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Fifty-fourth Session

VERBATIM RECORD OF THE SIXTEEN HUNDRED AND THIRTY-FIFTH MEETING

Held at Headquarters, New York,  
on Thursday, 21 May 1987 at 10.30 a.m.

President:

Mr. BIRCH

(United Kingdom)

- Examination of petitions listed in the annex to the agenda (see T/1908/Add.1)  
(continued)
- Report of the United Nations Visiting Mission to observe the Plebiscite in Palau, Trust Territory of the Pacific Islands, December 1986 (T/1906)  
(continued)
- Organization of work

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

**EXAMINATION OF PETITIONS LISTED IN THE ANNEX TO THE AGENDA (see T/1908/Add.1)  
(continued)**

The PRESIDENT: At our meeting yesterday the Council examined the communications contained in T/COM.10/L.366 and 369 to 375, as well as T/PET.10/476 and 495 to 500.

We shall now proceed with the examination of the written petitions contained in documents T/PET.10/501 to 507, 511 to 513, 519, 521 to 523 and 526 to 537.

Does any member wish to comment on T/PET.10/501?

Mr. GRIGUTIS (Union of Soviet Socialist Republics) (interpretation from Russian): We stated yesterday that the written petitions are additional sources of information about the situation in the Trust Territory. Document T/PET.10/501 again draws our attention to a series of matters, although in some sense it partially repeats what has been said in earlier petitions. In this document the petitioners strongly protest the political pressure being exerted on the people of Palau and state that the people are bothered by the illegal activities of the Administering Authority with regard to nuclear bases on Belauan land. This again seriously emphasizes that this situation is an insult to a people which is aware of what nuclear weapons are and which knows that on the basis of its own experience, having suffered from nuclear-weapon testing. Therefore, we feel that this petition deserves our serious attention.

The PRESIDENT: As there are no further comments on that petition, the Council will now turn to document T/PET.10/502.

Mr. GRIGUTIS (Union of Soviet Socialist Republics) (interpretation from Russian): This petition is from the Bega Valley Women for Nuclear Disarmament. Although it refers to the Constitution, it also draws attention to the fact that the United States has declared the Compact with the Marshalls and the Federated States of Micronesia to be in effect even though the United Nations itself has not completely terminated their status as a Trust Territory. This petition emphasizes the responsibility of the Security Council, as well as of the United Nations as a whole, with respect to the fate of a small country like Micronesia.

The PRESIDENT: As there are no further comments on that petition, the Council will now turn to document T/PET.10/503.

Mr. GRIGUTIS (Union of Soviet Socialist Republics) (interpretation from Russian): Here the petitioner asks a questions of the Trusteeship Council, namely, "what is going on in Micronesia?". He cites examples of these islands being used as a military base and a nuclear platform, and that local governments are being disrupted and corrupted. He states that issues are being dealt with fraudulently and that the people are not being allowed self-determination. The petitioner has requested a reply, and one logically wonders whether a reply has been sent to the petitioner, who is from London.

Mr. SMITH (United Kingdom): I have refrained from commenting on every petition that we are considering because it seems to me that a great many of them are rather repetitive, drawing on the same arguments and, if I may say so, the same misinformation about the Territory. I am not sure where the petitioners get their information from, but in many cases it seems to me that the information is mistaken. In this petition, for example, the petitioner refers to the islands being used as a military base, and so forth. Yet we have heard from the United States Administering Authority that, with the exception of the civilian facility at Kwajalein, there is no military base in the islands and there appear to be no plans to put one there. With respect to the allegation by the petitioner that the people are being allowed no self-determination, I think that is patently untrue. The people of Micronesia have had many opportunities to express their political wishes and many opportunities to exercise their right to self-determination.

The PRESIDENT: I understand that the representative of the Soviet Union has asked how petitioners receive answers to the questions they have asked. I call on the Secretary of the Council to answer that question.

