacific Islands, 1982 (continued)

Report of the United Nations Visiting Mission to observe the Plebiscite in Palau, Trust Territory of the Pacific Islands, February 1983 (continued)

Examination of written petitions and communications

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The meeting was called to order at 11 a.m.

EXAMINATION OF THE ANNUAL REPORT OF THE ADMINISTERING AUTHORITY FOR THE YEAR ENDED 30 SEPTEMBER 1982: TRUST TERRITORY OF THE PACIFIC ISLANDS (T/1853; T/L.1235 and Add.1) (continued)

EXAMINATION OF PETITIONS LISTED IN THE ANNEX TO THE ACENDA (see T/1582/Add.1) (continued)

REPORT OF THE UNITED NATIONS VISITING MISSION TO THE TRUST TERRITORY OF THE PACIFIC ISLANDS, 1982 (T/1850) (continued)

REPORT OF THE UNITED NATIONS VISITING MISSION TO OBSERVE THE PLEBISCITE IN PALAU, TRUST TERRITORY OF THE PACIFIC ISLANDS, FEBRUARY 1983 (T/1851) (continued)

The PRESIDENT: I have had some informal consultations with representatives this morning about our work for today. It would appear that the best way to proceed is to start first of all by inviting the United States representative to reply to one or two questions that were left over from yesterday. This was because the High Commissioner could not be with us yesterday, but she has indicated that she is now ready to answer those question. I would propose, after that, to pass on to consideration of the written petitions, that is to say, the ones which have already been circulated as official documents of the Council. We will defer until a little later consideration of those petitions which were only circulated in Xerox form yesterday, so that members of the Council may have an opportunity to study those further. We would hope, when we have considered and disposed of the written petitions, to move on to the general debate. Two members have indicated that they are ready to speak in that general debate. Thereafter, if we have time, and I hope we do, I would like to move, while leaving the general debate open to enable other members to speak subsequently, to consideration of the two reports of the Visiting Missions that visited the Trust Territory last year and this year. That would give an opportunity for members who wished to ask questions, on the basis of those reports, of members who took part in that Visiting Missions to do so. That, very roughly, is how I see the work for today, and if I hear no objection I shall take it that meets with the agreement and approval of members of the Council.

It was so decided.

The PRESIDENT: We shall begin, then, with the question that were left over from yesterday and I call first on the High Commissioner.

Mrs. McCOY (Special Representative): I regret that I was unable to be at the meeting yesterday. I have had a long and full report of the proceedings, including the fact that a question was asked by the representative of the Soviet Union regarding the commission that has been formed on Kwajalein. I would like, with your permission, Mr. President, to answer that question now.

The commission is a community relations council which is mandated by the interim use agreement that was signed in October 1982. The agreement specifically provides for the creation of this community relations council or commission to deal with the problems and inter-reactions of the Kwajalein people and the Marshallese community there. There have been a number of meetings, and the minutes of those meetings are available. Should members wish to have them entered in the record I can have copies of them brought in to give a full and detailed report of what has taken place. The main objective of these meetings was the reinstatement of some of the services provided before the demonstration but halted during the demonstration. The position the army takes is that it is moving towards a more secure base. They want the community in Ebeye to have less reliance on services provided on Kwajalein. They take the position that moneys that operate the range are research and development moneys that can be used to support their people out there but not to subsidize services to Ebeye. They found that during the demonstration, when they cut off the flow of both official and unofficial food from their stores, it substantially reduced the total volume available - in fact, they were talking about almost one-third.

The situation now is that many things are being done for reasons of security, such as setting up checkpoints and searching parcels. They do not search women's purses. They are trying to make sure that there is not a continual flow out of Kwajalein to Ebeye. The food and nutrition programme permits Ebeye merchants to purchase from the stores. They had cut that off and stopped the United States personnel living on Ebeye from taking food for their families, so they had to buy.

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The idea is that the United States wants to increase security but to cut down the reliance on them of the Marshallese community and have them build up services on Ebeye and have some kind of interim programme. This food purchasing programme was a temporary programme for many years; it was set up back in the 1970s, I believe.

The merchants on Ebeye are adjusting. They are making their purchases and having goods brought directly to them to sell to the people on Ebeye. The capital improvement programme money that is coming in will build a container warehouse - they already have their dock - so that they can bring in a large number of containers, 50 per month in and out directly to Ebeye. At the moment they do not have a chill and freeze facility but that will come with the warehouse which is in the process of being constructed now. When that is finished, the programme for Ebeye merchants to go to Kwajalein will terminate. After the demonstration that programme was reinstated for six months.

The commission is headed by the Chief Secretary of the Marshall Islands Government and the delegations consist of representatives of the Troiij, the island landowners, the Mayor of Ebeye, the Nitijela, and the Marshallese employees on Kwajalein. For the United States, Colonel Banks leads the group with a number of his people, the Provost Marshal, the logistics officer and people of that sort.

The people on Kwajalein are not satisfied with the reinstatement of services, and this is one of the things the commission is discussing. The people on Ebeye want a return to the situation before the demonstration. The army say that they do not want that, first, for security reasons and, secondly, because they do not want to continue to subsidize the Ebeye community through the sale of food. They want Ebeye to be more self-sufficient.

The banking situation on Kwajalein remains the same, but the Bank of Guam is operating on Ebeye and has been for several months. The merchants of Ebeye still go over on Tuesdays to place their order for groceries and they do their banking at that time. Many of the people that live on Ebeye use the stores as banks, cashing their checks there, and so forth. That is handled also by the Ebeye merchants when they go over to Kwajalein on Tuesdays. The banks there still are open on Saturdays, but it is expected that gradually, but at a pretty good pace, the people of Ebeye will switch over to using the Bank of Guam, which is now established on the island of Ebeye.

