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Fifty-first session

VERBATIM RECORD OF THE FIFTEEN HUNDRED AND SEVENTY-FIRST MEETING

Held at Headquarters, New York,
on Tuesday, 22 May 1984, at 3 p.m.

President: Mr. RAPIN (France)

Examination of the annual report of the Administering Authority for the year ended 30 September 1983: Trust Territory of the Pacific Islands (continued)

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

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The meeting was called to order at 3.20 p.m.

EXAMINATION OF THE ANNUAL REPORT OF THE ADMINISTERING AUTHORITY FOR THE YEAR ENDED 30 SEPTEMBER 1983; TRUST TERRITORY OF THE PACIFIC ISLANDS (T/1863; T/L.1240 and Add.1) (continued)

EXAMINATION OF PETITIONS LISTED IN THE ANNEX TO THE AGENDA (see T/1864/Add.1) (continued)

The PRESIDENT (interpretation from French): As agreed at this morning's meeting, the Council will now hear Ms. Susanne Roff, whose request for an oral hearing is contained in T/PET.10/324.

At the invitation of the President, Ms. Susanne Roff took a place at the petitioners' table.

The PRESIDENT (interpretation from French): I call on Ms. Roff to make her statement.

Ms. ROFF: Thank you for the opportunity to express the concerns that Minority Rights Group has about the termination of the strategic Trust Territory of the Pacific Islands today.

Minority Rights Group has the privilege of consultative status with the Economic and Social Council of the United Nations. We take as our mandate the Universal Declaration of Human Rights. Some people might say that is our ideology. We are particularly concerned to work against the oppression or victimization of people because of their group characteristics - physical or social or philosophical. Minority Rights Group therefore affirms the right of the peoples of Micronesia to defend their basic and fundamental political freedom, including their right to self-determination in a manner fully consonant with the established principles and precedents of international law.

The strategic Trust Territory of the Pacific Islands was the only strategic Trust Territory created by the United Nations in nearly 40 years. The United Nations has overseen the rapid decolonization of the most extensive colonial empires in human history. The committees of the United Nations charged with overseeing these magnificent acts of self-determination must be congratulated on helping to create and sustain a major body of international law which has been largely respected by the major colonial Powers, if not always by the new nations created or recreated in that process.

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I think that the members of this Council will be the first to acknowledge that not all processes of decolonization are equally satisfactory; circumstances differ in each case. But, precisely because not all processes of decolonization have been equally satisfactory, we must be vigilant to take care that the poorer examples do not become normative for subsequent cases. We should take care that the interpretation of and acceptable criteria for adequate processes of decolonization and self-determination do not become weaker, rather than stronger as the last cases come before this Organization of world government for assessment and adjudication.

The cases of mini-states and micro-states are particularly difficult because of the obvious fallacy of granting nominal political sovereignty to entities that are so economically dependent on other, always larger entities that they cannot really be said to be self-sufficient. It has been the serious intent of United Nations bodies charged with the decolonization process to avoid that situation wherever possible.

Equally, the security interests of administering Powers and of already existing nation-States are a legitimate concern in the creation of new States, especially ones which potentially suffer from economic deficiencies so severe as to make their economic viability questionable.

But even more fundamental than these problems are the inalienable rights summed up in article 2 of the Universal Declaration of Human Rights, which states:

> "Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other social status.
>
> "Furthermore, no distinction shall be made on the basis of the political, jurisdictional, or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty." (General Assembly resolution 217 (III))

Our concern is to help ensure that the people of the strategic Trust Territory of the Pacific Islands enjoy those rights and freedoms, regardless of the jurisdictional status of their polities. We would work for those rights and freedoms even if the Territory were to remain a strategic Trust Territory. We must work to help ensure that Micronesians enjoy those rights and freedoms if the strategic trust is to be terminated. We must work to prevent unsatisfactory cases of decolonization being used as justifications and precedents for termination of

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the strategic trust in a less than satisfactory manner. Minority Rights Group first entered the debates surrounding the termination of the strategic trust a year ago, in this Council. We sought the right to intervene then because we were deeply disturbed at the response of the administering Power to the plebiscite results in Palau.

The conduct of plebiscites has been developed into quite an art in the 35 years that they have been conducted under United Nations auspices. Standards and procedures have been developed; monitoring systems have been instituted to protect those standards and procedures. Bodies of the United Nations have on several occasions been forced to reject purported results of plebiscites and other acts of determination as failing to meet the criteria of integrity developed over the years. This has not always prevented the forcible and illegal incorporation of territories by Member States of the United Nations, but it has at least denied the aggressors legitimacy and the benefits of legality in international law. It is, for instance, interesting to consider how any agreement reached between Australia and Indonesia over the Timor Gap oil deposits, for which East Timor was forcibly, and illegally, incorporated into Indonesia, with Australian acquiescence, can hope to find any validity in international law since Portugal is still the administering Power of the Territory of East Timor, and FRETILIN has been granted petitioning status as the potential Government of a decolonized East Timor.

I myself am hard put to it to think of a situation in which an administering Power has put the same proposal for future political status to a Territory four times, has been denied four times and has announced that the problem is for the Territory to solve, in its ambiguous state of sovereignty, in terms acceptable to the administering Power which are 100 per cent non-negotiable.

That is what has happened in Palau. After a voter education programme that many have criticized - including Prime Minister Michael Somare of Papua New Guinea in his address to the thirty-eighth session of the United Nations General Assembly last October, and his country was one of the observers of the plebiscites - the people of Palau, whom the administering Power is the first to emphasize have a less developed experience in democratic government than many other countries despite 37 years of trusteeship, were faced with a very complex proposition divided into two parts, A and B. Prior to the ballot, the administering Power frequently reiterated that parts A and B of proposition I of the February ballot were inseparable. Part A required a simple majority to succeed; part B, since it

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involved a change in the Palauan Constitution, required a 75 per cent majority to succeed. Part A succeeded with a 61.44 per cent majority; part B failed because only 51.30 per cent of the voters supported it. But, instead of honouring the logic that it had itself argued prior to the ballot, the administering Power now tried to argue that part A bound part B, and that the failure of part B did not cause part A to fail.

The Supreme Court of Palau ruled against the administering Power. In a courageous judgement, Judge Hefner, an Associate Justice of the Supreme Court of Palau, said clearly:

> "To accept defendants' position would mean that the Compact is approved, but cannot be implemented or made effective until the Harmful Substances Agreement is resolved. In such event, the status quo would continue indefinitely until a new Harmful Substances Agreement is negotiated and approved. If no such agreement is approved, the political status impasse becomes the political status of the Republic of Palau and nothing is accomplished by the 10 February referendum and plebiscite. Such a result is intolerable and one which this Court will not decree."

But it is precisely this situation that the administering Power expects the Trusteeship Council to tolerate. If we briefly review the events of the second half of 1983, we find that the administering Power consistently refused to negotiate its position and its demands of the people, and the people of Palau consistently refused to be intimidated into accepting them. In the end, the administering Power had to sever the Republic of Palau from the Compact of Free Association that it sent to the United States Congress. Many Palauans view this severance as a further act of intimidation on the part of the administering Power as it prepares to put the same irreconcilable propositions to a plebiscite for the fifth time. I have just recently been told that that plebiscite is tentatively scheduled for July.

I said earlier that Judge Hefner's decision was a courageous one. I did not use that term lightly, because 10 days after he handed it down the chief legal adviser to the successful plaintiffs, Patrick M. Smith and his wife, were fire-bombed out of their home on Palau, only just escaping with their lives. Since a few days earlier their motor boat had been burned out, the Smiths reasonably concluded that it was no longer safe for them to live in Palau because they had been instrumental in thwarting the wishes of the administering Power. The

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plaintiffs were thus deprived of their most effective legal counsel at precisely the most critical moment in the decolonization process.

At the same time, the administering Power stood adamant in its refusal to negotiate the crucial issues at stake. Official documents of the administering Power declared:

> "... the Palauan authorities must now devise an acceptable method of reconciling their constitutional provisions to comply with the mandate of the Palauan electorate for free association with the United States".

The Palauans do not want to change their Constitution. They have asserted that fact four times. They have affirmed their Constitution four times. I do not want to take the time of the Council to rehearse all the reasons why they do not want to allow nuclear substances in their territory for the defence of an administering Power many thousands of miles away. Nor will I rehearse the catalogue of criticisms of the administering Power's management of the economy and ecology of the strategic trust during the last 37 years. I would just like to make an analogy with a similar prospect facing another community of island dwellers who realized that the United States felt it needed to build bases on its territory. The year was 1943, the writer was the doyen of American diplomats, then a junior officer, George F. Kennan, and the islands were the Azores. Ambassador Kennan wrote that the Americans were demanding

> "... a naval base, a seaplane base, bases for landbased aircraft on three different islands, cable and communications systems, observation posts, radar, facilities for accommodation of American naval vessels in each of the Azores ports with 'unrestricted port facilities and shore accommodations for necessary personnel, etc.' It was perfectly clear that facilities of these dimensions would simply sink the economy and administration of the islands under their own weight ... The primitive economy of the islands would be debauched by the amount of outside money brought in and expended. The islanders themselves, heretofore self-respecting people, would inevitably be moved to abandon their humble farms and other pursuits and to embrace, for the superior remuneration involved, the status of servicing personnel for the bases. It was idle to pretend that this represented anything other than a virtual takeover of the islands by our armed forces for the duration of the war and the ruination of the culture and traditional mode of life of the inhabitants."

