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Fifty-third Session

VERBATIM RECORD OF THE SIXTEEN HUNDRED AND TENTH MEETING

Held at United Nations Headquarters, New York,
on Monday, 19 May 1986, at 10.30 a.m.

President: Mr. RAPIN (France)

- Organization of work
- Examination of the annual report of the Administering Authority for the year ended 30 September 1985: Trust Territory of the Pacific Islands (continued)
- The future of the Trust Territory of the Pacific Islands (continued)

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The meeting was called to order at 11.10 a.m.

ORGANIZATION OF WORK

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The PRESIDENT (interpretation from French): I should like to draw the Council's attention to letters that I have just received, in my capacity as President of the Council, from the representatives of Australia, Fiji, New Zealand, Papua New Guinea, Samoa, Solomon Islands and Vanuatu. They contain identical requests and are all dated 16 May 1986. I will read out one of them, namely that of the Permanent Representative of Fiji:

(spoke in English)

"On instructions from my Government I have the honour to request the Trusteeship Council to extend an invitation to my delegation under the terms of paragraph 1 of rule 15 of the rules of procedure of the Trusteeship Council to participate without the right to vote in the Council's discussion of agenda item 14, 'The future of the Trust Territory of the Pacific Islands', at the fifty-third session of the Council."

(continued in French)

The letter is signed "William Thompson, Permanent Representative".

In his letter, which otherwise is exactly the same, the Permanent Representative of Vanuatu asks to speak on behalf of his delegation as well as on behalf of all the States I have mentioned.

If there is no objection, the letters will be published as official documents, and I would suggest that at our meeting tomorrow afternoon we consider what action to take pursuant to those letters. If there is no objection, it will be so decided.

It was so decided.

EXAMINATION OF THE ANNUAL REPORT OF THE ADMINISTERING AUTHORITY FOR THE YEAR ENDED 30 SEPTEMBER 1985: TRUST TERRITORY OF THE PACIFIC ISLANDS (T/1888) (continued)

THE FUTURE OF THE TRUST TERRITORY OF THE PACIFIC ISLANDS (T/1886) (continued)

Mr. BEREZOVSKY (Union of Soviet Socialist Republics) (interpretation from Russian): Our first question today relates to the situation in the Trust Territory of the Pacific Islands from the point of view of the rights of the Micronesians. At previous sessions of the Trusteeship Council and in the material provided at this session the Administering Authority has stated repeatedly that the defence of the inhabitants of the Trust Territory from arbitrary search and arrest and from discrimination on grounds of race, sex or language is guaranteed, as is the integrity of their person, and so on.

These statements are in accordance with the Charter of the United Nations and with such basic documents as the Trusteeship Agreement and the Declaration on decolonization, but they are not given effect to in practice.

(Mr. Berezovsky, USSR)

We therefore wish to ask the Administering Authority how it reconciles these statements with the true situation prevailing in the Territory, in particular in Kwajalein, where the most blatant violations occurred when landowners were arrested by the United States military authorities, handcuffed to transport vehicles and driven out of Kwajalein. How does the representative of the Administering Authority here in the Trusteeship Council explain this example of the violation of human rights and the guarantees of the integrity of the person? I leave aside the fact that one of those arrested was a Senator, Mr. Balos.

Miss BYRNE (United States of America): I shall respond to the comments of the representative of the Soviet Union in a general fashion, and then I would ask you, Sir, to call on the High Commissioner and the Chief Secretary of the Government of the Republic of the Marshall Islands for further details concerning the specific question of Kwajalein.

I want to reject in categorical terms the representative of the Soviet Union's assertion that human, civil and political rights are not recognized in practice in the Trust Territory. The Trusteeship Agreement is followed to the letter and the four Governments in the Territory have gone through lengthy constitutional processes by which constitutions have been adopted and the people have agreed to them by referendum. Those constitutions are clear. They guarantee all the rights usual in democracies and all the rights envisaged in the United Nations Charter and as they are spelt out in all instruments on decolonization. The Governments of the four States are very careful to follow due process and they guarantee those rights in practice to all the inhabitants of the various States.

(Miss Byrne, United States)

Therefore I wish to reject once again the assertion of the representative of the USSR that there is any derogation or detraction from or diminution of the full granting and recognition of human rights in the Trust Territory.

Mrs. McCOY (Special Representative): I would call the attention of the representative of the Soviet Union to our annual report, part IV, which starts on page 34. This has a complete run-down of the various guarantees and rights that individuals throughout the Trust Territory enjoy. I would also call attention to the fact that each of the constitutions of our new Governments has within it a bill of rights. So I, too, can confirm that there is no discrimination, no problem whatsoever.