I think that probably explains the activities of the commission. It is purely and simply a community relations council that was agreed upon in the interim use agreement in October 1982.

Mr. BEREZOVSKY (Union of Soviet Socialist Republics) (interpretation from Russian): We have listened very carefully to the answer given by the High Commissioner representing the Administering Authority in the Territory. In connection with that explanation, another question arises with reference to the relations which are now being established as a result of the creation of the commission between the population on the one hand and the commission and the participants in the talks with the representatives of Micronesia on the other.

The High Commissioner said that the United States side was headed by Colonel Banks, the representative of the military authorities in Kwajalein. Does the High Commissioner or her representative participate in the talks between the Micronesians and the military authorities in Kwajalein?

The PRESIDENT: Mrs. McCoy, I should be grateful if you could answer that supplementary question.

Mrs. MCCOY (Special Representative): The question is, as I understand it, whether Colonel Banks represents the military. That is quite right. He is the Commanding Officer of the Kwajalein missile range.

The Trust Territory per se, or my Government, is not represented on that board because this is the interim-use agreement between the Department of Defense, the Kwajalein landowners and the Marshallese Government, the Republic of the Marshall Islands. So this becomes a Marshallese Government relationship and does not affect the Trust Territory.

Mr. BEREZOVSKY (Union of Soviet Socialist Republics) (interpretation from Russian): It would seem that the Territory of Kwajalein has been taken out of the hands of the High Commissioner and that the Trust Territory has two authorities - the civilian authorities of the Administering Authority on the one hand and the military authorities on the other. Hence the representatives of the Micronesian people have to have talks with the High Commissioner on certain questions, while on other questions relating to the Territory they are obliged to go directly to the military authorities of the United States.

I do not think that is correct procedure. No alternative measures or bodies for implementing the Trusteeship Agreement are provided for. We feel that only the Administering Authority should have responsibility. So this is a new element,

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this relationship between the military authorities and the population, and this is a question which relates directly to the Territory of Micronesia.

Therefore, it is not really clear to us what the situation is, and I wonder on what basis the Administering Authority is departing from its obligation to respect the Trusteeship Agreement, because in fulfilling its obligations to the people of the Trust Territory it excludes this element, which is dealt with directly by the military authorities of the United States Department of Defense.

Mr. KINNEY (United States of America): Mr. President, since the representative of the Soviet Union has reinterpreted the answer given, I would request that you again recognize the High Commissioner.

Mrs. McCoy (Special Representative): The Kwajalein people are part of the Marshall Islands Government; they are part of the Republic of the Marshall Islands. As such, when they need something, when they discuss something, they should go to their Marshall Islands Government, which they do. That is why there are, of course, top representatives of the Republic of the Marshall Islands on this commission. But this is nothing new. The Kwajalein people have always been under the Republic of the Marshall Islands, and the Trust Territory Government has always dealt with the Government of the Marshall Islands. It is that logical sequence of relationships that I think is the important answer here.

Mr. BEREZOVSKY (Union of Soviet Socialist Republics) (interpretation from Russian): Unfortunately, the explanation given by Mrs. McCoy did not give us a clear description of the situation which has developed in respect of Kwajalein. We have to note that questions relating to the military use of the Territory are dealt with directly by the military representatives of the United States and have been removed from the sphere of responsibilities and obligations of the Administering Authority in respect of the population of the Trust Territory.

The PRESIDENT: It would seem that with that interesting exchange of views we have completed the work left over from yesterday.

EXAMINATION OF WRITTEN PETITIONS AND COMMUNICATIONS (T/PET.10/200, 201, 206-252, 259, 262-266, 269-275, 277, 279-291; T/COM.10/L.310, L.314-L.340

The PRESIDENT: I propose to mention each petition seriatim and to give an opportunity to any member who wishes to make brief interventions as we proceed. I hope members will co-operate to ensure that this procedure does not take very long. As I said yesterday, we are behind in the provisional programme that we all agreed we would do our best to follow.

The first document is T/COM.10/L.310, dated 21 June 1982. This is signed by Herbert S. Del Rosario, Chief Clerk, House of Representatives of the Northern Marianas Commonwealth Legislature.

Mr. BEREZOVSKY (Union of Soviet Socialist Republics) (interpretation from Russian): The Soviet delegation would like to ask a question of the representative of the Administering Authority. What can he tell us about the questions dealt with in this communication, namely, discrimination against the population of the Northern Marianas regarding payment for labour. There is a complaint in the communication with regard to discrimination against the population in this part of the Territory.

Mr. KINNEY (United States of America): I have no observation or comment to make. The subject at hand is under litigation at this time.

The PRESIDENT: The next communication (T/COM.10/L.314) is from the Senate, Palau National Congress, and is dated 24 November 1982.

Mr. BEREZOVSKY (Union of Soviet Socialist Republics) (interpretation from Russian): I do not quite understand the fate of the communications in documents T/COM.10/L.311, L.312 and L.313. As I understand it, these communications arrived after the regular session of the Trusteeship Council. I do not remember the Council's dealing with them, but if we did I would appreciate it if the Secretary could remind us of it and tell us where we can see how they were dealt with.

The PRESIDENT: I hesitate to interrupt the representative of the Soviet Union, but it is these small procedural matters that I hope he will deal with very succinctly and quickly, because we must move on. I understand that the communications he referred to were dealt with during the special session. So perhaps he will be so kind as either to trust the secretariat, which is rather efficient in these matters, or to check his records if he does not trust the secretariat and then perhaps bring the matter up later if necessary.