Mr. ABEBE (Secretary of the Trusteeship Council): When a petitioner communication is received in the United Nations, the Secretariat prepares an acknowledgement. In the acknowledgement, we inform the petitioner that his petition will be published as an official document of the Trusteeship Council. Secondly, we inform the petitioner that his or her petition will be before the next session of the Trusteeship Council and that appropriate decisions taken will be communicated in due course. The second stage, of course, is when the Council itself takes a decision - in this case, that is a decision during the fifty-fourth session. Once a decision is taken on a petitioner communication, we inform or communicate with the petitioner concerned, individually, and inform the petitioner that the Council has taken such and such a decision and also forward to the petitioner for information the appropriate record of the Council. That completes the process.

Mr. GRIGUTIS (Union of Soviet Socialist Republics) (interpretation from Russian): I simply do not understand my colleague from the United Kingdom who is trying to cast some doubt on what is being written by people from various parts of the world. This seems to me to be an attempt to cast doubt on what has been said by all these people. The fact that there is a petition at all indicates that something is disturbing the people about what is going on in the Territory, which shows that everything there may not be as it should. People communicate with the Trusteeship Council and try to add to the information which is already before it. The fact that these matters are raised so frequently also corroborates the fact that everything is not so perfectly all right in the Territory.

Mr. SMITH (United Kingdom): I should just like to clarify my point of view. Naturally, I do not question the right of petitioners from whatever country in the world to petition this Council on the subject of the situation in the Trust Territory. I was simply expressing the view that in considering these petitions the Council must make a judgement as to whether or not the petitioner has got the right information on the Territory and whether or not the petitioner is in a position to know what the situation is in the Territory.

The other point the representative of the Soviet Union raised was that, according to him, a great many people in many parts of the world are interested in the situation in the Territory. In fact, it seems to me that there is quite a lot of duplication in the petitions; there seem this year, for example, to be a great many petitions from Vancouver, Canada. I would suggest that perhaps this is a result of some small body in that area organizing a letter-writing campaign to the Council.

I notice too that in fact there are petitions from only a small number of Western countries; I am surprised there are no petitions from the Territory itself, if the situation is really so bad. I am also surprised that there are no petitions from countries in the Soviet bloc.

The PRESIDENT: Does any member wish to make a comment on the petition contained in document T/PET.10/504?

Mr. GRIGUTIS (Union of Soviet Socialist Republics) (interpretation from Russian): This petition refers to the United States agreement with Palau. It stresses the fact that the peoples of Micronesia are being used for selfish purposes and that the area is being used as a missile range in defiance of the human rights and political constitutions of the countries involved. It also emphasizes that the Territory is regarded as strategically useful and protests the intentions of the United States in making such use of the Pacific islands.

The PRESIDENT: Does any member wish to make a comment on the petition contained in document T/PET.10/505?

Mr. SMITH (United Kingdom): I want to point this out as an example of the kind of petition that seems to me to be based on misinformation. The petitioner states that in the recent referendum in Palau the people approved their nuclear-free Constitution. That, of course, is not true; the recent referendum was not on the subject of the Constitution. The petitioner says also that the people rejected the Compact by majority vote. Again, that seems to me untrue in that the majority of the people of Palau - some 65 per cent - voted in favour of the Compact.

The PRESIDENT: Does any member wish to make a comment on the petition contained in document T/PET.10/506?

Mr. GRIGUTIS (Union of Soviet Socialist Republics) (interpretation from Russian): I should like to save time by addressing petitions T/PET.10/505 and 506 in one statement. Both of these petitions raise serious issues in connection with the Compact. A 75-per-cent vote in favour of the Compact is required for approval; the fact that this has not been achieved indicates that the people is trying to preserve its nuclear-free Constitution. The Compact of Free Association should therefore be tied in with a nuclear-free Constitution for Palau, in keeping with the important obligation to protect the interests of the Trust Territory. This is the seventh time the Trust Territory has rejected the Compact; the result is thus particularly decisive. The petitioners request the United Nations to monitor the situation to ensure that there be no violation of the constitutional rights of self-determination and a nuclear-weapon-free future for the children of the people of the Territory.

The PRESIDENT: Does any member wish to make a comment on the petition contained in document T/PET.10/507?