Mr. DeBRUM (Special Representative): First, I am sorry to say that I think that the circumstances leading to the arrest of the Marshallese citizens on Kwajalein could have happened any place in the Marshall Islands. It is our understanding that we are law-abiding citizens, that the law is meant for everyone and that no one in the country is above the law. Everybody in my country is subject to the law, and my freedom and that of our citizens is subject to the freedom of others.

We stated earlier in the Council that my national Government took action only after it received a court order stipulating that a certain group of demonstrators must vacate the places on Kwajalein, where they were demonstrating peacefully. Of course, arrest was not necessary. If one carefully examines the circumstances, it will be seen that those who made the arrests were not wearing guns, or carrying clubs or anything that could threaten or harm the demonstrators. They went with their bare hands and actually carried away those who volunteered to be removed.

(Mr. DeBrum, Special
Representative)

Those who did not want to be removed were also removed without the use of weapons, although in one or two cases they were handcuffed. It was necessary to remove these people, and only when they would not go voluntarily were arrests made. A fair majority of them went voluntarily, in compliance with the court order and, of course, they were not arrested. This was a case in which the national Government had to take action because of the agreement and understanding we had concluded with the people, the landowners and another sovereign Power, the Administering Authority.

(Mr. DeBrum, Special Representative)

Action had to be taken, and we took it. The issue is today in the hands of a court of law, and I hope I shall be forgiven if I do not mention matters that may prejudice the court decision one way or another. Under the court order my Government took the necessary action, and it will continue to take action in the interests of the national Government, at the same time respecting the rights of the citizens of the Marshall Islands.

Mr. BEREZOVSKY (Union of Soviet Socialist Republics) (interpretation from Russian): We have just heard statements by the representative of the United States, the Administering Authority, and the High Commissioner of the Trust Territory. It is strange that they reject the fact that there was a violation of human rights. They reject the fact that there were violations of the right of the inviolability of the human person. They categorically reject those facts, but they are facts, and they indicate something totally different.

All of us have heard the statements of the petitioners, and we have seen slides showing the violence and arbitrary action against the legitimate owners of the land on Kwajalein.

The Special Representative of the Administering Authority has said today that no one can be above the law. That statement applies above all to the representative of the Administering Authority, which, under the Trusteeship Agreement, is required to concern itself about the observance of human rights in the Trust Territory. The facts bear out that in reality everything is totally different. An attempt has been made to present a picture of everything being so fine there that those who committed violence did not want to do it, but did it in spite of themselves. It was even said that a court ruling was made on the matter.

(Mr. Berezovsky, USSR)

It was a strange ruling, with no basis. As I understand it - I hope that I shall be corrected if I am wrong - the rent decision had been rescinded, and I think the actions of the people there were fully justified.

To whose benefit was the court ruling? It was to the benefit of the Administering Authority and in no way to the benefit of the people there.

We should like to have clarification as to who governs Kwajalein. Who represents the Administering Authority on Kwajalein - the representative of the Administration, the High Commissioner, or the representatives of the Pentagon? Whenever a question comes up about violence against the inhabitants of Kwajalein we find that it is primarily the military that is taking action. We know how that happened in the past, when there were demonstrations by the inhabitants - I believe that that was in 1982 - when there were also acts of violence against them. Their food supplies and water were cut off in order to compel them to leave the land.

We should like to hear from the representative of the Administering Authority who is in control, who is ensuring government in the Trust Territory - the High Commissioner or the military.

Miss BYRNE (United States of America): In response to the many questions of the representative of the Soviet Union, I begin by saying that the Administering Authority of the Trust Territory of the Pacific Islands is the United States of America; until the trusteeship is terminated the Administering Authority will continue to be the United States of America.

(Miss Byrne, United States)

Over the years - and I know the representative of the USSR is aware of this - constitutional governments have been developed in all four states of the Territory. As I said earlier, that was a long evolving process culminating in constitutions written by constitutional drafting conventions and subsequently approved by the legislatures and the peoples of the four states. Therefore, these four entities are totally self-governing at this point. That is why we are moving in this Council to terminate the state of tutelage. They are totally self-governing.

As I said earlier, until the trusteeship is terminated the United States is the Administering Authority; but all aspects of local government in the Republic of the Marshall Islands, hence including Kwajalein, are the responsibility of the Government of the Republic of the Marshall Islands.

The United States has a single testing facility on Kwajalein, the Kwajalein Missile Testing Range. There are 35 uniformed military personnel there, but the testing range is run by civilian contractors. All use of Kwajalein is subject to the agreement of the Marshallese Government under Marshallese law. Therefore, while the Administering Authority continues to be the United States of America, government of the Marshall Islands falls to the elected officials and the people of the Marshall Islands.