That is my understanding, based on advice from the Secretary, so if he is content with that perhaps I may now proceed?



Mr. BEREZOVSKY (Union of Soviet Socialist Republics) (interpretation from Russian): I have every confidence in the secretariat, as you have, Mr. President, and I do not wish to question the explanation you have given me on behalf of the secretariat.

However, I should like to continue. We have some difficulty on the first communication - T/COM.10/L.310). How can we take note of this document without the relevant explanations from the Administering Authority. The representative of the Administering Authority has told us that he cannot comment on it, although it is almost a year old now. We shall probably have to reflect this fact in the report in some way.

The PRESIDENT: My understanding is that we have taken up that particular communication: the representative of the Soviet Union has asked a question and received an answer from the United States Administering Authority. If the representative of the Soviet Union is not satisfied with that answer, of course he is free to propose that that be reflected in the report of the Council. If we proceed on that basis, I think we shall be able to proceed at a rather more satisfactory pace.

I should like now to take up document T/COM.10/L.314 and ask members if they wish to make any comments on it.

Mr. BEREZOVSKY (Union of Soviet Socialist Republics) (interpretation from Russian): This communication contains a request to provide a telex service in Palau, and it says:

"... an Interior Department official testified before the United States Congress that the islands of Micronesia did not require telex". Could we perhaps get some additional explanation from the Administering Authority on this question?

Mr. KINNEY (United States of America): The United States delegation has no observations on this communication.

The PRESIDENT: We shall now take up the next communication, which appears in document T/COM.10/L.315 and is from Mr. Stuart Beck. If there are no comments, I shall go on to the next one.

We now come to document T/COM.10/L.316. I hope to go fairly quickly because we are going right up to L.340 on this series. No observations?

Next is document T/COM.10/L.317, from Mr. Joshua Koshiba. Communication T/COM.10/L.318 is from Sister Barbara Glendon.

Mr. BEREZOVSKY (Union of Soviet Socialist Republics) (interpretation from Russian): With regard to document T/COM.10/L.318, we have two questions: one for the secretariat of the Trusteeship Council and the other for the Administering Authority.

Our first question, which is addressed to the secretariat of the Council, is does the secretariat of the Council receive regularly literature from the Trust Territory, for example, newspapers published in the Trust Territory?

The PRESIDENT: Before I ask the Secretary to do so, perhaps the representative of the Soviet Union would be so kind as to indicate to the rest of us from what part of the petition that question derives. Is it that he wants to know whether the secretariat has received the original of this particular story and, if so, is it because he is doubtful as to whether Sister Barbara Glendon has quoted that correctly?

Mr. BEREZOVSKY (Union of Soviet Socialist Republics) (interpretation from Russian): No. It was a more general question. It is connected with the fact that the secretariat usually prepares a working paper for the Trusteeship Council and naturally there is some interest in what published material is available to the Trusteeship Council - what kind of local material is available - for example, newspapers. I think it would of course be interesting for the Council to know what, in the period preceding the plebiscite and during the plebiscite, the press of Micronesia had to say about it. Does the secretariat have this kind of material or not? If not, then perhaps we might suggest that in future

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this source of information could also be used. I feel that it is quite a good source of information reflecting the mood of the population in the Territory. It was on the basis of these considerations that I asked the question.

The PRESIDENT: I wonder if I could suggest that it would perhaps be more relevant to pose that question when we come to consider the working paper to which the representative of the Soviet Union has just referred. That question would seem to have a great deal more relevance, as he himself put it, to the working paper written by the secretariat than to this communication from Sister Glendon, which deals with the date of the plebiscite.

Therefore, if there are no further questions on this communication, I should like to proceed to the next one.

Mr. BEREZOVSKY (Union of Soviet Socialist Republics) (interpretation from Russian): Mr. President, if you feel that this question could be deferred for a while the Soviet delegation has no objection to this procedure. We raised the question when we were studying this communication because there is a reference to an article in the local press. I shall remember this question and I trust that it will be dealt with later.

Our second question deals directly with this communication, which says that during a certain period of time the radio in the Territory was silent, that there was no radio service. Could the representative of the Administering Authority explain how it was that such an important source of information in the process of the political education of the population of the Territory was not operating?

The PRESIDENT: This, I think, is all really rather past history and, to the best of my knowledge, was dealt with in the report of the Visiting Mission to observe the plebiscite. However, just in case it has not been dealt with sufficiently in the report, perhaps the Administering Authority might like to comment.

Mr. KINNEY (United States of America): No, we have no observations on this communication.

The PRESIDENT: May I now pass on to the next communications:  
T/COM.10/L.319 - a letter from Vera Zimmerman to Ambassador Zeder; T/COM.10/L.320 - a letter from Betty Graeber to Ambassador Zeder; T/COM.10/L.321 - from the President of Palau; T/COM.10/L.322 - from Mrs. Shirley Wolfe; T/COM.10/L.323 - from Ms. Betty Olson; T/COM.10/L.324 - from Ms. Mary Wiggins; T/COM.10/L.325 - from Mr. Walter Johnson.

Mr. BEREZOVSKY (Union of Soviet Socialist Republics) (interpretation from Russian): We should like to deal with communication T/COM.10/L.325 a little more fully. It is a rather important communication concerning preparations for the plebiscite, and it refers to irregularities. In particular, it says that the votes of some Palauans living in Guam, Saipan, Hawaii and the mainland of the United States had been collected in person by certain people. It goes on to say - and this is the important point on which we should like some explanation:

"Some 1,400 voters in Palau (about 20 per cent of those registered) signed a petition seeking a delay of the referendum ..."

What I am interested in is what then happened to this communication and what was done about it by the Administering Authority.