Mr. GRIGUTIS (Union of Soviet Socialist Republics) (interpretation from Russian): Without quoting from document T/PET.10/507 or citing any examples, since we have already spoken of this subject, I wish merely to observe that it is an important, serious document that is worthy of the Council's attention.

The PRESIDENT: Does any member wish to make a comment on the petition contained in document T/PET.10/511?

Mr. GRIGUTIS (Union of Soviet Socialist Republics) (interpretation from Russian): In this document, Ms. Else Hammerich and 96 other members of the European Parliament submit a letter for the Council's consideration. I think the letter is rather interesting, both for the Trusteeship Council and for the United Nations as a whole. It expresses concern at the unilateral and illegal attempts of the Administering Authority to change the status of parts of the Trust Territory without the approval of the Security Council.



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The petition goes on to point out that such actions conflict with the Trusteeship Agreement and with previous statements by the Administering Authority to the effect that no changes to, or termination of, the Trusteeship would take place without the approval of the Security Council.

The petition also requests that the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples include on its agenda, and that it report on, any parts of the Trust Territory on which the Administering Authority no longer reports to the Trusteeship Council. It also urges the Secretary-General, the Trusteeship Council, the Security Council and the Special Committee to assert the continued responsibility of the United Nations for the whole Trust Territory until the trusteeship has been legally terminated and all inhabitants of the Territory have been able freely to decide their future status, including - once again - the decision to remain nuclear free. The petition also requests that the member who was present as observer at the Palau plebiscite be permitted to address the next hearing on this issue.

The petition clearly sets forth a number of issues deserving of attention, and it deals with matters that are obviously of concern to Western countries.

The PRESIDENT: Does any member wish to comment on T/PET.10/512?

Does any member wish to comment on T/PET.10/513?

Mr. GRIGUTIS (Union of Soviet Socialist Republics) (interpretation from Russian): I should like to say something about both T/PET.10/512 and 513, which not only draw attention to the holding of a plebiscite and the programme of political education being carried out, but also refer to decisions being foisted

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upon the population by foreign Powers. The petitions emphasize that pressure, direct and indirect, is being exerted on the population of Palau.

The PRESIDENT: Does any member wish to comment on T/PET.10/519?

Does any member wish to comment on T/PET.10/521, 522 or 523?

Does any member wish to comment on T/PET.10/526, 527 or 528?

Mr. GRIGUTIS (Union of Soviet Socialist Republics) (interpretation from Russian): I did not wish to comment on this group of petitions since, to a certain extent, they all deal with more or less the same issues: the holding of another plebiscite, the pressures that are being exerted and a number of other problems of which we have already heard.

T/PET.10/528, however, although it too repeats some earlier points, does focus our attention on the so-called Compact of Free Association and gives examples of reasons for which it has been declared unconstitutional by the Appellate Division of the Supreme Court of Palau. The military requirements contained in the Compact violate certain land rights and the power of eminent domain. The petition notes the concern felt about the 50-year term of the Compact. It also notes the current financial crisis in Palau and the fact that the population is experiencing financial difficulties. The petition notes that another plebiscite on the same Compact is being planned and notes that such procedures reflect badly on traditions of democracy and constitutional government. It states that United States policy towards the Trust Territory of the Pacific Islands has only one aim, and that is to preserve the dependent status of the Territory.

As an enclosure to the petition, we find a letter from the United Palauan (Belauan) Club of Portland, Oregon, which also raises a number of issues relating to the Compact of Free Association, the budget of Palau, pressures and

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intimidations and the impossibility of holding further negotiations with the United States. The petition, as a whole is a very serious document and an important source of additional information about the situation prevailing not only in Palau, but in the entire Trust Territory.

The PRESIDENT: Does any member wish to comment on T/PET.10/529, 530 or

531?

Mr. GRIGUTIS (Union of Soviet Socialist Republics) (interpretation from Russian): This petition is from the Braintree and District United Nations International Year of Peace Group, which has learned about the seventh referendum on a nuclear-free Constitution. It seeks a copy of the report of the United Nations observers' group, and raises the question of other international groups of observers that have been very puzzled by various circumstances surrounding the holding of the vote. It also lists a number of observations made by that international group that observed the vote in Palau: the loss of ballot boxes, pressure on civil service workers, and a number of other matters.