Yes, indeed, there is some kind of divided responsibilities, as the representative of the Soviet Union said by way of criticism. But it is quite true that there are several governing authorities: there are the overall authority of the Administering Authority, the total local self-government of the Republic of the Marshall Islands, and the agreement between the Government of the Marshall Islands and the United States as to United States use of the Kwajalein Missile Testing Range.

(Miss Byrne, United States)

I thought the response of the Chief Secretary of the Republic of the Marshall Islands, Mr. Oscar DeBrum, was excellent. He said everything right on target, on the mark, in response to the various questions of the representative of the Soviet Union. Once again I fail to see why we are going over the same ground in the questioning, as we have already done over and over. I repeat that participation by the Soviet Union in the annual visiting missions would have been extremely instructive and helpful to the Soviet Union in understanding all the situations we are discussing.

I would also like some clarification from the representative of the Soviet Union as to whether he considers any arrest a violation of human rights. The early comments in his latest statement gave me the idea that an arrest was a violation of human rights and that the Micronesians were somehow involved in demolishing the right of the inviolability of the human person. I believe that arrests are made in the Soviet Union when its Government believes that the law has been violated. I would therefore appreciate some clarification of that point.

In addition, I suggest that you, Mr. President, might wish to call upon the High Commissioner or the Chief Secretary of the Republic of the Marshall Islands for a restatement of the fact. I say "restatement" because statements of the fact have been made many times before the Council.

Mrs. McCoy (Special Representative): I state once again that, reiterating the way that Kwajalein comes under the Marshall Islands Government, the only United States representative as far as control or working together is concerned is the High Commissioner's Office; the military has nothing to do with governing, except for the special rules that are necessary owing to the nature of the Kwajalein Missile Range. In addition, I must point out that, in the incident to which the representative of the Soviet Union has been referring, one very

(Mrs. McCoy, Special Representative)

important point should be made: at no time was the military involved in that.

Kwajalein is not a military base per se. It should also be pointed out that the instructions, regulations, explanations and requests were made both in English and in Marshallese, so there could be no doubt in the mind of anyone who was on the dock that day what the legitimate request, the law and order request, was.

Since we are getting into some legal technicalities here, I should like, with your permission, Mr. President, to request that Mr. Ingram of the Marshalls delegation, their special attorney, be allowed to speak.

Mr. INGRAM (Adviser): I should like to clarify some points for the representative of the Soviet Union with respect to the action taken in February of this year by the civilian security forces on the Kwajalein Missile Range. They had removed people from the dock area for violations of their local ordinances. People were not incarcerated in the gaol facilities at the Kwajalein Missile Range at all; rather, they were put aboard ships to be taken back to Ebeye. At all times the human and constitutional rights of the people were observed. Subsequently they were afforded quick and speedy access to the courts.

In April of this year the Government of the Marshall Islands, after reaching agreement with the United States Government, went ahead and instituted condemnation action in respect of various sites on the Kwajalein Missile Range that were being occupied. Pursuant to that condemnation case it deposited monies with the court to compensate the landowners for the land and subsequently obtained a court order for their removal. The principal landowner in question has accepted funds from the court and has quitclaimed the land to the Government of the Marshall Islands. The only issue that remains there is the determination of whether or not the value placed on the land was correct. In every single situation there has been scrupulous adherence to human rights and the Constitution of the Republic of the Marshall Islands.

(Mr. Ingram, Adviser)

I would also offer some clarification on the question of the juridical authority of the Marshall Islands.

It is indeed the courts of the Marshall Islands that have the jurisdiction to decide matters of law. That was upheld by the United States federal courts when issues revolving around the action taken in February were brought to those courts.

I would also repeat that throughout this period funds were paid by the United States Government to the Government of the Marshall Islands for the rent of the base. Those funds were in turn offered by the Government of the Marshall Islands to the people of Kwajalein. As we have stated before, the funds amount to approximately \$10 million annually, \$7 million of which go to land-use payments and \$3 million to development projects such as sewers, schools, causeways, and so forth. If the figure of \$7 million cash is divided by the number of landowners - 5,000 - one gets a figure of \$1,400 annually. As we have said before, the average family in the Marshall Islands consists of approximately eight members. Thus, one gets an annual family income of approximately \$11,200. That is over 10 times the average annual income of families in the rest of Micronesia. That is why the Government of the Marshall Islands believes that the amount of compensation we were able to obtain from the United States is adequate.