The PRESIDENT: I am sure the Soviet representative has read the report of the Visiting Mission to observe the plebiscite, which of course dealt with the question of irregularities, uncertainties and so on. Furthermore, the representative of the Soviet Union has had an opportunity to question Professor Roger Clark, who is mentioned in this communication as being one of the "informants". Professor Clark dealt with these matters in his petition, but if, in addition to that, the representative of the United States would like to make any further comments, would he please do so.

Mr. KINNEY (United States of America): My comments will be few and brief. As you stated, Mr. President, this has been extensively covered. The Palau plebiscite has also been addressed by the United States delegation and that of Palau. I have no further observations on this communication, but I would note very briefly that almost all of the communications or petitions mention the delay of the Palau plebiscite. As I informed my Soviet colleague last fall at the conclusion of the General Assembly's debate on decolonization, there was no rush to judgement. The political education campaign lasted from September to February - a period of six months. I would note also in general concerning these communications that few are from Palauans; most of them are from peace or anti-nuclear groups, which are entitled to their opinions but are not Micronesians. Indeed, most of them do not seem to have visited, studied or, indeed, shown any previous interest in the Trust Territory.

The PRESIDENT: The next communication is T/COM.10/L.326, from Mrs. George Kramer. Then we have T/COM.10/L.327, from Ms. Charlotte C. Wescott; L.328, from Mrs. Maureen Gere; L.329, from the Congress of the Federated States of Micronesia; L.330, from the Senate, Palau Congress; L.331, from the House of Delegates, Palau Congress; L.332, from Senator Moses Uludong, Palau Congress; L.333, from Mr. Remokt Tarimel; and L.334, from Senator Joshua Koshiha.

That completes the series of communications up to T/COM.10/L.333. The ones thereafter, from L.334 onwards, have been distributed only in Xeroxed form and I have been asked to allow more time for preliminary study of them.

We shall now take up the petitions in the series starting with T/PET.10/200.

Mr. BEREZOVSKY (Union of Soviet Socialist Republics) (interpretation from Russian): I understand that we are short of time, but I would ask that we do not take up these petitions too quickly, first of all because we have to wait for the interpretation and, secondly, because we are dealing with documents and must have time to glance at them as they are referred to so as to refresh our memory with regard to their content.

Furthermore, I want to refer to document T/COM.10/L.334, which deals with a fairly major event - the arrest of 23 Palauan citizens of the Trust Territory and their detention for two weeks. I should like to know how the Administering Authority responded to that event and why so much time was required before the situation was remedied. Finally, so that we may fully understand the situation, why in one and the same Territory were citizens of that Territory arrested as aliens?

The PRESIDENT: This communication is a letter addressed to the Attorney General of the United States requesting his assistance in ensuring that such a situation could never arise again. Would the Administering Authority like to comment on this?

Mr. KINNEY (United States of America): The United States delegation has no observations on this communication.

The PRESIDENT: We shall now take up the next series, beginning with T/PET.10/200, a petition from St. Joan's International Alliance.

Mr. BEREZOVSKY (Union of Soviet Socialist Republics) (interpretation from Russian): I have one question on this petition. Are there any women's organizations in the Trust Territory?

Mr. KINNEY (United States of America): I would defer to High Commissioner McCoy on this question.

Mrs. McCOY (Special Representative): Yes, there are women's organizations in the Trust Territory.

The PRESIDENT: I fear we have got into too much of a habit in this, as questions only seem to come from one delegation, but we must all be mindful that others also have an interest when they consider the matter to be of more than slight importance.

Mr. POUDADE (France)(interpretation from French): In order to provide further information for the Soviet delegation, I suggest that his delegation refer to paragraph 506 of the report of the Visiting Mission (T/1850), which deals with the status of women and women's organizations. Then there is paragraph 509, which states:

"The Visiting Mission met with women's organizations in Kosrae, Truk, Palau, Yap and Saipan."

and goes on to give details. I think, therefore, that all the information that would be useful in this connection will be found in the section from paragraphs 506 to 516 of the report of the Visiting Mission.

The PRESIDENT: That is quite true, but I am sure that the representative of the Soviet Union has read those paragraphs.

Mr. BEREZOVSKY (Union of Soviet Socialist Republics) (interpretation from Russian): I should like to thank Mrs. McCoy for her very concise but nevertheless positive response. I am also grateful to the representative of France, who provided some additional information. I should like to assure the representative of France and also you, Sir, that the Soviet delegation is indeed familiar with the report, but at this point we are not considering the report of the Visiting Mission. Once the Council begins consideration of the report of

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the Visiting Mission we shall be asking questions about that report of the Chairman and other members of the Visiting Mission. Since we are now dealing not with the report but with the petitions, I asked a question in connection with a petition, because I wanted an answer. I should like to thank the representative of the Administering Authority for the answer that she gave me.

The PRESIDENT: I should just like to raise a point here. I would hope that all members would ask questions not just in order to do so, but because they are seeking information. In other words, I would hope that in putting this last question the Soviet Union would of course have had in his mind the information he had already gleaned from the section of the report to which the French representative has drawn our attention. If that is the case, one wonders why, having read that, he is so satisfied with the not just concise but totally accurate answer of the High Commissioner.

Mr. BEREZOVSKY (Union of Soviet Socialist Republics) (interpretation from Russian): The Soviet delegation did not have time to ask its second question in connection with this petition, which is this: What relations with other women's organizations throughout the world do women's organizations in the Territory have?

The PRESIDENT: Would Mrs. McCoy like to add anything to what she has already said?