The petition says it has been heard that there is to be another referendum and asks if that is indeed so, whether more time is not needed for the people of Palau to fully understand the options before them. Emphasis is placed on the economic dependency of the Territory on the Administering Authority.

We wonder whether the report of the Visiting Mission will be sent, and what kind of a response there will be to this petition.

The PRESIDENT: Does any member wish to comment on T/PET.10/532, 533, 534, 535, 536, 537?

Mr. GRIGUTIS (Union of Soviet Socialist Republics) (interpretation from Russian): The petitions you have just listed, Sir, address the same subject - that is, the new plebiscite and the future actions of the United States. The last one, to which we draw attention, comes not from just one person but from another group that supports the way Palau has chosen to uphold its nuclear-free Constitution and status. They are genuinely concerned that the United States has repeatedly imposed a plebiscite upon them with the idea of eliminating the nuclear-free status assured under the Constitution of Palau. It is clearly intended to use the islands

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primarily for military purposes. In their petition they request that all democratic procedures be respected in Palau.

The PRESIDENT: Are there any further comments on the petitions, either singly or as a whole?

Mr. SMITH (United Kingdom): I just wanted to make one very short comment. A number of the petitioners have alleged that the Palauan people do not want the coming referendum in June, and yet, as I understood it, this referendum had been called by the democratically elected representatives of the people of Palau. There seems to me to be some inconsistency, and again I think this is a case where the petitioners are perhaps basing their views on inadequate or incorrect information.

Miss BYRNE (United States of America): As I mentioned earlier in this session, my delegation has always upheld the right of petitioners of any nationality to approach this Council to present oral or written statements making known their views with respect to conditions in the Trust Territory of the Pacific Islands. Some petitioners criticize the Administering Authority; others praise it. Whatever the views of the petitioners, the Administering Authority traditionally refrains from questioning them directly so as not to inhibit the free expression of those views. Instead, to ensure that the record of our proceedings gives an accurate picture of events in the Trust Territory, my delegation traditionally comments on some of the views and assertions of the petitioners after all have completed their statements. I would like to do so now with regard to certain of this session's petitions.

Last week this Council heard an oral petition concerning a lawsuit brought by the Bikini people, who are citizens of the Marshall Islands, against the Government of the United States. In that lawsuit the plaintiffs seek compensation for alleged damage relating to the nuclear testing programme conducted by the United States in

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the Marshall Islands between 1946 and 1958. That lawsuit is pending, and I will not comment on its merits. As this Council is aware, the United States has made substantial ex gratia payments to Marshall Islands citizens affected by this testing programme. In addition I would note that under the Compact of Free Association the people of Bikini have already received two of the scheduled quarterly payments of \$1.25 million that the claims settlement provisions of the Compact guarantee to them over the next 15 years. In all, the approximately 1,000 Bikinians will receive \$75 million under the Compact negotiated by the Government of the Marshall Islands.

This Council has received oral and written petitions regarding the situation in Palau. To begin, I would urge petitioners to acquaint themselves with the eloquent statement before this Council made by President Salii on 11 May. That statement addresses some of the concerns raised in these petitions. I would also direct petitioners' attention to information on Palau's political, economic, social and educational development in the annual report of the Administering Authority.

Now I should like to address two misunderstandings that appear in a number of petitions related to Palau.

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The first misunderstanding is that the United States is somehow forcing Palau to change its Constitution. Nothing could be further from the truth. The United States respects and always will respect the Constitution drafted and approved by the people of Palau. Acting in accordance with its constitutional powers, the Government of Palau negotiated and approved the Compact of Free Association between Palau and the United States and has organized plebiscites on that Compact. My Government regards the Constitution of the Republic of Palau and all decisions on self-government made by the people of Palau as matters for Palauans alone to decide.

The second misunderstanding is that the United States intends to place nuclear weapons in Palau or somehow wants to turn Palau into a military bastion. Both those assertions are incorrect. The Compact of Free Association obliges the United States to defend Palau and the Compact provides a legal framework within which the United States may act to do so. The few United States military personnel in Palau are engaged exclusively in civil construction activities requested by Palau. There are no plans to increase or change the nature of those activities.