In October last year we met with landowners and representatives of the Department of Defense to discuss immediate concerns of the landowners related to non-monetary issues - such as access by the women of Kwajalein to additional jobs, programmes to facilitate doctors from the Kwajalein Missile Range coming over to Ebeye and giving assistance to the medical facility there, measures to permit teachers at the Kwajalein Missile Range to teach on Ebeye and to permit students

(Mr. Ingram, Adviser)

on Ebeye to attend the school on the Kwajalein Missile Range with scholarships. We were able to obtain movement on all those non-monetary issues. General Wall, who is in charge of the Ballistic Missile Command, gave a commitment to work with us on these issues.

I think that this shows not only that there is an appreciation of human rights but also that the United States Government and, indeed, the United States military are prepared to take that additional step, to go the extra mile - that is, not only to recognize the fundamental rights of individuals but also to be good neighbours.

If any further clarification is required, I shall be happy to give it.

Mr. BEREZOVSKY (Union of Soviet Socialist Republics) (interpretation from Russian): I wish to comment on the statements just made on the questions raised by the Soviet delegation.

The impression is created that the representatives of the Administering Authority really do not understand what we are talking about here. Apparently it is not understood that the Administering Authority is bound to respect the integrity of the person, civilian or military. It is perfectly clear that these guarantees of the integrity of the person are not being respected. We have seen this in, for example, Kwajalein in respect of human rights issues.

This naturally raises questions about human rights. On the one hand, there are the actions of representatives of the Administering Authority and, on the other, there is the situation of the people of the Trust Territory, who are being driven out from the lands that they own.

(Mr. Berezovsky, USSR)

There is one point that is rather interesting here. As soon as the question is raised of the responsibility of the Administering Authority for violations that occur in the Trust Territory, the representatives of the Administering Authority start repeating themselves; they refer again and again to the constitutional governments, the local authorities, the development of the Constitution, constitutional rights, and so forth. I must say, however, that no matter how often such words are used, the actual situation speaks for itself.

I shall proceed now to our next question. We should like to ask the Administering Authority to give us some explanations about how and why it happened that Mr. Remeliik, the President of the Republic of Palau, was killed. We should also like to know what has happened since he was killed. Have the guilty persons been found? Have motives for the killing been investigated? So far as we are concerned, we have no doubt but that the motive was political.

We should like to hear the views and comments of the Administering Authority on this question and to receive any information it can give us.

Miss BYRNE (United States of America): I wish, as has become the pattern, to refer briefly to the comments and presumably prefatory remarks of the representative of the Soviet Union. He said, as the interpreter put it, that he had the impression that the representatives of the Administering Authority did not understand what the delegation of the Soviet Union was talking about, and went on to explain and say again that the rights of the local people were not being respected and that they had seen what had happened in Kwajalein. He said also that the people had been driven out of lands that they owned, that the Administering Authority was responsible for the violations that occurred there and that, while we kept repeating references to the constitution and constitutional rights, such repetition did not make the statements true and that the actual situation speaks for itself.

On the first point, I believe that we did understand what the representative of the Soviet Union was saying. He was accusing the Administering Authority and the Government of the Marshall Islands of systematically violating the human rights of the inhabitants of the Republic. We simply said that that was not true. That is, we understood what he said but we rejected the charge. Then the High Commissioner and the Chief Secretary explained what had happened and the special attorney, Mr. Carl Ingram, gave further facts on the situation.

I reject any accusation that the United States of America does not fulfil its responsibilities as Administering Authority. It is responsible for certain things, the Governments of the four States are responsible for others, but all are very conscious of their responsibilities and fulfil them to the letter.

I agree with the Soviet representative's statement that the situation speaks for itself; I believe that it does. The situation in the Marshall Islands with respect to human rights, respect for the law and due process is excellent. As I

(Miss Byrne, United States)

said earlier, it is one of the reasons why we are able to come here and ask for the termination of the trusteeship.

With respect to the regrettable death of the President of Palau, I would say, first, that it was not at all politically motivated. I reject that charge completely.

I should be grateful, Mr. President, if you would now permit the High Commissioner and the Minister of State, Mr. Ngiraked, for further detailed explanations or responses to comments or questions on that score by the representative of the Soviet Union.

Mrs. McCOY (Special Representative): The event referred to by the Soviet representative is for us a very sad one. It is the first time anything like it has happened in Micronesia and it is our fervent hope that it will be the last. President Remeliik was a wonderful man, beloved by all of us.

I would ask that the Attorney General for the Trust Territory, Mr. Kent Harvey, be allowed to give the Council the background of the case and an explanation of how it was handled.