Mrs. McCOY (Special Representative): There are various women's organizations in the Trust Territory. If they are international in scope they become chapters of those international bodies. I can cite, for instance, the Girl Scouts, of which there are many troops in the Territory. The women who run the troops - the troop leaders - of course belong to the International Girl Scouts organization. In fact, the Scouts are very active. I should also point out that women from the Territory were involved in the International Women's Year and representatives from Micronesia attended the World Conference of the International Women's Year, held in Mexico City. The Soroptimist Club is active throughout the Territory and there are many special-interest women's clubs also.



The PRESIDENT: We shall now proceed with the series of petitions:

T/PET.10/201, petition from Dr. Kusano; 206, petition from Dr. Willis Butler;  
207, petition from the Reverend James Jackson; 208, petition from  
Mr. Alfonso Damman; 209, petition from Mr. Philip Soljak; 210, petition from  
Dr. Josie Reichlin; 211, petition from Mr. and Mrs. Walter Johnson;  
212, petition from Messrs. Moritaki and Miyazaki; 212/Add.1, petition from  
Mr. Kanobu Sekiguchi; 213, petition from Ms. Sandy Galazin; 214, petition from  
Mr. William Vitarelli; 215, petition from Mr. Joseph Cospito; 216, petition from  
Mrs. Alice Coppard; 217, petition from Mr. George McClain; 218, petition from  
Ms. Deborah Walton; 219, petition from Mr. David Lindsay; 220, petition from  
Mr. J. R. Little; 221, petition from Mr. Lathan; 222, petition from  
Mr. Jonathan Bultedaob; 223, petition from Ms. Vivian Luna; 224, petition from  
Ms. Elizabeth Mattick; 225, petition from Mr. David Stowe;

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226, petition from Sister Aida Velasquez (?); 227, petition from Mr. Craig Shimabukuro; 228, petition from Laurence and Avis Twaddell; 229, petition from Mr. George Ogle; 230, petition from Mr. Jayasena; 231, petition from Ms. Elizabeth Mattick; 232, petition from Ms. Frances Crowe; 233, petition from the Reverend Robert Moore; 234, petition from Mr. James Mang; 235, petition from Mrs. Velma Strueve; 236, petition from Ms. Joan Shears; 237, petition from Ms. Dawn Waller; 238, petition from Ms. Tanja Winter and Mr. Bernard Winter; 239, petition from Mr. Larry James; 240, petition from H. Petersen; 241, petition from Gensuikin, Tokyo; 242, petition from Ms. Patricia Rumer; 243, petition from Mrs. Dorothy Harding; 244, petition from Ms. Barbara Stickle; 245, petition from Mr. Joe Wachter; 246, petition from Mr. Don Schrader; 247, petition from Ms. Suzanne Thompson; 248, petition from Mrs. Sarah Myers; 249, petition from Ms. Beverley Copeland; 250, petition from Ms. Betha Crowell; 251, petition from Mr. Bryan McKown; 252, petition from Mr. Steve Maxwell; 253, petition from Mr. George Wald; 254, petition from Mr. Douglas Faulkner; 255, petition from Mr. Giff Johnson.

Mr. BERMAN (United Kingdom): I should like to make an observation which I think is in the nature of a point of order. I am a little diffident about doing so, as a relative newcomer to the Trusteeship Council and its practices, but I note that we are now on to petitions which bear dates in April and, although I am not, as I have said, familiar with the habits and practices of the Council, I have at least had the benefit of reading the rules of procedure and I see that under rule 86 there is a rule of principle that petitions should be placed on the agenda of a regular session of the Council only if they have been received by the Administering Authority - either directly or through the Secretary-General - at least two months before the date of the next following regular session. I know that there is provision in paragraph 3 of rule 86 whereby the Administering Authority can, in effect, waive that two-month limit if it is consulted and if it agrees. I raise the question therefore whether any of these petitions from this point onwards are properly on the agenda of the Council or should be left over until the next regular session of the Trusteeship Council.

The PRESIDENT: I am grateful for that point of order from the representative of the United Kingdom. Does anyone wish to say anything about that?

In that case I should like to propose that we adhere strictly to the rules of procedure and defer all the petitions that we have not already dealt with to our next regular session, when they should, under the rules of procedure, come up for consideration.

Mr. BEREZOVSKY (Union of Soviet Socialist Republics) (interpretation from Russian): I do indeed value strict adherence to the rules of procedure, and we should follow the rules of procedure unless to do so would be quite senseless. We could now get into a rather interesting situation. If we accept the proposal that we defer the petitions that were received in April, this will cause a problem, at least in respect of some of them. Some of them are requests from petitioners who have already made statements here and many others are requests to appear at this current session of the Trusteeship Council in order to be heard. I therefore feel that if we adhere to the rules of procedure too strictly this might not promote effective work by the Trusteeship Council, but rather hamper it. Therefore we must be cautious in our approach to the rules, and I do not think the Council would suffer if it considered all the petitions which it now has available to it. It would seem rather strange to defer consideration to the next session, particularly since many of them refer to the present situation in the Territory.

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Secondly, if we were to proceed as suggested by the representative of the United Kingdom, I should have to raise a question about the petitions that were distributed on 12 May.

If we look at T/PET.10/265 we see that it was mailed to the Trusteeship Council on 29 March and issued on 12 May. It is here among the other petitions and this indicates that it was submitted earlier, well before the publication date, because some of the other petitions listed earlier were sent on later dates, so they do not follow seriatim.

I feel that instead of spending more time on this point, we should simply continue our consideration of these petitions.

Mr. POUDADE (France) (interpretation from French): I believe that we should try to find a solution. The representative of the United Kingdom pointed out that these petitions must reach the Council in time, which is not always the case. Secondly, the representative of the Soviet Union said that a year would be too long to postpone consideration of these petitions.