Some petitioners spoke on the conduct of the 2 December 1986 plebiscite in Palau on the Compact of Free Association. My delegation has studied the report of the Visiting Mission dispatched by this body to observe the plebiscite. We have also read the "Report of the International Observation Team to the December 2, 1986 Plebiscite" in which certain petitioners at this session participated. My delegation was heartened to see that the two reports agree on the crucial point - the results of the 2 December 1986 plebiscite represented the freely expressed views of the people of Palau. My delegation therefore is somewhat puzzled by the baseless and inaccurate allegations that the Administering Authority pressured the people of Palau before and after the December plebiscite.

Some petitioners have made much of the question of funding. It is true that Palau would receive substantial funding under the Compact. That does not mean that

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current funding is inadequate, as some petitioners have implied. Again I would draw petitioners' attention to the report of the Administering Authority regarding Palau's development in all areas during the reporting period.

This Council also received oral and written petitions by members of the Commission on Trusteeship Termination of the Northern Mariana Islands. To the best of my delegation's knowledge, this is a task force created by the Northern Mariana Islands Legislature to make recommendations on matters relating to implementation of the Commonwealth Covenant.

As my delegation understands the petition, the petitioners' concern is not with the Commonwealth Covenant, which they acknowledge that the people of the Northern Mariana Islands freely chose in a plebiscite observed by representatives of the Council. Rather, they seem concerned that at some future date the parties to the Covenant may not interpret it in the way the petitioners would like to see it interpreted. In this respect, the Commonwealth Covenant provides for regular consultations between the United States Federal Government and the Northern Mariana Islands Government on matters of implementation and interpretation of the Covenant. Most significantly, one of these provisions - section 902 of the Covenant - provides for thorough consultations on a wide array of issues addressed in other Covenant provisions and, more generally, on the workings of the Commonwealth relationship.

In discussions of this type which have already taken place, the Commonwealth of the Northern Mariana Islands has been ably represented by its popularly elected Lieutenant Governor. As in any such discussion within our political system, there is free give and take and rigorous analysis of all issues raised by either side. Section 902 of the Northern Mariana Islands Commonwealth Covenant thus provides a mechanism for settling matters and responding to concerns of the sort envisaged by



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the petitioners. My Government is convinced that it and the Northern Mariana Islands Government will employ this mechanism to resolve amicably any issues that may arise in the future.

As I mentioned in a brief statement earlier in our proceedings, some petitioners have sought to set before this Council material and demands that have already been addressed clearly and unambiguously by this Council in its resolution 2183 (LIII) of 28 May 1986. My delegation would like to state again that such matters are not now properly before this Council.

My delegation would like to make one final general comment on the petitions considered at this session of the Trusteeship Council. We have listened to a number of petitioners and read a greater number of written petitions. My delegation is struck by how few of the oral and written petitions come from Micronesia itself.

The PRESIDENT: If I hear no further comments, the Council will now take decisions on the written petitions and communications.

We shall look first at the written communications contained in documents T/COM.10/L.366 and L.369 to L.375. These communications are simply copies of other communications sent to the Council for its information. I propose that the Council should take note of them.

It was so decided.

The PRESIDENT: We turn now to the petitions in documents T/PET.10/476, 495 to 507, 511 to 513, 519, 521 to 523 and 526 to 537. Those documents are addressed specifically to the Trusteeship Council. I propose that the Council decide to draw the attention of the petitioners to the observations made by the representatives of the Administering Authority and other members of the Council at the current session, as appropriate.

It was so decided.

REPORT OF THE UNITED NATIONS VISITING MISSION TO OBSERVE THE PLEBISCITE IN PALAU,  
TRUST TERRITORY OF THE PACIFIC ISLANDS, DECEMBER 1986 (T/1906) (continued)

The PRESIDENT: Does any member wish to make comments on the report?