Mr. HARVEY (Adviser): By way of preface, I think we should point out that the political evolutionary process that has been described on several prior occasions had of course taken place in Palau. The legal framework within which the case was investigated and prosecuted was pursuant to the laws of Palau as they had been transferred to and developed within Palau. The investigation and prosecution of the case were undertaken under the supervision of the Attorney General for the Republic of Palau, Mr. Russell Weller and the Public Safety Department for the Republic.

Substantial technical assistance was provided at the request of the Attorney General by various agencies. The investigative arm of our office at the time consisted of one investigator, who helped out. The Federal Bureau of

(Mr. Harvey, Adviser)

Investigation, on request, also provided technical assistance. Certainly it was a substantial and extensive investigation. Hundreds of witnesses were interviewed. A task force was set up within the Public Safety Division in Palau made up of Palauan officers and investigators who undertook the investigation, substantial interviews, review of evidence and ballistic reviews.

The judicial review of the case was undertaken by Judge Hefner, who has been acknowledged in prior comments in these proceedings to be a most independent judge and one who has established himself in Palau as a most competent jurist who has the utmost concern for the rights of the accused. Judge Hefner was assisted by two indigenous Palauan judges in conducting the trial. The finding of guilty against the three who were involved in the conspiracy to kill President Remeliik was unanimous by the three judges. An appeal has been filed and the appellate proceedings are now under way.

Perhaps the Council would like to hear from Minister Ngiraked with respect to the Palauan perspective on what happened.

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

Mr. NGIRAKED (Special Adviser): I feel that what has been said by the Administering Authority and the Attorney General of the Trust Territory has covered most of the issues and concerns raised by the representative of the Soviet Union. However, for the purpose of further enlightenment I would like to add that there are those who wish to put this tragedy in a political perspective, for various reasons, because President Remeliik was a popular President and those who were accused of his assassination were closely related to another very popular political figure in Palau. Thus the question whether the trial was politically motivated became an issue in the request for a new trial in the Supreme Court of Palau, at which time high-calibre lawyers from the International League for Human Rights were called in to represent the defendants on that question alone.

(Mr. Ngiraked, Special Adviser)

That question was properly and duly reviewed by a Federal Court judge and it was determined that the trial had been fair and conducted pursuant to law.

As far as the progress of the case is concerned, I think that as a government official I am limited from speaking further on the matter because it is still being pursued further in the Appellate Division of our Supreme Court.

Mr. BEREZOVSKY (Union of Soviet Socialist Republics) (interpretation from Russian): Unfortunately, the explanations we have just been given by the Administering Authority do not really shed any additional light on this question. With regard to the situation that has evolved in Palau in connection with the assassination of Mr. Remeliik, we know only that he was in favour of the Compact of Free Association and against any changes and that he supported the nuclear provisions in the Compact. We are somewhat surprised by the fact that the Administering Authority, which has had so much to say about constitutional development and self-government, has submitted virtually no information in connection with the actual events that took place in the Trust Territory, in Palau - especially since that was an extremely eventful period for the inhabitants of Palau and given the desire of the Administering Authority to affirm the so-called Compact of Free Association as quickly as possible.

I am prepared to ask further questions. However, perhaps the representatives of the United Kingdom and France may be somewhat impatient to put their own questions to the Administering Authority. If they have questions they would like to ask, I shall be happy to give them that opportunity, after which I would then continue with the questions of the Soviet delegation to the Administering Authority.

Mr. MORTIMER (United Kingdom): This is really a request for clarification following up on one of the questions asked by the representative of the Soviet Union. He referred to the fact that the landowners of Kwajalein had

(Mr. Mortimer, United Kingdom)

been "driven out" - at least, that is how it was interpreted - from their rightful land and now wanted it back. Is that not a distortion of what actually happened? As I recall from what was said in the Council last week, rent has in fact been paid for quite a length of time - I believe since 1963.

I wonder whether, just for the record, the Administering Authority could restate the position with regard to the lease of Kwajalein is concerned. I do not think that we can allow the Soviet Union's claim that the landowners have been "driven out" to stand unchallenged on the record.

Miss BYRNE (United States of America): I thank the representative of the United Kingdom for asking his question for clarification. I do agree that landowners were not driven out, but I would ask that the High Commissioner and then, perhaps, Mr. Carl Ingram, be called upon to respond as to the actual details.

Mrs. McCOY (Special Representative): To reiterate, or review, the rental payments the United States Government has made to the Kwajalein landowners, the representative of the United Kingdom is quite right when he says we have been paying rent since 1963. Since that time we have paid around \$68 million. When you figure that in 1967 the population was only about 3,500 people, and that nowadays it is around 8,000 - but those are not, of course, all landowners - that \$68 million represents quite a large sum of money.