Ninety per cent of these petitions refer to the Palau plebiscite and, clearly, they were sent following consultations. For instance, we have a petition in document T/PET.10/252 dated 10 March 1983 - that is to say, one month after the plebiscite - requesting the postponement of the plebiscite in Palau. Clearly it was sent without any knowledge of the situation in the Territory.

In the circumstances, my delegation proposes by way of compromise - and this might perhaps satisfy both the delegations concerned - that we deal with these petitions by proceeding in accordance with the precedent that has often been invoked in the Council, namely, considering them as a whole.

If, Mr. President, you could ask members if they have any comments on the petitions in documents T/PET.10/250 to the end of the series, they could be dealt with very quickly.

The PRESIDENT: We have now had several views expressed. Would members be satisfied with the very helpful compromise proposed by the representative of France?

Mr. BERMAN (United Kingdom): I think the representative of France has made an extremely useful and practical proposal. This procedure would demonstrate the eagerness of the Trusteeship Council to do justice to all petitioners that have a genuine interest in the Territory - which is an important principle.

I do not want to abandon my position of principle concerning whether any of these petitions are properly on the agenda of this session of the Trusteeship Council. I would happily accept the compromise suggested by the representative of France, but on condition that an examination of these petitions en bloc should be literally that, and that the Trusteeship Council should not allow this to take up too much of its time to the detriment of other items which are properly on the agenda.

Subject to that caveat, my delegation would accept the compromise proposal made by the representative of France.

The PRESIDENT: On the representative of the United Kingdom's first point, my understanding is that those written petitions that have already been circulated as official documents of the Council are correctly taken under agenda item 5, "Examination of petitions listed in the annex to the agenda".

Let us now take up the suggestion of the representative of France. Are all members content that we should take the remainder of the published and distributed petitions, namely, T/PET.10/256 to T/PET.10/276 inclusive, en bloc? That, it is hoped, would meet the points of both the representative of the Soviet Union and the representative of the United Kingdom.

Mr. BEREZOVSKY (Union of Soviet Socialist Republics) (interpretation from Russian): The Soviet delegation did not quite understand the proposed compromise. Does it mean that you, Sir, would simply ask for comments on petitions from this number to that number, and that members would then have an opportunity to comment?

We have spent quite some time on this procedural discussion and I agree with the representative of the United Kingdom that by now we could have completed our consideration of the petitions submitted to the Trusteeship Council. The procedure of the Council is in the hands of the Council and in this case the proposal by the representative of the United Kingdom did not give rise to any urgent statement to the effect that we should not consider the petitions. It would not look too good

(Mr. Berezovsky, USSR)

for the Council to consider half of the petitions on one basis and the other half on a different basis just on the grounds that the representative of the United Kingdom suggested it be done that way. I do not see any reason for that, so I think that we should not waste any more time on it but continue our work as we began it.

The PRESIDENT: It would appear that despite the best efforts of the members of the Council we are in disagreement as to how we should proceed. We have a suggestion put forward by the representative of France that we should consider the remainder of the petitions en bloc. My understanding of that is that we should be following the precedent of last year and that members would have an opportunity to raise points of interest to them on any of the petitions.

If that is not satisfactory to the representative of the Soviet Union, will he please so indicate and we shall then have to consider how we should proceed.

Mr. BEREZOVSKY (Union of Soviet Socialist Republics) (interpretation from Russian): If we now begin a discussion of a procedural nature I fear that too many factors that we have to deal with will become involved and we shall be wasting much more time than if we simply continued our work. The earlier practice has been for the Council always to consider all the petitions available to it. If we now depart from that practice and revert to the rules of procedure cited by the representative of the United Kingdom, we shall have to deal with another provision in the rules of procedure - namely, that documents should be submitted to members of the Trusteeship Council as soon as possible. That is certainly not adhered to in practice. So what shall we do about that matter if we start adhering strictly to all the rules? We know that in the practice of the United Nations there are rules and there is also the sensible approach to the work of any given body. In this case I think the Trusteeship Council would not give a very good impression if it did not consider the petitions that have been submitted to it.

What was behind the idea of the proposal of the representative of the United Kingdom? Was it to detract from the importance of these petitions? Was it to say that it is not in order for the Council to deal with them? We have them here, and, if we look at this sensibly and take a proper approach to our work as members of the Council, surely we should do everything we can to fulfil our responsibilities as efficiently as possible. But now the letter of the rules of procedure is being cited and I do not see why; it is almost frivolous. If we start adhering strictly to the rules of procedure and going into such questions, a whole series of questions will arise, and I think it would take us a very long time to deal with them.

Hence, I formally propose, Mr. President, that we continue our work on the basis on which we began it, which has been the practice in all past years.

The PRESIDENT: If I may just correct the representative of the Soviet Union on a point of fact, I do not believe that the individual written petitions were taken seriatim last year; they were taken en bloc. I think that is an important point to make because, in taking them seriatim this year, I have given a very considerable opportunity for members to comment on all the points of interest to them in the petitions.

What I think happened - and I may be wrong - is that, as there were absolutely no comments on the last 10 or 20 numbers I called out, the representative of the United Kingdom thought it sensible to suggest that we should take them en bloc,

(The President)

which would not - I repeat, not - remove the opportunity for the representative of the Soviet Union or any other representative to raise points on any of those petitions. It would merely save us the trouble of reading out all the numbers *seriatim*.

I am sure the representative of the Soviet Union understands that he is thereby not having removed from him the opportunity to comment on any of these petitions. This is not a difficult matter and I do not think we should be making any great difficulty over it.