(Ms. Roff)

Mr. Kennan's description might be of Kwajalein and Ebeye. The Palauans do not want it to be of Palau. We of the Minority Rights Group are most particularly concerned at the very real possibility of the forced relocation of the whole community of Palau within the very near future - either because of nuclear pollution such as the administering Power permitted to happen at Bikini or because of security considerations, as has too often happened at other militarily strategic sites operated by the United States, for instance the island of Diego Garcia.

The Palauans have sought to renegotiate the terms of the relationship with the United States; there were meetings in July and again in November of last year. Both times new terms began to be defined, but failed to be accepted by the senior officials in Washington. Finally, on 30 March 1984, the administering Power transmitted a document to its Congress for approval of the Compact of Free Association after excising every reference to Palau from the document. This document is now under active consideration by the United States Congress.

The document before the legislature of the administering Power is an extraordinary document. Surely it is reasonable to expect that after nearly 40 years of practice and law in decolonization the administering Power could have devised a future political status for the peoples of this island Trust Territory that would have borne some close resemblance to the best features of preceding acts of decolonization. Yet the Compact of Free Association is a new concept invented to cope with the complexities of this situation, invented to "decolonize" the last Trust Territory and the only strategic Trust Territory on the agenda of the United Nations.

Those responsible for drafting this instrument acknowledge that the concept of free association "has no precise definition in international law" and "no precedent in United States constitutional practice". But the same writers also note:

> "The 1947 Trusteeship Agreement prescribes no procedures for its own termination, and there is no real precedent in United Nations practice because this one is the only strategic trusteeship ever established."

This lack of precise precedent is what the administering Power is relying on to proffer a future political status to the people of Micronesia which will in fact give them less protection than they had under the strategic trust, because the Compact of Free Association alienates the sovereignty of the people of Micronesia at the same time as it removes them from the scrutiny of the Trusteeship Council and other bodies of international law. The Micronesians can see this, particularly

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the younger generation, who are less concerned with how many dollars will flow in the next 15 years than with what will happen to them once the 15 years are up; who do not wish to lose all their rights in tort to the doctrine of eminent domain, as is frequently threatened in negotiations; who do not want to be without international recourse when they are forcibly removed from the islands of their families and their ancestors.

We have tried to understand the Compact of Free Association. We have read the documents. We have had conversations with the drafters of the document to try to comprehend their intent. But the more we try to define the terms of the Compact the more insubstantial they become. We are not here referring to the economic and fiduciary arrangements, on which a great deal of discussion has been concentrated. We are not particularly referring to the issues of compensation for land alienation or loss of health and life through irradiation, although neither of these proposed arrangements is at all adequate in our view. These are negotiable elements that we hope will be negotiated to a more equitable solution - if it is possible to find a form of equity equivalent to human life and birthright.

What we are trying to understand is the nature of the sovereignty and the citizenship being offered to the people of Micronesia in this document, because we constantly refer back to article 2 of the Universal Declaration of Human Rights.

The administering Power is planning to rely on a "moment of sovereignty" or a "scintilla of sovereignty" in which the various legislatures of Micronesia would alienate their sovereignty to the United States in exchange for an agreement that would apparently be something less than a treaty, since it would be approved by the Committee on Energy and Natural Resources of the United States Senate and the Committee on Interior and Insular Affairs of the United States House of Representatives rather than the Foreign Relations and Foreign Affairs Committees, as the Constitution of the administering Power requires for treaties. Free association is different from and less than statehood such as is enjoyed by other territories that have joined unto the United States or commonwealth status, which used to be viewed as the appropriate status for territories so ethnically, linguistically and culturally different from the administering Power that they would be anomalous as states. Free association, then, is clearly not independence, it is not statehood, it is not commonwealth, it is something invented for the occasion.

(Ms. Roff)

How was it invented? I do not intend to rehearse the history of 37 years of the relationship, or even to try to explain why it was that the administering Power chose to fragment an already mini-state into four micro-entities. I just want to examine the logic of its invention for a moment because it brings us to the heart of the human rights issues involved in the notions of sovereignty and citizenship.

It is of course necessary to evolve political institutions, not least legislatures. Most processes of decolonization involve the forming of legislative bodies that will be competent to take over the governance of the Territory after the act of self-determination has been performed to standards acceptable to international law. It is usually quite clear at what moment sovereignty devolves upon that legislature, at what moment the administering Power ceases to be accountable for the Territory and accountability - the coin of sovereignty - passes to the properly constituted legislative body of the newly independent State or commonwealth.

But in this process in Micronesia there has been no such clarity. The administering Power promoted the evolution of legislatures, as was its duty, although whether it was appropriate to create four legislatures remains to be passed upon. But it has since used those legislatures to evade its responsibilities. It has, in the American phrase, "thrown money at the problem" of the legacy of 37 years of trusteeship in Micronesia and told the legislatures to fix those problems. Dollars do not fix problems of that sort: human resources, skilled people, trained people, must be found from within Micronesia or outside it to solve those problems.

But, even more insidiously, the administering Power is very quick to assert that those legislatures exert sovereignty in the islands when it wants the Micronesians to accept certain rights and responsibilities and just as quick to say that the Micronesians do not have sovereignty but are regulated by the strategic trust if it wants to deny them certain other rights and responsibilities.

Sovereignty is not only a mysterious quantity in the concept of free association but also a floating one. Let me give an example. It was recently argued that the United States would rely on the Vienna Convention on the Law of Treaties for establishing the circumstances in which the four entities of Micronesia would enter into a future political relationship with the United States. The Vienna Convention assumes the sovereignty of both parties to a treaty; it defines the terms under which sovereign entities can act and interact. That is

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to say, the United States is arguing that its Trust Territory is really a sovereign nation, or four sovereign nations, which can enter into a legally binding treaty or treaties with the United States, even though the ratifying body in the United States Congress has been determined by the parliamentarians of that body to be committees of domestic rather than international jurisdiction. This is where the moment of sovereignty comes in: one has it for a moment so that one can be conned out of it. It is an exercise in sleight of hand.

If this Council thinks, as I do, that this argument is an involved and a dubious one, a perhaps even more desperate one that I must put to it is the diametrically contrary one that has also been floated in the past few weeks.

On 10 February 1983 the voters of Palau were asked to vote on two propositions. The first proposition was divided into two, as we have discussed: part A succeeded and part B failed, and the Supreme Court of Palau, whose authority is valid only if one accepts the evolving sovereignty of Palau and its legislatures, held that the whole proposition had therefore failed. But the people of Palau were asked to vote on another proposition: they were asked to choose between options other than the option of free association - between a closer relationship or independence. Voting on proposition B was optional. A total of 7,246 ballots were cast, according to the returns. On proposition I (A) 7,167 people voted; on proposition I (B) 7,026 voted. Only 4,050 people voted on the choice between closer relationship and independence. Of those, 2,250 - a nice round number - supported a closer, undefined relationship with the United States and 1,800 supported independence.

It has been seriously suggested in Washington that 2,250 Palauans of the 7,246 Palauans who voted in that plebiscite voted for a closer relationship with the United States, over the 1,800 who voted for independence, and that the United States therefore has a majority vote for an even closer relationship than free association. It has seriously been suggested that what Judge Hefner called the "political status impasse" in his judgement denying the American position on the compact could be resolved by relying on those 2,250 votes in an optional ballot to impose a closer relationship with the United States.

The path to self-determination is often a tricky one. I have myself seen some hairy bends in the 10 years that I have been observing the work of the United Nations. But what this administering Power is offering the Micronesian peoples is surely one of the shabbiest deals ever imposed on a weaker community by a stronger

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one. The Micronesians lose their sovereignty but they do not gain full citizenship in the United States. They are encouraged to move out of their homeland if they wish to exercise the full rights of citizenship.

I ask the Council to read the document to try to assess what exactly will be the citizenship of a Micronesian when he or she needs education, health care, legal defence or welfare supports. It shifts and changes, and it is better to leave the islands and go to the mainland of the United States.

This brings us to the essence of the issue. Why is the United States bringing such a queer proposal to the United Nations after so many years? Why does the United States wish to terminate the trusteeship? We of Minority Rights Group fear that it is in order to remove the Territory and the people of Micronesia from international scrutiny so that the United States can serve its own security interests as it perceives them with strategies that are dependent on the depopulation of many of the islands of Micronesia.

It may be that in the realities of the political situation obtaining, concerned people will not be able to resist this process. But at least let it not be said of us or of the only Organization of world government that we or it accepted this tragic state of affairs willingly. Why rush to terminate the trusteeship? Why not internationalize the negotiations, to give the Micronesians a stronger hand and to prevent the last act of decolonization from being among the worst failures of this in many ways noble Organization?

We sought to bring before the Council some of the most recent documentary footage from Palau to demonstrate our concerns. It was ruled that this should not be admitted as oral evidence. But Mr. Heddle, the film's producer, is willing to answer any questions that anyone may have.