So far this year we have paid them about \$7 million. By the end of the fiscal year it will be \$10.1 million, of which \$7.1 million will go to landowners and the other \$3 million for development funds for the island of Ebeye and the Kwajalein Atoll or the islands along the way. As far as development funding is concerned, there has from 1982 through 1985 been a total of \$14,700,000 put into a development fund for all of the landowners, of course, and the people who live on Ebeye. So far this year we have paid \$3,277,600 in development funds. This money goes into

(Mrs. McCoy, Special Representative)

the Republic of the Marshall Islands and then is passed on, according to legal directions, to the landowners. I would ask, with your permission, Mr. President, for Mr. Ingram to discuss this further.

Mr. INGRAM (Adviser): The only thing I would add to what the High Commissioner stated is to say that under the Compact of Free Association the landowners of Kwajalein will be receiving over \$10 million a year for each year of the 30-year period of the land use. Of this amount, at least \$71 million will be for development projects, and the remaining sums - over \$200 million - will be for the landowners for use payments.

Mr. BEREZOVSKY (Union of Soviet Socialist Republics) (interpretation from Russian): I thought that I had already covered the question of Kwajalein, but in view of the discussion on this other aspect of the situation there I must make some further comments.

There has been talk of money here. I think that it would look bad to equate guarantees of the inviolability of the human person and human rights with questions of money.

In this connection I should like to ask two questions. First, what was the exact date on which the rental agreement in Kwajalein was terminated? Secondly, on exactly what day of what month was the decision taken to extend that agreement, since I understand that such a decision had already been made.

Miss BYRNE (United States of America): I should like to take the opportunity to comment on some earlier remarks of the representative of the Soviet Union before we respond to his latest questions.

I have heard him say several times that the statements of the Administering Authority or the representatives of the four Micronesian Governments do not really bring any clarity to the matter, that we have not made a clear response. Throughout this session of the Council I have been puzzled as to what would constitute a clear response in the view of the representative of the Soviet Union. I submit that we have all set forth the facts and been clear in our statements of those facts, but he continues to repeat that these explanations do not bring any clarity. I submit that they are very clear.

Concerning the accusation of the representative of the Soviet Union to the effect that we had talked so much about constitutional development yet had submitted no information about what actually happened in Palau, I have a little

(Miss Byrne, United States)

difficulty in seeing how those two statements jibe. However, so far as the question on information is concerned, as I understand it the fact of President Remeliik's murder is mentioned in the report to the Council. However, the report was printed before the conclusion of the court case, which came only a few weeks ago, so what was in the report of the Administering Authority was all the appropriate information to hand that should have been put in the report. I submit that today's statement by the Attorney General of the Trust Territory, Mr. Kent Harvey, was a very clear exposition of what took place and how the investigation and trial were carried out. Information presented before the Council is information for the members of the Trusteeship Council. It is the latest information. So I cannot accept that somehow we have been at fault in not putting forward adequate information on this very sad case.

I turn now to the questions just asked by the representative of the Soviet Union. He observed that to equate guarantees of the inviolability of the human person with money would look bad. There has been no attempt by any speaker on the United States delegation to equate human rights with money. Actually, the members of the American delegation were responding to the question of the representative of the United Kingdom, who asked whether the landowners had been driven out and referred to rent that had been paid. This delegation then undertook to give greater detail, to elaborate on the situation with regard to money payments both in the past and in the future.

(Miss Byrne, United States)

With respect to the question as to when the rental agreement was terminated and the date when it was agreed that the agreement be extended, I would request that you to allow the High Commissioner of the Trust Territory to respond.

Mrs. McCOY (Special Representative): The rental agreements were arranged to go through 1 October 1985, with the idea that the Compact would have been in place by then. Since that was not the case, technically the rental agreements expired, one could say, on 1 October. Negotiations continued, however, on several different occasions, and on 14 March the Interim Use Agreement was extended, but the key point here is that it was retroactive to 1 October.

I should point out that from 1 October the United States Government went right on making the rental payments, even without an agreement being in place. Most of the landowners picked up those rental agreements. They were satisfied with the lease agreements that had been made. It was only a very small number - less than 3 per cent - of the landowners who did not pick up their money. But it was there for them at any time they might want it.

(Mrs. McCoy, Special
Representative)

So as of 14 March 1986 the Republic of the Marshall Islands and the United States Government signed the extended Interim Use Agreement, but it was retroactive to 1 October 1985, with all the money being there available during that time. Since we are again getting into governmental agreements in this sort of discussion, I would ask, Mr. President, if we might refer this question to Mr. Ingram of the Marshall Islands Government.