Mr. KINNEY (United States of America): My delegation takes the representative of the United Kingdom's point and agrees with the French compromise proposal. The United States appreciates that strict adherence to rules is necessary in this chamber and recognizes the sense of the two-month rule, since it takes time to formulate necessary comments.

In this connection we welcome the opportunity to comment as fully as is appropriate with regard to written and oral petitions and with regard to communications. Although we are not required to comment, we are fully willing to do so in order to clarify even communications concerning the situation in the Trust Territory.

Further, the Administering Authority considers that it is important to comply with the rules of procedure, which were formulated for good reasons, and, as I have already said, is prepared to accept the compromise proposed by the French delegation

In response to a point raised by the Soviet delegation, we are also prepared to state that in no circumstances would we question, based on timing or procedure, the appearance or the right to appear of oral petitioners. Let me re-emphasize this crucial point: we would in no circumstances raise objections to oral petitions. We are glad to hear and accommodate them, whatever the timing of their requests, and those who took the trouble to come to this Council would not be challenged by the United States.

The PRESIDENT: It would appear that the majority of members are agreed that the compromise proposed by the French delegation should be adopted, which is that I should take the remainder of the distributed petitions en bloc, thereby following the precedent of last year, and I dare say of many years before that.



(The President)

After my explanation to the representative of the Soviet Union I hope he will be able to go along with this compromise, which, I emphasize, meets his fundamental need, which is to raise points on written petitions.

Mr. BEREZOVSKY (Union of Soviet Socialist Republics) (interpretation from Russian): I am a little surprised by this rather narrow approach. What is the Trusteeship Council dealing with at this moment? It is not just a question of the Soviet delegation's wanting to draw attention to certain points in certain petitions. It is not just a question of the Soviet delegation. It is a question of the attitude taken by the Trusteeship Council to its responsibilities. Is the Trusteeship Council truly interested in and concerned about the situation in the Trust Territory or is it becoming a body that simply follows the bureaucratic letter of the law? The law can be turned around too. There are other provisions in the rules of procedure too. There is a provision that states that in cases where the Administering Authority may be prepared to consider a written petition at shorter notice than is prescribed by the rules such written petition may be placed on the agenda. If the Administering Authority were not willing to have such a petition put before the Council for consideration that would have to be noted.

In any event, if such a decision were to be taken I would request that the statement of the Soviet Union be reflected in the report of the Trusteeship Council, together with the views expressed by various delegations on this matter.

Mr. BERMAN (United Kingdom): I am indeed extremely puzzled as to what is going on. I have been watching with growing awe and wonderment the amount of time that we have been led to spend on the simple question which I raised, at the instance of one particular delegation, a member of the Council. I raised a question; I made no proposal. I did, however, when a compromise proposal was made by the representative of France, say that my delegation would be happy to rally to that in order to demonstrate the interest which the Trusteeship Council has in doing justice to all petitioners who have reasonable points to put before the Council. It seems to me that we ought to have arrived at a consensus on this point some time ago. I am by no means clear whether there is consensus.

I must say I find it extraordinary that on the two occasions on which my delegation has referred, first, to the United Nations Charter and, secondly, to the relevant provisions of the rules of procedure it seems to have been taken amiss by a certain delegation which apparently raises objection to any mention of United Nations Charter or indeed of the rules of procedure of this Council.

If we have no consensus on the subject, it seems that this becomes a normal procedural question. If, Sir, you were to rule, in response to the question I raised, that the Council should consider these petitions en bloc in accordance with past practice, then my delegation would accept that ruling and, if there were an objection on the part of any other delegation, the matter would have to be put to the vote and decided by a majority vote of the Council but, frankly, I would hope that that would not be necessary as we ought to be able to reach a consensus and general agreement on a point as straightforward as this in the light of the explanations given on the past practice of the Council in this very matter.

The PRESIDENT: Yes, indeed, I would hope so too. As President I am anxious to forge ahead with our business and to do so on the basis of consensus. It was in an attempt to reach consensus that I summed up the discussion and asked the representative of the Soviet Union if he would agree with the procedural point which had been agreed on by the other members of the Council. However, it would appear that he does not and in that case I can only suggest - very regretfully, because I do not think it is on the whole a particularly good

(The President)

way of proceeding that these small matters should be put to the vote - that, if we cannot reach a consensus on this, we should move to a proposal. I would therefore from the Chair propose, in the hope that all members of the Council can agree to it, that we should take the remainder of the written petitions en bloc in accordance with precedent.

If there are no objections, after our lengthy discussion, I would hope that we might so proceed. May I take it that silence means agreement? I am grateful to all members concerned.

Mr. BEREZOVSKY (Union of Soviet Socialist Republics) (interpretation from Russian): Since a procedural question has been raised, I would once again like to declare that the proposed procedure does not fulfil the effective implementation of the task facing the Council in its consideration of the situation in the Trust Territory of the Pacific Islands. I must declare that in a responsible manner. That is my first point.

Secondly, I emphasize once again that in connection with this procedural discussion a whole series of other questions arises as to how the documents should be submitted to the Trusteeship Council. If we look at the rules of procedure again, we see when the Administering Authority is required to submit its report to the Trusteeship Council I must say that the report of the Administering Authority was received after the deadline set by the rules of procedure. If we take the report to the Trusteeship Council of the Visiting Mission to the Territory and look at the rules of procedure we can see irregularities there also. If we are going into this procedural question, we must strictly abide by all the provisions of the rules of procedure.