Mr. SMIRNOV (Union of Soviet Socialist Republics) (interpretation from

Russian): Our position with regard to the inclusion in the provisional agenda of the seventeenth special session of the Trusteeship Council the question of sending a visiting mission to observe the plebiscite in Palau on 2 December 1986 relating to the Compact of Free Association between Palau and the United States was set forth in the note of the Permanent Representative of the Union of Soviet Socialist Republics to the Secretary-General of the United Nations of 20 November 1986.

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The Soviet Mission to the United Nations objected in its note to the United Nations to the sending of such a mission to Palau because

"They wish to use this mission so that under the name of the United Nations they could conceal a further attempt by the United States to impose, in terms of economic and political pressure, upon the population of part of the Trust Territory, that is, Palau, the status of a United States nuclear springboard which was repeatedly rejected by them."

Further on the note says:

"The anti-Charter nature of the Trusteeship mission to Palau essentially aims at the goal of giving the appearance of legitimacy to the process of splitting a unified Trust Territory - and this is being carried out by the United States in violation of the United Nations Charter, according to which any decision to change the Trusteeship Agreement can be adopted only by the United Nations Security Council".

I quoted these provisions from the Soviet Mission's note to the United Nations in order to say that subsequent events have confirmed the correctness of the considerations expressed in that note. Allow me now to go on to the report of the Visiting Mission.

The Council has before it for its consideration the report of the United Nations Visiting Mission to Observe the Plebiscite in Palau (T/1906). The members of the Mission were: Counsellor of the French Mission, Mr. Guinhut, Chairman of the Mission; First Secretary of the United Kingdom Mission, Miss Taylor; and the representatives of Fiji and Papua New Guinea. We have no justification for casting doubts as to the ability of the members of the Mission, but in our view its political level was unquestionably insufficient in view of the important tasks before the Trusteeship Council with regard to the Trust Territory's future.

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In analysing the report before us the first conclusion we reached was that it was superficial in nature. The report lacks any serious in-depth analysis of the conditions under which the plebiscite took place. It lacks any analysis of the campaign for the so-called political education of the people or of the resources and means for carrying out that campaign; nor is there an analysis of the documents related to the holding of the plebiscite. In fact, the Mission carried out the role of a supernumerary which simply registered the fact that there was a vote and the results of that vote. Unfortunately, we cannot see in the report that the Mission somehow responded to the facts presented to it with regard to pressure imposed on the Palauan population by the United States and the local proponents of the Compact. Again, it did not investigate the complaints submitted to the effect that the Referendum Commissioner, who was also a Government Minister, participated in that campaign. This was unquestionably a serious violation in holding the plebiscite and the Mission should have reacted appropriately to it.

Furthermore, there was no investigation of the regrettable fact that the Political Education Committee carried out a campaign to approve the Compact in violation of Palau Law No. 2-22. Unquestionably, as we see it, the Mission, having learned of the violation, should have investigated it and reported in its report to the Trusteeship Council the measures it took on the spot to correct the situation.

The Mission recorded a complaint that a group established by President Saliu agitating for approval of the Compact carried out its activities under cover of the Political Education Committee. Now, really, was this not a crude violation of the conditions for holding the plebiscite? Why did the Visiting Mission of the Trusteeship Council, having recorded that fact, not draw the relevant conclusions?

The Mission got signals that the Palauan authorities, acting in support of the Compact, misused the financial resources set aside for holding the plebiscite.

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However, in its report to the Council the Mission did not even communicate what specifically was involved - by whom, for what purposes and where those resources were spent.

In paragraph 11 of the report it says that the Mission received information about the conduct of the campaign, but nothing is said in the report about what kinds of claims were made and how the Mission responded to them.

The Mission also received complaints with regard to United States intervention in the campaign and pressure by local authorities on governmental employees to campaign for the Compact; also, a climate of fear had been established in which the plebiscite was held; and in this case the report does not tell us anything as to how the Mission responded to such communications. The report contains in addition a memorandum from the Minister of Social Services; and there were threats of dismissal made against civil service employees if they opposed the Compact.