Mr. INGRAM (Adviser): I would like to supplement what the High Commissioner has said today on that subject. Technically speaking, there are two sets of agreements, one between the Government of the Marshall Islands and the Government of the United States and then back-to-back agreements with the Government of the Marshall Islands and the landowners. The Interim Use Agreement that was entered into in 1982 was extended on a month-to-month basis between the United States Government and the Marshall Islands Government. No agreement was reached for a longer extension until April, as the High Commissioner stated. At that time, we entered into an agreement with the United States that took us all the way from 1 October, when the month-to-month extensions commenced, through to the time when the Compact comes into effect. Our agreement with the landowners makes provision for a leasing of land that will take us all the way from the 1982 agreement through the Compact period. There is a Court case going on now that addresses this issue, so I would not like to say anything further but to reiterate that we do have agreements in place and have made payments available pursuant to those agreements, as the High Commissioner stated.

Mr. BEREZOVSKY (Union of Soviet Socialist Republics) (interpretation from Russian): Now the Council can see that the legal landowners of Kwajalein were thrown off their land. This has just been confirmed by the delegation of the Administering Authority. On 1 October 1985 the terms of the rental agreement expired. Then it was extended on 14 March 1986. In February - that is to say between October 1985 and March 1986 - arrests were made in Kwajalein, and from the slides and photographs we have looked at in the United Nations Library here we can see handcuffs - at least I have been able to distinguish them. If the representative of the United Kingdom feels that handcuffs and forcible transportation from one place to another are not expulsion, then that understanding must be on his conscience. Other people understand it as it actually is.

Miss BYRNE (United States of America): I come back to a comment I just made in my response to the representative of the Soviet Union to the effect that I was quite bewildered by his rather frequent repetition of the charge that the United States delegation was not giving clear answers and was not clarifying the situation and that its responses were not clear.

There must be some difficulty with the microphone system, or perhaps - and I of course do not mean this literally - there may be some difficulty with the interpretation. I have thus far been quite satisfied with the interpretation from Russian into English, but perhaps going the other way there is some difficulty. However, I have to say that, from my understanding of the remarks of the representative of the Soviet Union, either the interpretation is wrong or he has not been listening to the statements just made by the High Commissioner. The term "landowners were thrown off their land" means - at least in the English language - that landowners were deprived of their lands and not compensated. That is the normal meaning, at least to us, of the term "thrown off heir land". In fact, the High Commissioner and Mr. Ingram have explained that, although there was a gap in

(Miss Byrne, United States)

the legal documentation on the rent from 1 October 1985 to 14 March 1986, monthly payments were made throughout and those monthly payments were accepted by the landowners. Further, the High Commissioner made it quite clear, as did Mr. Ingram, that the 14 March Agreement was made retroactive, so that its terms applied through the period from 1 October 1985.

We have also explained the arrests under the law of the Marshall islands, but the representative of the Soviet Union keeps referring to these slides. No one has denied that a few people were handcuffed. I believe that the Chief Secretary, Mr. Oscar DeBrum said that this morning, but that was because they were in violation of the law, and the whole operation was undertaken pursuant to a Court Order.

(Miss Byrne, United States)

I should like to correct a statement that I have just made. I should not have used the term "gap" in connection with the legal documentation. In fact, under the terms of the two agreements, the entire period was totally covered under the law.

Now, Mr. President, may I ask you to call on Mr. Carl Ingram, of the Marshalls Government.

Mr. INGRAM (Adviser): To amplify what has already been said, I wish merely to stress that in every situation involving the Kwajalein landowners their human rights and constitutional rights have been observed. They have been afforded access to our courts and given speedy and fair trials. Compensation has been paid for lands that were used by the United States in connection with the military testing facilities. At all times during the period in question those funds were made available to the landowners, pursuant to agreements entered into between the Government of the Marshall Islands and the landowners.

Mr. BEREZOVSKY (Union of Soviet Socialist Republics) (interpretation from Russian): I assure the representative of the United States that there was no distortion of the interpretation because I am listening to the English, and I understand adequately more or less everything that is said. I understand the words and their meaning and the political undertones of those words and ideas, including the complaint that the Soviet and American delegations supposedly do not understand each other. As regards the substance of the issue, the Soviet delegation does not understand, and will never understand, the anti-Charter and unlawful actions occurring in the Trust Territory of the Pacific Islands.

I hope that what I have just said will be interpreted into English sufficiently well to be understood. If not, I can repeat it in English.

(Mr. Berezovsky, USSR)

I am glad that at last the representative of the United States has recognized that on Kwajalein people were arrested and handcuffed - that that did in fact happen. At least on that matter we have come to recognize the facts. The point is that our reaction is a little different from that of the American side, which in effect asks: "What is so awful about this? It was just a few people that were arrested and handcuffed, but it was because they were there illegally." I understand full well what has been said and I understand what actually happened. The people of Kwajalein were on their own land and were there by right under the law.