I should like to say that we come before the Council in a spirit of constructive consultation and we hope that we are received in the same spirit. Non-governmental organizations have a collaborative relationship with the United Nations and it is a privilege for us to come before this Council, but we also think that we have a duty to come when we see something we feel is not in accordance with the highest ideals of the Organization. That is the reason for our taking the Council's time today.

The CHAIRMAN (interpretation from French): Mr. Glenn Alcalay, who submitted an oral petition last week, is also present to answer any questions members may wish to put to him.

At the invitation of the President, Mr. Glenn Alcalay took a place at the petitioners' table.

Mr. MORTIMER (United Kingdom): I should like to thank Ms. Roff for her interesting statement. I have a number of fairly general questions. The first question relates to an assertion at the foot of page 2 of her petition concerning the need to work to prevent unsatisfactory cases of decolonization. Since I am concerned at the United Nations with defending in the Committee of 24 our record on our dependent Territories, I was intrigued to think that there was indeed such a thing as an unsatisfactory case of decolonization, and I would be grateful if the petitioner could give us an example of that.

Ms. ROFF: I confess to a certain imprecision of language there which I am grateful to the representative of the United Kingdom for picking up. I mean, of course, acts of decolonization which do not conform to the international standards established by this body. They are in a sense incomplete acts of decolonization, and there is, I suppose, in logic only the possibility of successful acts of decolonization.

My concern is that this act of decolonization will succeed and be declared successful, but that it will not conform to the higher standards of the precedents.

Mr. MORTIMER (United Kingdom): The point I was trying to make was that, leaving aside whether there are precedents for decolonization or particular standards which decolonization should aim for, the ideal form of decolonization should depend upon the will of the people concerned, that it is not for the Administering Authority to force on a dependent people a post-colonial relationship that is not demonstrably in accordance with their wishes. It seems to me that constitutional advance is something for the local people to decide and not for any outside interest to dictate.

I wonder if any petitioner would care to comment on that.

Ms. ROFF: We agree with the principles that have just been explained and that is what we are searching for. We are searching for respect for the expression of the will of the people stated four times. We do not wish to see the reimposition or the continued imposition of colonial Power.

(Ms. Roff)

I am a student of decolonization in the sense that I have studied the documents, as the Council has studied the documents. Perhaps I bring a smaller intelligence to them and perhaps I am less experienced. That is why I say we come to the Council in a consultative relationship because we would like to be reassured that we are not talking here about the reimposition or the continued imposition of colonial relationships. That is why we stress that we can see - when we add up numerically or quantitatively what the Micronesian people gain from this proposed future political status, that it is less than what they have now.

Therefore - and I feel very tentative about suggesting this word because I know that it will agitate many members of the Council - we are beginning to explore the concept that what we are talking about here is annexation, not decolonization.

Mr. MORTIMER (United Kingdom): If the petitioner agrees that the will of the people is the prime determinant of constitutional advance, I wonder whether she agrees that the governmental entities in Micronesia were legitimately empowered by the electorate in Micronesia to negotiate their future status with the United States.

Ms. ROFF: We agree that they were empowered to negotiate the future relationship with the United States, or any other relationship that might have developed. We of course remember that they had to submit those negotiations to referendum and plebiscite.

Mr. MORTIMER (United Kingdom): Indeed, the compacts were, of course, negotiated and signed both by the representatives of the three entities and by the administering Power; and, indeed, they were put to plebiscites which were observed by United Nations Visiting Missions.

Really, the question I am asking the petitioner is what does she consider was not properly enacted as far as this process was concerned. Was it not the case that agreements were signed with the United States; that these agreements were democratically put to the vote; that the vote was observed by missions from the United Nations? In the cases, for example, of the Federated States and the Marshall Islands, we found that the plebiscites had indeed been freely and fairly conducted and that the results were representative of the wishes of the people.

Ms. ROFF: Again, I am in the position of agreeing with everything that the representative of the United Kingdom said. But he did not mention the case of Palau, where the agreements were initialled by the legislature and referred four times to a plebiscite and four times denied by the plebiscite. I think that is the incontrovertible fact that is the problem and that caused the omission of

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Palau from the documents submitted to the constitutional processes of the United States.

Mr. MORTIMER (United Kingdom): Is not the fact that the Palau compact was put to the people four times - I am not quite sure what the petitioner means by four times - and was certainly denied, or not approved, by the people of Palau, simply an example of the democratic procedure at work rather than some attempt by the Administering Authority to foist a particular solution upon the people of Micronesia?

I am not entirely at one with the petitioner on the assumption, implicit in her statement, that the Palau compact as it stood in February 1983 will automatically be forced on the people of Palau. It seems to me that what we see here with the Administering Authority and the Palau authorities is an attempt, through the democratic process, to find some way of agreeing on their future relationship. It seems a strange way to go about annexing territory.

Mr. GRIGUTIS (Union of Soviet Socialist Republics) (interpretation from Russian): I would like to ask Ms. Roff whether in her view the possibility of choosing either of the two alternatives for of their territory was clearly and explicitly explained to the population.

Ms. ROFF: This was one reason why we wanted to introduce part of the film that was made at the time of the plebiscite in February 1983, because there was documentary evidence of the complexity of the issues, which I am sure all members are familiar with, and the feeling of confusion and anxiety of the Palauan people faced with a document which, if I remember correctly, weighed 3 lbs., and the complexity of the options that were offered to them, combined with the interpretation of those complexities given to the people under the public voter education programme.

This is really what concerns us about the quality of the act of self-determination. If we had had no questions about the quality of the act of self-determination, we would not have asked to speak today.

Mr. GRIGUTIS (Union of Soviet Socialist Republics) (interpretation from Russian): In his statement, Mr. Alcalay indicated that the Administering Authority had not given the Trusteeship Council the complete information about the results of the nuclear tests. He referred to a number of very important documents. Those documents would be useful to members of the Council. Would Mr. Alcalay be so kind as to transmit to the secretariat and members of the Council the documents to which he referred in his statement?

Mr. ALCALAY: I do have the documents with me today and shall be happy to furnish them to the Council.

Mr. GRIGUTIS (Union of Soviet Socialist Republics) (interpretation from Russian): Referring to the nuclear tests that had taken place, Mr. Alcalay said that the basic documents of the Trusteeship Council indicated that assistance had been given to only two islands. He mentioned 14 atolls whose inhabitants had been affected by the nuclear tests and said that 12 of those 14 atolls had not been given any assistance and that no one knew about this. We should like to know the names of the 14 atolls and whether assistance is now being given to their inhabitants.

Mr. ALCALAY: In my statement I was referring to a Department of Energy document entitled "Radiological Survey Plan for the Northern Marshall Islands" and dated 22 August 1978. On page III-1 of that document there is a list of the 14 atolls that were considered to have been affected by fallout from the 66 atomic and thermonuclear weapons tests between 1946 and 1958 in the Marshall Islands. Those 14 atolls are: Ailinginae, Ailuk, Bikar, Bikini, Likiep, Rongelap, Rongerik, Taka, Ujelang, Utirik, Wotho, Jemo Island, Mejit Island and Enewetak. Of these, only two - Rongelap and Utirik - have been given follow-up medical care.

Mr. GRIGUTIS (Union of Soviet Socialist Republics) (interpretation from Russian): Mr. Alcalay said that the Administering Authority had ousted a group of Japanese doctors who had been invited to make a study of the people of Utirik and Rongelap who had been affected by radiation from the nuclear weapons testing. In his opinion, were the Japanese doctors thrown out because the Administering Authority was afraid that their studies would contain more data than that officially published in the reports of the Administering Authority?

Mr. ALCALAY: The Japanese doctors in question were invited by Ataji Balos - now Senator Balos - of Kwajalein Atoll. He was at that time a representative in the Congress of Micronesia. This invitation was extended as a result of the death of Senator Lekoj Anjain of Rongelap - the son of John Anjain of Rongelap - from leukemia in, I believe, 1971. Then-representative Balos and Mr. John Anjain travelled to Japan and requested some independent doctors from Hiroshima and Nagasaki to come and do an independent investigation of radiation problems in Rongelap and Utirik.

As I understand it, these doctors travelled to Majuro and were getting ready to sail up to Rongelap and Utirik to carry out an investigation of the affected

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atolls when word came from Saipan that there were irregularities in connection with their visas. In fact, they were never allowed to travel to Rongelap and Utirik and consequently returned to Japan.

It is my belief that, historically, the United States has not been interested in having independent doctors and scientists with radiation expertise come to the Marshall Islands to carry out independent analyses on the radiation problem. The only investigations that have been undertaken to date have been sponsored by the United States Government or by agencies affiliated with the United States. I have in mind the investigations by the Lawrence Livermore Radiation Laboratory in California, which is an agency that was formed to promote nuclear weapons; and by the Brookhaven National Laboratory on Long Island - another, as it were, pro-nuclear group interested in promoting nuclear weapons. These agencies and the Department of Energy and its predecesor, the Atomic Energy Commission, have conducted all the studies in the Marshall Islands. It is fair to say that they have monopolized all the radiation data; that is, they have given an assessment of the radiation in conformity with their mandate, as I see it, to promote nuclear weapons and constantly to downplay the effects - particularly the long-term effects - of radiation on human populations.