The PRESIDENT: We are dealing with just one procedural matter at the moment and that is how we should continue our consideration of the written petitions. I am sorry that we have not obtained consensus on the compromise proposal made by the representative of France but, as we have not, we must move forward and, having made my proposal, I must now put it to a vote by show of hands. The vote will be on whether the Council should proceed on the basis of the French compromise, that is to say, to take the remainder of the written proposals en bloc.

The proposal was adopted by 3 votes to 1.

The PRESIDENT: My proposal having been adopted, the Council will now consider the remainder of the petitions, in documents T/PET.10/256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275 and 276 en bloc.

Mr. BEREZOVSKY (Union of Soviet Socialist Republics) (interpretation from Russian): I have comments on petition T/PET.10/265. I should like to repeat that this petition was delayed. It was sent on 29 March ...

The PRESIDENT: May I interrupt the representative of the Soviet Union, because this is a point he has made before. If he reads carefully, he will see that, although he is perfectly correct that the memorandum is dated 29 March, the date of the letter sent by Ms. Nina Shea, Programme Director, is dated 22 April. I point that out only because I think it might help him. It was sent on 22 April and circulated on 12 May.

Mr. BEREZOVSKY (Union of Soviet Socialist Republics) (interpretation from Russian): Actually, I just wanted to move on to that date, but I shall not repeat what you have already said, Sir. However, I have other comments to make on this petition.

First of all, a whole series of documents were annexed to the petition which for some reason have not been included in the written petition and are available only to the Secretariat. I think that in future a petition should be issued in the full form in which it is received and not in an abbreviated version.

My second comment is that I should like this petition to be fully reflected in the report to be submitted by the Trusteeship Council to the Security Council. I make the same comment on the petition in document T/PET.10/271. We should like that petition to be reflected as fully as possible in the report to the Security Council.

We have no other comments on the petitions whose numbers you have just read out, Sir.

The PRESIDENT: The comments of the representative of the Soviet Union have certainly been noted and will be taken fully into consideration.

Mr. KLINNEY (United States of America): Following the observations of the representative of the Soviet Union and his request that that petition should be fully reflected in the report to the Security Council, I should like to make some observations on the petition.

Unlike most other agreements relating to the Compact, the harmful substances agreement with Palau was not required by the Compact and is indeed a separate agreement and not a part of the Compact package. The harmful substances agreement was negotiated at the request of Palau. The United States Government accommodated Palau's request because the Palauan leaders sought clarification of certain aspects of the free-association relationship, specifically in this case section 314 of the Compact. But apart from the Compact package, for purposes of Palau's internal interpretation and application of its Constitution, it was the understanding of the United States Government that Palau would conduct a referendum on this agreement before, simultaneously with or after the plebiscite on the Compact. The United States made no attempt to require such action or to dictate the timing of the referendum. What 62 per cent of the voters in the Palau plebiscite approved was not only the political status and relationship of free association but also the Compact of Free Association and all its provisions.

(Mr. Kinney, United States)

Question B of proposition one of the plebiscite ballot was an internal Palauan referendum issue and the instruction to the voter that the Compact would not take effect in the absence of 75 per cent approval of the separate agreement was the Palauan Government's interpretation of the relationship of the harmful substances agreement. The instruction to the voter on question B of proposition one really contemplates that the Compact, even though approved, will not take effect if the interpretation and application of section 314 of the Compact, as agreed by the two Governments, is not approved by a 75 per cent majority.

While the United States Government joined the Government of Palau in the interpretation and application of section 314 of the Compact, contained in the separate harmful substances agreement, the United States considers that, in view of the 4-year term of that agreement and its interpretation and application, for section 314 to receive 75 per cent approval it must essentially defer to the constitutional Government of Palau to determine what procedure should now be adopted to put the Compact, as approved, into effect.

The United States is willing to assist Palau, in any appropriate way, to implement the Compact in a manner compatible with Palau's interpretation of its own Constitution. The United States is not willing, as Professor Clark is, to dictate to the Government and people of Palau on the meaning of their own Constitution.

Mr. BERMAN (United Kingdom): I have one comment, which does not relate to the question of substance. If other delegations wish to speak on that, I can come in at a later stage.

The PRESIDENT: If no other member of the Council wishes to speak on a point of substance on these petitions I shall call on the representative of the United Kingdom.

Mr. BERMAN (United Kingdom): I simply wish to express, for the record, the wish that, in dealing with petitions which are lengthy, the Secretariat should adhere to the provisions of paragraph 3 of rule 85, which deals specifically with lengthy petitions. That rule was adopted by the Council originally in view of the monetary and other consequences of dealing with lengthy documents. I would not wish the Secretariat to feel that it was under pressure not to comply with a rule which

constitutes, in effect, an instruction from the Council to the Secretariat in dealing with documents of inordinate length.

The PRESIDENT: I am grateful for that comment. I did not take up the point made by the representative of the Soviet Union because I do have great faith in the Secretariat to follow the procedures correctly, and in that matter I personally am satisfied that the Secretariat correctly followed the procedure so I left it at that.

#### ORGANIZATION OF WORK

The PRESIDENT: I should like to sum up the progress of our work.

The Council has now completed consideration of all the written petitions which have been circulated as official documents of the Council. The remainder of the petitions, which have not been so circulated, will be circulated by next week and can therefore be considered subsequently.

I should like the Council, therefore, at this afternoon's meeting to enter the next stage of our deliberations which is known, I believe, as the general debate. I would ask members to be here as promptly as possible to enable us to make a good start with the general debate. I quite understand that not every member wishes to speak today. That will probably give us time to consider another matter on our agenda.

The Secretary of the Council will endeavour to arrange for us to deal with item 9 on our agenda, Dissemination of information, if we have time before we adjourn this evening.

The meeting rose at 12.50 p.m.