Apparently, Mr. Kissinger's well-known formula, which he introduced in 1969 with respect to the Micronesian people, is still being applied, even now.

Miss BYRNE (United States of America): The representative of the Soviet Union scored a very clear point when he said there could be no distortion in the interpretation from English to Russian, because he was listening in English. I believe the normal response to such a statement would be a big smile.

However, I must then go on to disagree with the representative of the Soviet Union. We clearly have a fundamental difference of view. That has been apparent throughout. He has repeated today the statement he made last week that the Soviet Union considers all the developments that have taken place in the Trust Territory to be against the Charter and illegal under the Trusteeship Agreement. We take quite the opposite view, and have always done so.

We believe we have acted in accordance with the Charter and the Trusteeship Agreement. The developments have enabled the United States, as Administering Authority, and the elected representatives of the four Micronesian Governments to come before the Council and point to the readiness of the Administering Authority and the readiness and ability of the Micronesian Governments to have those

(Miss Byrne, United States)

Governments pass out from under tutelage and to terminate the trusteeship, leading to full self-government by the four Micronesian entities, with a new status that we have described at length on several occasions during the current session.

The representative of the Soviet Union said he was glad that the United States - that is, in referring to my previous statement - had recognized that there had been arrests and that the events had happened. No one has ever denied that events took place on Kwajalein, and the Chief Secretary, Mr. Oscar DeBrum, referred to the handcuffing of a few of the demonstrators. I do not see why the representative of the Soviet Union was so pleased by my statement, when I was merely reiterating facts that had already been laid before the Council.

(Miss Byrne, United States)

I must reject his insistence that the demonstrators were being thrown off their land. He said we had recognized that they were on their land and were being thrown off. We have said several times before in these meetings, and particularly today, that all this was done pursuant to a court order. In our system, and in the Micronesian system of constitutional government that has evolved and is now in place, the courts interpret the law. The court in the Republic of the Marshall Islands determined that those people were in violation of the law. We accept the jurisdiction of the Republic of the Marshall Islands and therefore the jurisdiction of the court of the Republic of the Marshall Islands. It determined that those people were in violation of the law, so the authorities on Kwajalein made the arrests. That is totally legal action under our system. If the Soviet delegation has a different view, it cannot change the law of the Republic of the Marshall Islands.

Mr. BEREZOVSKY (Union of Soviet Socialist Republics) (interpretation from Russian): I should like to set the United States representative's mind at rest. She need not be concerned that I said that our assessments of this aspect of the situation coincided and that we agreed that people were arrested on Kwajalein.

The repeated United States statements to the effect that it rejects all the statements made by the Soviet delegation does not change the position. There are statements, and there are objective facts. Those objective facts speak for themselves, and they show that the United States continues to fail to comply with its obligations under the United Nations Charter and the Trusteeship Agreement with respect to the Micronesians. References to the fact that there are laws in the United States that allow them to throw landowners off their land in no way entitle them to claim that what was done to the Micronesians was right and proper, especially since the United States has been charged with the care of the Micronesians.

(Mr. Berezovsky, USSR)

Therefore, we are not too surprised that the representative of the United States here is constantly trying to refute the statements and assertions of the Soviet delegation. We sympathize with the United States delegation, because it is always difficult to defend the indefensible; it tries hard, but facts are stubborn.

Miss BYRNE (United States of America): I do not know how the representative of the Soviet Union reconciles an annual payment of \$10 million with throwing landowners off their land. It is quite a lot of money, and I defy him to say how this equates to throwing landowners off their land.

The other point is that I really do not need the sympathy of the representative of the Soviet Union. We have no difficulty whatsoever in defending our position, because it is clear, correct and right.

Mr. BEREZOVSKY (Union of Soviet Socialist Republics) (interpretation from Russian): What the representative of the Administering Authority has just said confirms once again what the Soviet delegation is saying. We understand that it is not appropriate to argue with a lady, especially at such a late hour. However, facts are facts, and in this case we are speaking as representatives of sovereign States. I repeat that the last statement by the representative of the United States simply confirms what has been said by the Soviet delegation during today's meeting and at earlier meetings.

Miss BYRNE (United States of America): I wish only to say that I think the representative of the Soviet Union has not yet entered the mid-twentieth-century.

Mr. BEREZOVSKY (Union of Soviet Socialist Republics) (interpretation from Russian): Since we have exchanged compliments, all I can say in response to the last remark of the representative of the United States is that if she does not appreciate a pleasant attitude to women we have no further comment to make.

The meeting rose at 1 p.m.