Mr. GRIGUTIS (Union of Soviet Socialist Republics) (interpretation from Russian): Following up that answer, I should like to ask Mr. Alcalay whether anyone apart from the Administering Authority has investigated the radiation caused by the nuclear tests and has determined what the present situation is.

Mr. ALCALAY: To my knowledge, there have been one or two independent researchers in the Marshall Islands for very, very short periods. One of them is a physician - an internist - and I believe he is in the Marshall Islands at present. His name is Dr. Thomas Hamilton and he is from Seattle, Washington. He was retained by the Marshall Islands group of lawyers representing the Northern Marshall Islanders affected by fall-out. Dr. Hamilton has, I believe, been in the Marshalls for at least a year and a half and has seen something like 1,500 Marshall Islanders. I have not seen any published reports from Dr. Hamilton yet. I do not think he has published anything to date.

A very eminent radiation scientist, Dr. Rosalie Bertell, of Toronto, Canada, spent one month - last June, I believe - in Majuro. She made a very cursory analysis of radiation. She really could not do very much, with a very small budget and very limited time.

(Mr. Alcalay)

I think this points up the problem I raised in my statement on Thursday: When the Marshall islanders went to the polling place on 7 September last to cast their ballots on the Compact of Free Association, they did so, I contend, with an incomplete and insufficient picture about the radiation in their islands. To me that is tantamount to voting blindly in that to date they have never been given an independent and non-governmental assessment of radiation damage in their islands. Having spent two years on Utirik Atoll, having talked with the people of the Marshall Islands - I speak fluent Marshallese - and having returned in 1981 to interview 100 Marshallese at Rongelap, Utirik, Wotje, Ebeye and Majuro, it is my firm belief that the Marshallese truly do not understand radiation. Because they have not really been told fairly and independently about radiation and especially the long-term effects of radiation and what they can expect in the upcoming decades, it is clear to me that they voted blindly, and on those grounds I would declare the plebiscite of 7 September last invalid.

Mr. GRIGUTIS (Union of Soviet Socialist Republics) (interpretation from Russian): I would like to know Mr. Alcalay's personal opinion about what he said in his statement. We have the impression that the holding of the plebiscite was a means of dismembering the Trust Territory, in violation of the United Nations Charter, the Trusteeship Agreement and the Declaration on decolonization, and that it circumvented the Security Council, thus weakening the united front in the struggle of the Micronesians for their rights and interests. Could he comment on that?

Mr. ALCALAY: I agree with the representative of the Soviet Union. I would just comment that the plebiscite really left the Marshall Islanders in a quandary. It was almost as if they had no alternative. There were really not fair choices, in my estimation. It comes back to the radiation issue. The section on radiation matters, section 177, was the most controversial section of the Compact in the Marshall Islands, and I repeat that it is clear to me that the Marshall Islanders did not understand section 177. They did not understand what their alternatives would be. It is my understanding that, for example, Utirik Atoll, which supported the Compact, was told that the pending lawsuits would become null and void and that there was a very good chance that they would never enter a United States court. So, with this information, they really did not have an alternative, and they supported the Compact. But that is not true, of course, of the Rongelapese, the Bikini Islanders and the Kwajalein and Enewetak people. I believe that the Compact was voted on blindly by the Marshallese. I do not believe it was a fair vote.

Mr. GRIGUTIS (Union of Soviet Socialist Republics) (interpretation from Russian): What was the reason for the holding up of the study about the consequences of nuclear radiation and the impact on people? Is it not a fact that in 12 atolls the people did not know that there would be weapon testing, and that those people were viewed as guinea-pigs?

Mr. ALCALAY: I would just like to say that I find the situation extremely puzzling. In July 1946, when the United States initiated its nuclear-weapon programme at Bikini with Operation Crossroads, two small atomic bombs - small by comparison with thermonuclear weapon - were detonated at Bikini. These were the Able and Baker tests. For those very small atomic blasts the United States took the precaution of evacuating the Rongelap Islanders 100 miles to the east of Bikini. I find it incredibly mysterious that, eight years later, for the Bravo test, which was a test of a fission thermonuclear weapon, the largest and dirtiest hydrogen bomb in United States history, a bomb more than 1,000 times the size of the Hiroshima bomb and of the two atomic blasts at Operation Crossroads in 1946, because of which the people of Rongelap had been evacuated, the people close to the test site, that is, in Rongelap, Woltho and other atolls, were not evacuated and were not given any precautionary warning about what to do in the event of fall-out.

Another matter that has come to my attention is that the lawyer for the Bikini Islanders in 1976 or 1977, I believe it was, who was pressing for the rehabilitation of Bikini, filed on behalf of his clients a lawsuit in the federal court in Honolulu which mandated the United States Government to make an investigation of only the northern Marshall Islands. This was the survey that was conducted in 1978. It is interesting that when one looks at a map of fall-out in the Marshall Islands one notices that there are letters representing amounts of fall-out for the 14 northern Marshall atolls, yet no letters are attached to the southern atolls. I am afraid that this gives the distinct impression that the southern atolls were not affected by fall-out, but in fact no mandate was given by the Department of Energy and Lawrence Livermore to study the southern atolls. So, in essence, we do not yet truly know how much fall-out may have landed on those southern atolls, and I would call for a comprehensive radiological and health survey of all the Marshall Islands.

We know from our weapon tests here in the United States that fall-out from several of the tests at the Nevada test site travelled all the way to Troy, New York. The Rensselaer Polytechnic Institute there picked up fall-out levels

(Mr. Alcalay)

from some of the small atomic tests in the kiloton range in the 1950s. That fall-out travelled 2,500 miles from Nevada to upstate New York. In the Marshalls, where the southern atolls might be 600 or 700 miles downwind or south of Bikini and Enewetak, it is conceivable - and nobody has convinced me to the contrary, because these islands have not been checked - that many, if not all, of the Marshalls atolls have been affected by fall-out, but we know only about the northern atolls, and the 14 atolls named in the Department of Energy report.

Mr. GRIGUTIS (Union of Soviet Socialist Republics) (interpretation from Russian): I should like clarification on one detail. Does Mr. Alcalay know whether the reports of the United States physicist and the Canadian scientist have been published?

Mr. ALCALAY: I am afraid I do not know to which reports the representative of the Soviet Union is referring.

Mr. GRIGUTIS (Union of Soviet Socialist Republics) (interpretation from Russian): I am referring to what Mr. Alcalay said, that is, that surveys were carried out by two independent scientists. I am referring to their material.

Mr. ALCALAY: As I mentioned, the physician who is at present in the Marshalls, Dr. Tom Hamilton, has not published a report at this time. The Canadian biostatistician, Dr. Rosalie Bretell, has not yet published her report and I am not sure if she has sufficient data to publish one, since she was only in Majuro for one month and did not have the time or the finances to travel up to Rongelap and Utirik.

Mr. SPITZ (France) (interpretation from French): In her interesting statement, Ms. Roff referred to the plebiscite in Palau and mentioned specific facts. She then said, "It has been seriously suggested in Washington" (supra, p. 13), and so on. I should like to ask Ms. Roff what she means by "seriously suggested". Does she mean that statements were made and can she give us specific references to support this?

Ms. ROFF: Earlier this month, I forget the exact date, we sought an interview with Mr. Zeder of the Office of Micronesian Status Negotiations and his colleagues, several of whom are in the room now. We engaged in a dialogue about possible interpretations of the Palauan situation. Many propositions were stated on that day; I have not repeated all of them. At one point Mr. Zeder said that there was no nuclear-free clause in the Palauan Constitution. We pressed for

(Ms. Roff)

clarification about different aspects of these propositions that were made to us by the staff members and the ambassador during that meeting and this was one explanation that was given to us then.

Mr. MARGETSON (United Kingdom): I want to ask Mr. Alcalay a question, but first I should just like to comment that I am, frankly, surprised at his suggestion that there have been no independent surveys of radiation in the Marshall Islands. There is a suggestion there of the suppression of evidence by the Administering Authority. There is also a suggestion of impugning the integrity of those scientists who have undertaken surveys there. That is, of course, extremely serious. Furthermore, in a question - a rather leading question - from my Soviet colleague, the word "guinea-pigs" was used apropos the inhabitants of some of those atolls and that was not in any way denied by Mr. Alcalay. That is really a rather appalling suggestion, so I am going later on to ask the Administering Authority to give us an authoritative list of the surveys that have taken place and the persons who have conducted them.

I think it is rather interesting that an earlier petitioner talked about compensation for radiation and gave us somewhat meagre figures, but when I subsequently asked the Administering Authority for figures we got a very different picture indeed. I wonder whether we will get a different picture on this other matter which I will question the Administering Authority on later.

My question for Mr. Alcalay concerns the plebiscite in the Marshall Islands, where his theme seems to be that the people there voted in ignorance, that they did not understand section 177. I was there at the time. We wrote in our report about this very matter of whether there was or was not ignorance. I must confess straightaway that my impressions and those of the members of the United Nations Mission who were with me were vastly different from Mr. Alcalay's. I suggest that his approach to this is perhaps rather patronizing. He seems to be saying "Oh well, these Marshall Islanders do not really understand; they are very ignorant." Is he suggesting that they do not have a sufficient idea of their own medical condition on such a major matter as that of radiation that they would really vote in ignorance? Is he not perhaps being thoroughly patronizing towards people who are well capable of judging their interests in the matter?