Finally, since the United Nations bears responsibility for the Trust Territory a direct request was made to the Mission to give the people of Palau a real opportunity to define their future in an atmosphere free of fear and intimidation. So a question arises in our minds: What did the Trusteeship Council Visiting Mission do radically to influence the situation that had been created in Palau? It is quite clear from the report that the Mission took no steps whatsoever to correct the abnormal situations it found with regard to the plebiscite.

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Everything I have said leads us to the second conclusion, namely, that in the report of the Visiting Mission of the Trusteeship Council the necessary political conclusions and assessments have not been made. From our viewpoint, we cannot agree with the attitude shown by the Mission to a series of other complaints and communications received by it, the essence of which was not conveyed in the report to the Trusteeship Council. Although we have already said that the Mission did not reach the necessary political conclusions in chapter VI, at the same time, there is also an attempt to white-wash an unpleasant picture, which is the background against which the plebiscite was held. In particular, in paragraph 25 it states:

"that a high level of interest, involvement and even anxiety had been generated among the general public. It appeared to the members of the Mission that the manner in which the Government had conducted its campaign to obtain approval of the Compact of Free Association may have also contributed to this". (T/1906, chap. VI, para. 25)

With regard to the other conclusions reached in the Mission's report, there is justification for considering that they are not without fault either.

The members of the Trusteeship Council have had another document presented to them by an international group of observers, which consisted of five representatives of non-governmental organizations, including some with consultative status with the Economic and Social Council. This is the same group whose presence was welcomed in Palau by the representative of the United States, on behalf of her Government, when she spoke here at the seventeenth special session of the Trusteeship Council on 20 November last. I remind members that in that group was a citizen of the United States, a professor of law, Ms. Boss; a citizen of

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New Zealand, a professor of law, Mr. Clark; and a national of Denmark, a member of the European Parliament, Ms. Hammerich; a citizen of Canada, a jurist by the name of Wright, and others. On the whole, as can be seen, the group is highly representative, both geographically and professionally.

The international group of observers was in Palau during the same period that the Visiting Mission was there and had available to it the same documents; it met with practically the same organizers of the plebiscite, attended pre-campaign meetings, and visited the polling booths where the elections were held. However, the material collected in that group's report shows that their conclusions were radically different from those reached by the Council's Visiting Mission.

It is precisely in this connection that the Soviet delegation has proposed the dissemination of that group's report as an official document of the Trusteeship Council. Moreover, our assumption is that the highly informative and solid report of the group of independent international observers would fill in the substantial blanks in the report of the Trusteeship Council's Mission.

The refusal of the Administering Authority - supported by two other members of the Council - to disseminate this report is evidence that those delegations are not interested in giving objective information to the Trusteeship Council and the Security Council on the true situation which existed before and during the holding of the plebiscite in Palau in December of 1986.

The factual material contained in the report of the independent international group showed how pressure was brought to bear on the population of Palau by the representatives of the Administering Authority. And a letter is quoted from Ambassador Fred Zeder, President Reagan's personal representative, to Mr. Salii on the eve of the referendum. There is also a quote to the effect that the United States would never agree to increase the financial resources called for in the

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Compact. There is also a statement by Lieutenant Howard Hills - United States legal adviser to the negotiations on the Compact - that the Compact would not be revised by the United States.

In addition it contains a report of Radio Australia wherein an official of the State Department, Mr. James Berg, stated that Palau's strong anti-nuclear Constitution probably would have to be rewritten to comply with the terms of the proposed Compact. He added that the United States would wait indefinitely for Palau to agree to the Compact's terms.

In their conversations with members of the independent international group, many Palauans said that they considered those statements of the representatives of the Administering Authority as an attempt by the United States to force the population of Palau to approve the Compact as is, without any revision whatsoever. Broad dissemination of these two statements during the pre-plebiscite campaign was considered by the Palauans - and not without justification - as an effort to force the population to vote for the Compact.

The report of the independent group demonstrates the methods of pressure, blackmail, threats and bribes which were applied to the population of Palau by the local authorities, demanding that the Palauans vote for the Compact, in contravention of their Constitution and in keeping only with the neo-colonialist interests and nuclear ambitions of the United States.

The report contains numerous other facts which demonstrate that the organization and holding of the plebiscite were not in keeping with the norms for holding such referenda. All these facts merit detailed reporting at this session of the Trusteeship Council, and the international community should be broadly informed about them.