Mr. ALCALAY: Having spent two years in the Marshall Islands living among the down-wind victims of United States nuclear testing, having returned in 1981 for two months of interviews, when I collected 100 interviews with the Marshall Islanders affected by fall-out, it is clear to me that for the American public and most of the world's peoples, nuclear technology is such a new technology that it has been relegated to the level of the experts; it has been an experts' monopoly for decades. Very few people truly understand the effects of radiation and - just for the sake of a balanced argument - one could never get two physicists or two health physicists to agree about the long-term effects of radiation.

Having said that, I maintain my thesis that the Marshall Islanders today have never been given a full accounting of radiation in their islands. The agencies sponsored by the United States that have collected, disseminated, analysed and interpreted information on radiation in the Marshall Islands have all been agencies that have an inherent conflict of interest in ascertaining a balanced, objective picture of radiation in the Marshalls - that is, the Department of Energy, Lawrence Livermore National Laboratory, Brookhaven National Laboratory. All of these entities and agencies of the United States Government are in the business of promoting nuclear weapons and therefore there is a conflict of interest when it comes to presenting a clear and objective picture of the effects of radiation and what the consequences of those nuclear weapons would be.

I have worked for the last year and a half in Washington as a lobbyist and a scientific adviser for the National Association of Atomic Veterans. These are the 250,000 men who were put at high risk, who were involved in the nuclear-weapon tests between 1945 and 1962, until the signing of the test-ban Treaty in 1963. The two agencies that we have come up against in Washington, the Veterans Administration and the Defense Nuclear Agency, have gone out of their way to keep records, documents, health records, even military records, proving that many of the men were at the nuclear-test sites. The men are very patriotic, loyal Americans and many of them are beginning to question why the United States Government should withhold information from them. Likewise, the Defense Nuclear Agency has been mandated to supervise and investigate the problems associated with these atomic veterans, as they are called. There is a conflict of interest when the Defense Nuclear Agency has a double mandate, a contradictory mandate. On the one hand the Defense Nuclear Agency is mandated to promote nuclear weapons; on the other hand it is mandated to take care of the problems of these atomic veterans and the long-term health effects that they are beginning to suffer 30 or 40 years later.

(Mr. Alcalay)

I should love to see, before the termination of the Trusteeship Agreement and the potential implementation of the Compact of Free Association in the Marshalls, a truly independent, non-governmental assessment of radiation in the Marshall Islands. I appeared before this Council in 1979 requesting that. I appeared again in 1982 requesting the same. We are now at 1984, and no such survey has been conducted in the Marshall Islands.

The following question must be raised: why has the United States so belligerently and intransigently objected to bringing in independent, non-governmental bodies, groups of scientists from, for example, the United Kingdom, Japan and Australia and even the World Health Organization, as has been requested repeatedly by the islanders?

I do not believe it is patronizing to say that the Marshallese do not understand radiation. Heretofore the only educational materials provided to them have been produced by none other than Brookhaven and Lawrence Livermore - again, agencies having a direct conflict of interest in the radiation issue. It is my contention that only when a truly honest, fair, objective, third-party, independent assessment of the Marshall Islands has been conducted will the Marshallese be able to vote on such controversial issues as whether or not they would like to espouse the pending lawsuits, as provided for in section 177, and other very controversial matters in the Marshalls. It is clear to me that until such an independent assessment is conducted the Marshallese will have a very partial picture of radiation, especially its portents for their future generations.

Mr. MARGETSON (United Kingdom): I should like to put one follow-up question to Mr. Alcalay, because it often seems to me that there is a difficult semantic point here. One gets it over the Compact of Free Association and one gets it over radiation. People say about the Compact - and we heard it earlier this afternoon - "It is such a complex document that people cannot possibly understand it." It is, of course, in one sense a complex document, but its essence is extraordinarily simple, as I think we have shown in our report, in the brilliant précis done for the process of political education in the Marshall Islands.

So it is also with radiation. It is perfectly true that, as Mr. Alcalay says, radiation is extremely complex and perhaps no scientist can get near the whole truth of the matter at present. But what I am concerned with is another truth, which is that just as a person suffering from cancer does not know the whole truth

(Mr. Margetson, United Kingdom)

about cancer - no scientist does - he knows he has it and so it is with radiation. As for the idea that people in the Marshall Islands are ignorant of this problem, I have not spent two years in the Marshall Islands, but in the two weeks that I spent there the number of people who spoke to me on this subject showed me that they were very well aware of the existence of this problem, even though they were not scientists and could not probe the scientific truths of radiation.

Does Mr. Alcalay agree that there is a distinction to be made between the scientific understanding of a complicated subject and the rather common-sense understanding of a person who may know that he has or has not been subjected to radiation?

Mr. ALCALAY: We are learning more and more about radiation as time goes on. Most of the international bodies concerned with radiation protection have recently come upon a revelation with regard to the Japanese populations at Hiroshima and Nagasaki, the two groups on which the international bodies base most of their data and predictions about radiation exposure and radiation problems. An eminent epidemiologist at the University of Birmingham, England, Dr. Alice Stewart, recently reinterpreted these Japanese data and found that the radiation damage nearly 40 years later is far more extensive and widespread than has previously been seen or believed.

Dr. Stewart points to a rash of respiratory and infectious diseases as a secondary effect of radiation exposure among the Japanese populations. She maintains that this stems from the fact that some of the radioisotopes were absorbed into the bone marrow of these Japanese victims, and because they lodged in the bone marrow they tampered with the body's immunological system and defence mechanisms, and resulted 30 to 40 years later in a diminished ability of the body to fight off normal infectious diseases.

We might be seeing problems of this sort among the Marshall Islanders, where most researchers are looking for the obvious signs of radiation disease - namely, leukaemia, thyroid carcinoma and other disorders, mostly cancer disorders. Dr. Stewart is now hypothesizing that 40 years after exposure in the Japanese victims we may be seeing a plethora of infectious disorders that are non-cancerous, non-malignant.

It was my experience on Utirik that when a person died, because of the Marshallese custom in the outer islands, prohibiting autopsy, that person was placed in the ground without the cause of death being ascertained. While I was in

(Mr. Alcalay)

the Peace Corps there were approximately 12 deaths of people in their mid-forties, late forties and early fifties, and the Marshallese merely said that they had had chest pains or breathing or other problems. They may or may not have been related to radiation exposure, but no scientist can tell me that they were not.

This presents a problem, and further substantiates my claim that we still do not have an accurate picture and full accounting of radiation in the Marshall Islands, and we are now beginning to see very serious disorders - secondary and maybe tertiary disorders - such as life shortening. It is a known fact that radiation causes life shortening and premature aging. This is an effect of radiation that does not show up in the Brookhaven medical surveys. For example, there is a growing body of literature by eminent radiation scientists - I can cite at least five good studies in the past 10 years - showing a causal link between heart disease and radiation exposure. As ludicrous or absurd as this may sound, cesium 137, one of the isotopes released from an atomic or thermonuclear explosion, is very much like potassium and is attracted to the muscle tissue of the body. It seems logical that the heart, comprised of muscle tissue, would quickly absorb the cesium, so it is not inconceivable that the heart may be affected by radiation exposure.

I could go on and name a range of other disorders that we are now looking at in terms of a possible causal connection with radiation exposure. But suffice it to say that I do not patronize the Marshallese, because I do not think the average citizen in this country has a true picture of radiation either. It is clear to me from my conversations, discussions and interviews with the Marshallese that most of those with whom I spoke, the rank and file on the outer islands - there are a few exceptions, especially the Western-educated folk who live in the urban centres of Majuro and Ebeye - do not understand these things, and that they did not have an accurate picture of radiation when they voted on 7 September last in the plebiscite.

Mr. MARGETSON (United Kingdom): I wonder if I could just quickly ask one question of Ms. Roff. It is a factual question, and I ask it in order to try and help my ignorance in the matter. She stated in her evidence that the question of future political status has been put to the Palauans four times. I am not sure whether I quite understand what these four times are or were. I am thinking of the Compact of Free Association, which is the particular constitutional development that is in all of our minds. Is she suggesting that that question has been put four times? I am not sure what has been put to the Palauan people four times.

Ms. ROFF: I have in my papers the exact dates of the four times at which the question of future political status was referred to the people of Palau; perhaps members already know them. I consider "future political status" to be the terminology for the devolution of sovereignty - or the non-devolution of sovereignty - whatever may be resolved to be the desire of the people of Palau. It is, I understand, a term in common use in the United Nations. Four times the people of Palau were asked to vote on this issue of their future political relationship with the United States, and four times they have stated that they are interested in a future political relationship with the United States of something less than independence, but that they do not wish to contravert their own Constitution in the process.

I do not find any complication in the issue. I think the administering Power has claimed to have submitted this question four times to the people of Palau.

Mr. MARGETSON (United Kingdom): I am not quite sure whether Ms. Roff is suggesting that this is a good or a bad thing. It would seem to me a highly commendable thing to consult people four times - or 40 times - on their political status if the constitutional development or plans for such development warrants such a consultation with the people by such a democratic means. Is Ms. Roff suggesting that it is somehow a bad thing? Or is it a good thing?

Ms. ROFF: In one sense I consider it a bad thing that the same proposition has been placed before the people of Palau despite the fact that each time it is placed before them they give the same answer. I have a 15-year-old daughter who is a student at an American high school. When she reviewed these documents she said to me, "Isn't that what the Americans call double jeopardy?" This is "quadruple jeopardy" in my opinion. The United Kingdom representative and members of the administering Power's status negotiation team have said the same thing to me: "We keep offering them a democratic option to state their position." If that is what they are doing, they have had four opportunities and they have said the same thing four times. It is time that we accepted the determination of the people in the democratically constituted electorates of Palau.

Mr. MARGETSON (United Kingdom): I am even more confused by that answer. It would appear from Ms. Roff's evidence that the Compact of Free Association, which was the subject of the plebiscite we have most recently witnessed, has been put four times, whereas it is my understanding that it has been put once. Is Ms. Roff suggesting that the Compact of Free Association - which is the constitutional point we are concerned with - has been put more than once to the people of Palau?

Ms. ROFF: I think it was the same gentleman, or perhaps his colleague, from the United Kingdom delegation who put it to us that there were democratically constituted legislatures and processes in the Republic of Palau and who asked me whether I considered them to be legitimate negotiators for the people of Palau. I do consider them to be legitimate negotiators for the people of Palau, and I do consider them to have reflected an evolving legislative process, as is required under the terms of the part of the Trusteeship Agreement dealing with preparation of the Territory for its future political status.

In the process of evolving those legitimate constituencies, these issues of constitutional propriety were put to the people of Palau, as was only right and proper, and variations on the prospects negotiable by the people of Palau with the administering Power were put to the people at various times. That is the evolving process of negotiation and constitutionality that I was asked about before.

In the course of those four references to the people of Palau, the precise terms of the future political relationship evolved or changed. All along the way, the people expressed their opinion about these things, and if we must go back to the distinction between proposition A and proposition B, then, of course, the issue is that they accepted some of the administering Power's proposals and ideas, but denied others, and that they were told that the two things were not separable. They suddenly became separable after the fourth plebiscite.

So, I should like to put it to the Council that the terms keep changing. That may be seen as an evolution towards good democratic government, or as a form of pressure and restatement of complex issues in order to try and strengthen the numbers of the vote.

As consultative organizations we can only offer an interpretation. If the Council finds that interpretation inadequate or in some way unsophisticated, then it may dismiss it, but if it has a force, then it must be respected. We are just arguing from the general principles of international law applicable to situations such as these.

Mr. MARGETSON (United Kingdom): This is my last question, in a vain search to get a simple answer: Would Ms. Roff perhaps accept that it is a sensible interpretation of events to describe these four occasions on which the AdministeringAuthority consulted the people as representing not a form of pressure but a search for something which is mutually acceptable? We all know that sometimes such a search may take time. Could it not be that this rather simpler and common-sense interpretation of events is perhaps nearer the truth than the one she has suggested, which according to her is a form of pressure?

Ms. ROFF: I would accept that totally, and I would hope that that would be the process by which the present impasse could be resolved: that is to say that the administering Power would be prepared to contemplate an evolution or adaptation of, or negotiations on, the particular principle on which both sides are sticking: the non-nuclear aspect of the Palauan Constitution versus the nuclear element of the Compact. That is the one thing that has never been negotiable on either side.

The petitioners withdrew.

The PRESIDENT (interpretation from French): We shall now continue the questioning of the representatives of the Administering Authority.

Mr. GRIGUTIS (Union of Soviet Socialist Republics) (interpretation from Russian): I should like to continue to put to the Administering Authority the questions which arise out of the material provided to us. The representative of the United States in the Trusteeship Council stated at the last session of the Council that the United States departure from the original principle of the simultaneous holding of the plebiscites on the Compact, the so-called free association plebiscites, was at the initiative and the request of Micronesia. Would it not be possible for the representatives here from the Marshall Islands and the Federated States of Micronesia to tell the Trusteeship Council in detail what the reason was for that request by the Micronesians, what the advantages and disadvantages were of that approach, above all for the Micronesian population in the Marshall Islands and the Federated States of Micronesia?

The PRESIDENT (interpretation from French): Would one of the representatives of the Governments like to speak?

Mr. DeBRUM (Special Representative): Could we ask the Soviet representative to be good enough to clarify the question so that we may all understand it more clearly?

Mr. GRIGUTIS (Union of Soviet Socialist Republics) (interpretation from Russian): I will repeat my question. At the last session of the Trusteeship Council it was stated that the initial principle of the simultaneous holding of plebiscites on the Compact, on the so-called free association, was adopted at the initiative and the request of Micronesia. Would it not be possible for the Micronesian representatives here from the Federated States of Micronesia and the Marshall Islands to tell the Council in detail what the reason was for that request?

Mr. DeBRUM (Special Representative): As the representative of the Government of the Republic of the Marshall Islands, I can say that a plebiscite was asked for to determine the desire of the people concerning acceptance of what has been negotiated for the past 15 years, namely, the Compact of Free Association between the Republic of the Marshall Islands and the United States. This would be in keeping with the mandate of the Trusteeship Agreement, which ultimately gives people the right to choose freely whatever political system they wish.

For that reason, my Government - I am sure with the understanding of the United States Government - and the other Governments of Micronesia, which have been negotiating this relationship for the past 15 years, made that decision jointly. The Governments insisted that the sooner we could achieve this the better it would be, and the sooner people could speak out for themselves as to the type of Government they should have in the future.

I hope I answered some of the questions. If I can give any further clarification, I shall be happy to do so. I notice that there are other Micronesian Governments represented here and I am sure that they will want to speak on the same issue.

Mr. AMARAICH (Special Representative): I am having difficulty in understanding the question and, if what I have to say does not respond to it, that is perhaps the reason. As I understand it, the question is: why were not all the plebiscites held at the same time in all three countries?

It makes sense, for practical reasons. Even though the three Governments had been negotiating on a bilateral and multilateral basis with the United States Government, it was clearly understood that there were three separate Governments negotiating. It was impracticable to schedule plebiscites in the three territories on the same date because we have our own problems, goals and objectives. We have a larger area to cover in terms of educating the people on the Compact; we have a different legislative process and a different constitutional process. So it made sense, in our view, that the plebiscites should be held when each Government was ready. Thus, there was the request that they be held in that way.

Mr. GRIGUTIS (Union of Soviet Socialist Republics) (interpretation from Russian): I would like to ask a question of the Administering Authority. On page 97 of the annual report it is stated that in the Marshall Islands 28 per cent of the population are unemployed. What percentage of unemployment exists in the remaining portions of the Territory and, at the same time, in overall terms?

Mrs. McCOY (Special Representative): For clarification on this we should like to refer to the individual Governments, since the statistics are in their hands.

Mr. UHERBELAU (Adviser): It is true that the statistical data are provided by our constitutional Governments to the High Commissioner's office, and I must apologize to the Council for the fact that my Government has not provided that information and thus it is not included in the report. I can, however, assure the Council that before the approaching negotiations I will make the information available for the Council.

Mr. AMARAICH (Special Representative): I am sorry, but my delegation has to inform the Council that we do not have the answer to that question. We will endeavour to obtain it.

Mr. DeBRUM (Special Representative): My Government reported approximately 28 per cent unemployment. However, when there are two economies existing side by side, one a dollar economy and the other a subsistence economy, it is very difficult to pinpoint the number of unemployed. The truth of the matter is that any people who wished to do so could move on to their traditional land and live off the land. I think that the 28 per cent mentioned in the report are those in the district centre who were without jobs at that time, but it is very difficult to give precise statistics when there are two economies and different factors of economy existing side by side.

Mr. TUDELA (Special Adviser): In the Commonwealth there is about 49 per cent unemployment. I think I am correct in saying that we still have 5,000 job vacancies in the Northern Marianas. Most of these are for skilled workers, such as carpenters and plumbers, and are filled by foreign workers whom the Northern Marianas brings in.

Mrs. McCOY (Special Representative): I should like to quote from an ESCAP document, E/ESCAP/290. It is an extract from a report of the Commission on Development Planning on its fourth session:

> "Employment opportunities were closely linked to the pattern of development and people tended to move to urban areas or even to emigrate to other countries in search of better jobs. Some of the countries had sought to develop growth areas and employment opportunities away from the capital to reduce the pressures of very rapid urbanization. It was also noted that it was not easy to assess the employment-unemployment situation in many of the countries owing to the importance of the subsistence sector. Many people, especially women, were working to supply basic needs, but were not recorded as gainfully employed in available statistics."

Mr. GRIGUTIS (Union of Soviet Socialist Republics) (interpretation from Russian): I would like to ask the representative of the northern Mariana Islands again whether I have understood aright that there is 49 per cent unemployment. If that is the case, I have another question. Why are foreign workers given these jobs when there are so many unemployed nationals?

Mr. TUDELA (Special Adviser): When I said there were about 5,000 vacancies I meant to explain that our people do not have the necessary skills. The vacancies are for workers such as carpenters, painters, plumbers and so forth. The number of vacancies certified by the Chief of Labor is about 5,000. We are beginning to train our people in trades of this kind but most of them would rather do clerical work and office management in the private sector than take up skilled trades and crafts.

Mr. GRIGUTIS (Union of Soviet Socialist Republics) (interpretation from Russian): We are all worried about this problem of unemployment and questions were raised at the last session of the Council and a great deal was said about it. It was said that it was one of the basic, burning issues. I would like to know what measures are being taken by the Administering Authority to resolve the problem of unemployment in the Trust Territory by creating new jobs and thus eliminate the problem.

Mrs. McCOY (Special Representative): Unemployment is a problem in Micronesia, as it is in most countries of the world, certainly in the United States itself. We are however taking steps to solve it. There have been two programmes: CETA, the educational and training organization, which has finally closed, and the Job Training Programme. At the moment we have 541 people training in various jobs within the Micronesian area - in the Federated States of Micronesia, the Republic of Palau and the Republic of the Marshall Islands. The programme is conducted, not only with government help, but with large contributions from the private sector. It has to be completely co-operative in nature. I think it is a move in the right direction, particularly since the private sector is involved.

Mr. GRIGUTIS (Union of Soviet Socialist Republics) (interpretation from Russian): It was interesting to hear the Commissioner explain this, but immediately I have some questions. When did this programme begin to be implemented? Who finances the programme, and are there are any results now from this programme?

Mrs. McCOY (Special Representative): The Job Training Programme is already under way, and in all three of the Governments, training is available for all kinds of jobs. The financing is done by the United States Government.

Mr. GRIGUTIS (Union of Soviet Socialist Republics) (interpretation from Russian): I should like some further clarification in regard to this same problem. The Micronesian representatives could perhaps explain how much unemployment there is. But we are also interested in knowing whether an analysis of the state of employment has been carried out by the Administering Authority. In which age categories is the most unemployment to be found? This phenomenon affects young people, in particular. Young people must be utilized. I should therefore like to have some specific details about these data from the Administering Authority because the figures show what the trend is. Does the trend indicate a decrease or is it steady from one year to the next? Is it increasing? I should like some clarification about this problem.

Mrs. McCOY (Special Representative): We provide programme assistance on request from the government and, as far as specific figures are concerned, I can say the following. In on-the-job training, for instance, we have had 20 participants in Palau. They trained for 26 weeks, in four private-sector businesses in Palau. All participants were employed at the completion of training.

In on-the-job training in Yap State, training of 21 weeks was provided, and trainees worked for one of the big shipping and transportation companies in Yap - a locally owned company. They completed their training, and most of them are now employed. Two returned to school because the training got them interested in other vocations.

In Ponape we had on-the-job training of 22 weeks. Trainees worked for the Federated Shipping Company in Ponape, and all completed their training. Most of them are now employed and, again, two returned to school.

Now, these are young people and we feel that we are moving in the right direction with this kind of work and this kind of job opportunity. The problem is not solved, and I presume it is going to take a lot more work, but certainly the four governments themselves are also very much involved in training programmes.

Mr. GRIGUTIS (Union of Soviet Socialist Republics) (interpretation from Russian): I thank the High Commissioner for her clarifications, although we are not completely satisfied with those clarifications. My next question, however, is as follows. I should like to refer to the agreement. The administrating power, in

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its report on this Compact of Free Association with Palau and the Marshall and Carolina Islands, now called the Federated States of Micronesia, says that the Compact defines the relationship that will exist with the United States of America. How does the Compact determine the relationship that will exist between these island formations and the United Nations?

Mr. SHERMAN (United States of America): The Compact of Free Association is a negotiated document which sets forth in full the future political relationship between the United States and the Marshall Islands and the Federated States of Micronesia. The Compact will also define the international political status of the Marshall Islands and the Federated States as States in free association with the United States. Of course, at such time as it is fully negotiated with the Government of Palau, the same things would apply.

Under the Compact, the Marshall Islands and the Federated States of Micronesia will be self-governing but not independent, and the United States will recognize their sovereignty. The freely associated States will have full authority to conduct their own affairs except in security and defence matters and security-related foreign affairs. The Compact also provides for substantial American economic assistance to the freely associated States.

The Compact may be unilaterally terminated at any time, but the defence arrangements and economic assistance will run for a minimum of 15 years. In addition, the United States and the freely associated States will have a mutual security arrangement until they mutually agree otherwise.

We believe that the most appropriate and profitable time for a discussion of the Compact and its related agreements before this Council will come when those documents have been fully approved. As I mentioned on an earlier occasion, the United States Congress is currently examining the agreements and holding hearings on them, and until that process has been completed , the negotiation, indeed, will not be complete and the ratification process will not be complete.

However, it is our assumption that at that time the Council will concern itself primarily with the conduct of the acts of self-determination in which the documents have been or will be approved inasmuch as approval and valid fully informed acts of self-determination will demonstrate the acceptance by the people most concerned. As freely associated States, the respective Governments will, we expect, seek continued association and even associate membership in various international organizations under United Nations and other auspices such as Economic and Social Commission for Asia and the Pacific, for example, and other related activities.

Mr. GRIGUTIS (Union of Soviet Socialist Republics) (interpretation from Russian): I would like to continue on this question. Much has been said about the Compact. To whom can the Micronesians complain under the Compact if illegal actions have been committed by the United States Government, if the United States fails to comply with the terms of the Compact? Can you tell me - and I would perhaps turn to the Micronesians themselves - what sort of action would be taken?

Mr. SHERMAN (United States of America): With regard to discrimination or whatever crime might be committed by others outside Micronesia, all of the remedies available under United States law would be available to them. For any kind of difference regarding the terms of the Compact, there is a part of the Compact that provides for arbitration procedures in which an impartial outside authority would settle any dispute arising under the operation of the Compact.

I would repeat, however, that until the Compact has been approved by the Congress of the United States and by the respective Micronesian Governments, it is not a complete document, and, therefore, what we are talking about is hypothesis and not actual fact.

Mr. GRIGUTIS (Union of Soviet Socialist Republics) (interpretation from Russian): I would like to hear what the Micronesians have to say on this same question.

Mr. DeBRUM (Special Representative): First of all, we do not expect the United States to violate the agreement with our Government. Nevertheless, in addition to the appeal procedures provided in the Compact, there is also a provision for full faith and credit mentioned in the Compact. If the United States should negate its responsibility, including financial responsibility, under this Compact, then I think we will have the right to take the matter to the United States Court for action.

Mr. AMARAICH (Special Representative): I wish to add that under the Compact itself there are a number of provisions for the resolution of disputes. There is a joint committee created under the Compact, with representatives from the Governments involved, through which the resolution of disputes can be obtained. In certain cases, the parties have access to two of the courts in the United States: the District Court of Columbia and the District Court of Honolulu.

Then there is another provision for the resolution of disputes in the Compact, which was referred to, and that is the arbitration process wherein the parties involved select the arbitrators, and the arbitrators select a third person to arbitrate disputes between the Governments. Those are the mechanisms set up in the

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Compact in addition to the representative offices created in the respective Governments - representative offices of the United States in the Federated States of Micronesia, for example, and a representative office in Washington for the Federated States - to which disputes can be addressed and through which they can be resolved.

Of course, if they cannot live together, as is also possible, there is the termination process provided for in the Compact which will allow one party to terminate, with certain notification procedures built into the Compact itself.

So we have taken pains to ensure that there shall be procedures under the Compact itself for the resolution of such disputes.

Mr. SHERMAN (United States of America): I have here a copy of the Compact, title four, article II of which goes into detail concerning conference and dispute resolution, the appointment of the arbitration board, and so on. It also has articles relating to amendment, termination of the Compact, and other items which might be of interest to the Soviet representative. I would be happy to circulate these documents - although I believe they have already been circulated in earlier submissions to the Committee - but these might be particularly useful in this case.

Mr. GRIGUTIS (Union of Soviet Socialist Republics) (interpretation from Russian): I would like further clarification on this question. I would like to expatiate upon it. Could the Micronesians have recourse to the United States courts, including the Supreme Court of the United States, or not? Could complaints regarding unfulfilled provisions of the Compact be brought to the United States? Would the Compact be international in nature? Then it would be clear. If a court were to decide that the United States Government had not been fulfilling the provisions of the Compact, what would happen then?

Mr. SHERMAN (United States of America): I am not in any way an expert on international law. I would prefer not answering that question until we can consult our legal advisers. We shall be happy to provide a written response to the question.

Mr. GRIGUTIS (Union of Soviet Socialist Republics) (interpretation from Russian): I should like to hear comments from the Micronesian representatives on that question.

Mr. DeBRUM (Special Representative): The representative of the USSR has asked a very good question. I am not a lawyer either and therefore cannot respond in an international legal framework. I do feel, however, that nothing can stop us from bringing the case before the International Court for deliberation, if need be. That is my personal opinion.

Mr. SHERMAN (United States of America): I might add that my personal opinion and Mr. DeBrum's personal opinion on this issue coincide: nothing could stop them from bringing any such issue to the International Court, if they so desired. But I feel that neither of us believes that there is any likelihood that any such occasion would arise.

Mr. GRIGUTIS (Union of Soviet Socialist Republics) (interpretation from Russian): Mr. Sherman has stated that he is prepared to submit to members of the Council copies of the Compact of Free Association. We would be happy to have this, because so far we have had only the draft Compact.

I have a question on the Compact. There is a provision that the Compact may be terminated by any of the parties. How would that happen in practical terms? Would it be possible for Palau, for instance, at some specific stage to terminate the Compact unilaterally, and, if so, what would be the economic and political effect?

Mr. SHERMAN (United States of America): Again, we are dealing with a document that has not been fully negotiated. It is not a document in law. It is a draft that is currently under consideration in accordance with recognized United States procedures. The United States Congress is examining it and when it approves the Compact, we can proceed to enter into it. So far as the Federated States of Micronesia and the Marshall Islands are concerned, there has been agreement between the United States and the constitutional Governments of those two entities with regard to the precise terms under which free association will take place. Once the peoples concerned have given their approval, that will provide the basis for international recognition of the free-association relationship defined in the Compact as a valid legal and political status for the Federated States and the Marshall Islands on termination of the trusteeship.

Provision for termination of the Compact is written into it. It is expressly defined in Title Four, headed "General provisions". That Title also includes provisions for arbitration of disputes. The Compact could be terminated by either contracting party unilaterally or by mutual consent. The determination of the subsequent status would be a matter for negotiation, if a closer relationship were desired - independence or other choices. But that would be subject to the limitations on the security relationships which I mentioned earlier.

Mr. GRIGUTIS (Union of Soviet Socialist Republics) (interpretation from Russian): On page 116 the report of the Administering Authority states that

"There are over 2,500 families receiving monthly benefits from both Social Security Retirement and the Prior Services benefit programs."

I should like to have more details about those programmes. Who has the right to such benefits? Under what terms and conditions are they granted? Are they allocated to these 2,500 families on the basis of educational or other criteria? Who finances the programmes?

Mrs. McCOY (Special Representative): The social security system that is in force throughout the Trust Territory was established by the Congress of Micronesia. The current statistics of the programme show that out of 58,500 persons enrolled in the social security system, 47,400 have contributed to the system and earned one or more quarters of coverage. There are over 2,500 families receiving monthly benefits from both social security retirement and the prior services benefit programmes. The total monthly benefit is $179,000 and the average monthly benefit is around $70,000.

The central office of the Trust Territory Social Security Administration is now located at the Trust Territory headquarters in Saipan, but it is expected to transfer operations to the three systems - in the Federated States of Micronesia, Palau and the Marshall Islands - as soon as the new offices are ready to take charge of the programme.

Mr. GRIGUTIS (Union of Soviet Socialist Republics) (interpretation from Russian): I should like to follow up that question and obtain some specific details. How many people are encompassed in that figure of approximately 2,500 families? There may be one, two, three or four members in a family. I should like to know how many persons would be involved.

Mrs. McCOY (Special Representative): The average family consists of about eight persons. This applies only to the immediate family; benefits such as these would not be granted to the extended family. I might add, with reference to the first question, that there are no educational qualifications, the only qualification being years of service.

Mr. GRIGUTIS (Union of Soviet Socialist Republics) (interpretation from Russian): I should like to continue the questioning on matters connected with social security benefits. On the same page of the report the Administering Authority refers to the food assistance programme for certain sectors of the

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population of the Territory in certain archipelagos of the Marshalls and so on. Could the representative of the Administering Authority give us more details about that? How many families are receiving food assistance in the islands, how much a year are they receiving, who pays for that assistance, and why was it discontinued for impoverished families in Carlos, Roi-Namur, Ebadon and other areas?

Mrs. McCOY (Special Representative): With regard to the islands to which the Soviet representative has referred, the food programme was ended there at the request of the Marshall Islands Government. Last year we had a tremendous drought throughout the Territory, and some islands were added to the beneficiaries of the programme. Our Federal Emergency Management Agency made some surveys. As the usual fruits and vegetables, such as breadfruit, were badly damaged by the drought, some special food programmes went into effect at that time and many islands received food that would not ordinarily have been included in the food programme. Both Bikini and Enewetak are members of the food programme, as well as several other islands within the Marshall Islands group.

Not only is there supplemental food and food shipped by the United States Department of Agriculture but there are school lunch programmes throughout the islands, both on the outer islands and in the major centres, in which the children are sometimes given both breakfast and lunch and at other times only lunch. Food is supplied also under the programme of the Office on Aging.

If you would like further clarification, I would suggest that the local government representatives be called on to describe their own particular types of food programmes. Much of the food is purchased locally, and other food comes from our government programmes.

Mr. DeBRUM (Special Representative): As the representative of the Soviet Union named some islands in the Marshall Islands group, such as Ebadon, Roi-Namur and others, I would assume that the question relates to the Kwajalein food programme, which was once carried on because of the food shortage on the islands. The Federal Government of the United States had approved the food distribution in view of the destitute condition of the islanders on Kwajalein. However, since the inception of the Interim Use Agreement, when people began to obtain money as compensation for the use of their lands, it was decided by the leadership and agreed by the Parliament of the Marshall Islands Government that the programme was one of the areas in which we should not foster dependency on the United States Government. Therefore it was requested that the programme be cut off, and it was cut off.

Mr. AMARAICH (Special Representative): I should like to add that, as far as the Federated States of Micronesia are concerned, a short-term food programme was instituted because of the drought which the High Commissioner mentioned. The food was not distributed to all but only in selected parts of the country. For instance, Kosrae did not receive the food because it was not badly damaged.

The other food programme that the High Commissioner mentioned, for the schools, is an ongoing programme, with food purchased from the local farmers and local stores, supplemented by food brought in by the Department of Agriculture of the United States Government. Most of the food programme is for the benefit of students at boarding-schools; I believe some of the private schools also participate in the food programme.

Mr. GRIGUTIS (Union of Soviet Socialist Republics) (interpretation from Russian): I should like to continue the questioning on social matters, in order to clarify a few of the details contained in the report. On page 117 of the report it is stated that approximately $6.5 million was spent in implementing the food programme for school children and pre-school children. I should like to know how many of the children of the Territory receive breakfast and lunch. Is it free of charge, and from what budget is it paid?

Mrs. McCOY (Special Representative): Throughout the Territory, the school breakfast is served to 12,086 children on a permanent basis. The school lunch is served to 15,513. It will be somewhat higher next year because the Head Start programme, which is of course, for the smaller, pre-school youngsters, has been separated, and the statistics for that are now coming in under the regular food programme. The cost is borne by the United States Government.

Mr. GRIGUTIS (Union of Soviet Socialist Republics) (interpretation from Russian): At the fiftieth session the representative of France stated that the Visiting Mission to the Territory in 1982 discovered that the participants in public meetings showed ignorance of the contents of the various reports drawn up by the Trusteeship Council. In several instances, the Visiting Mission was compelled to read out publicly parts of the report of the Trusteeship Council on the rights of the local population and the obligations of the Administering Authority.

Could members of the United States delegation who come from Micronesia explain to this session of the Trusteeship Council the reason for that ignorance on the part of the population of the Territory?

Mrs. McCOY (Special Representative): All previous United Nations documents have been sent to the Governments. The United Nations Office in Tokyo sends these to the various Governments for distribution. The latest reports of the Visiting Missions have only just been published, so we do not have them, but I am assuming that the same procedure will be followed.

Mr. GRIGUTIS (Union of Soviet Socialist Republics) (interpretation from Russian): I should like to hear the views of the Micronesians on this issue.

Mr. UHERBELAU (Adviser): I think it was precisely because of the concern expressed by the French delegation that Mr. Nakamura of the United Nations Office in Tokyo visited Palau. We had requested, in addition to the information regularly channelled through that office to Palau, other material relating to such matters as the law of the sea, environmental protection programmes and so on. This issue was also addressed last year and our response was that there are regular radio programmes about the functions of the United Nations and I think it is up to the general public to decide whether to listen to such broadcasts. To understand is another matter altogether.

Mrs. McCOY (Special Representative): I just wonder if this does not bear out what the representative of the United Kingdom said earlier in these meetings when he pointed out that some of the reports are indeed dull and hard to read. Maybe the Visiting Missions are having the same trouble getting people to read their reports as we are having getting people to read ours.

Mr. SHERMAN (United States of America): A few minutes ago a report on the dissemination of information on the United Nations and the international trusteeship system in the Trust Territory (T/1866), dated 4 May 1984, was distributed. It goes into considerable detail on just what has been done regarding the distribution of materials, both publications and films, cassettes, radio broadcasts and so on. I expect that we shall be discussing this under a subsequent item of the agenda, at which time a representative of the Department of Public Information will be here.

Mr. GRIGUTIS (Union of Soviet Socialist Republics) (interpretation from Russian): We have worked quite hard today, as have our interpreters, and I think they have had quite a difficult time. Therefore I propose that we end our meeting, reserving our right to ask additional questions tomorrow.

However, we have a request to make, Mr. President. The records that have been distributed only go up to 15 May. Could not the Secretariat speed up the issuing of these records?

The PRESIDENT (interpretation from French): I shall draw the attention of the representative of the Secretariat to the Soviet representative's request.

The meeting rose at 6.05 p.m.