(Mr. Grigutis, USSR)

The Trusteeship Council has received more than 60 petitions and communications both from the Trust Territory and other parts of the world. Most of these documents refer to the situation in Palau and express serious concern and extreme displeasure at the situation to which the Administering Authority has brought the Trust Territory by imposing upon it unequal agreements.

Particular concern was expressed in these petitions and communications because, in their attempts to turn Micronesia into their military and strategic beach-head with nuclear facilities, the United States is methodically forcing the people of Palau, at the very first demand, in violation of the Constitution of Palau, to turn the Territory into a military site for Washington.

An even more flagrant violation of the norms of international law is the fact that the population of Palau has been obliged to give up the provisions of the Constitution which prohibit the location, stockpiling, transit and utilization of nuclear, chemical and bacteriological substances within the confines of the Territory.

A large number of those petitions and communications referred directly to the plebiscite to which I referred. They referred also to previous plebiscites that were held with the same purpose, that is, to foist on the people of Palau the will of the Administering Authority, the United States of America, as well as the illegal steps taken by the United States and its allies in the Territory during the preparations for and the holding of the plebiscites.

(Mr. Smirnov, USSR)

This, for example, is what we read in the petition from the British organization, Crossgates Peace Movement:

"We of the Crossgates Peace Movement wish to express our concern at the intolerable United States pressure being put upon the republic of Belau in an attempt to overthrow its nuclear-free constitution ..." (T/PET.10/500)

Extremely suggestive in this connection is the petition from an American citizen, Mr. Richard Eng, which is accompanied by a letter from Palauans living in the United States at the present time. It indicates the methods which are being used even now to force the population of Palau it during the planned plebiscite to bow to the diktat of the Administering Authority. That is contained in document T/PET.10/528. An Australian organization, People for Peace and Nuclear Disarmament, quite legitimately raises the question of what the Trusteeship Council and the Security Council are going to do in order to put an end to yet another referendum that is being forced on the people of Palau. It asks, "how many times do they have to vote no?" (T/PET.10/499).

Despite Palau's total economic and political dependence on the United States and the extreme methods of intimidation and pressure used to force the Palauan population to give up its non-nuclear constitution and to continue to be subjected to the neo-colonialist agreement foisted upon it by Washington, the so-called compact of free association, the people of Palau has found sufficient strength to stand up for its rights and to continue to fight. This has aroused sympathy on the part of all people in the world who advocate freedom, international security and a non-nuclear world.

(Mr. Smirnov, USSR)

The United Nations visiting mission to observe the plebiscite in Palau did not really assist the actual implementation of the purposes of trusteeship as contained in the United Nations Charter and of the Trusteeship Agreement, which has been confirmed by the Security Council. It became a tool of the Administering Authority to use the name of the Trusteeship Council and of the United Nations to camouflage its anti-Charter activities aimed at turning Palau into a nuclear beach-head of the United States and to circumvent the anti-nuclear provisions of the constitution of Palau. In these conditions, the Soviet delegation cannot support and will vote against the draft resolution contained in document T/L.1257, submitted by the delegations of the United Kingdom and France.

Mr. GUINHUT (France) (interpretation from French): I shall speak strictly and very modestly as Chairman of the Visiting Mission to which the representative of the Soviet Union has referred.

I indicated in my very brief introduction of this report of the visiting mission a few days ago that, since members of the Council may well have noticed, the report was especially brief and succinct, although at the same time complete.

Our Soviet colleague found the report to be superficial. I find it brief; he finds it superficial. It is a question of interpretation. He also went into some detail in rather interesting terms, I think, in developing what was not stated in the report, and I acknowledge that fact. A certain number of things which my Soviet colleague referred to do not appear in the report - for example, a certain number of considerations and inquiries of the mission over which I had the honour to preside, involving financial fraud in preparing for the referendum. Similarly, certain matters relating to the organization of the electoral campaign, or to the activities and reactions to the activities of groups that carried out the

(Mr. Guinhut, France)

political education campaign which preceded the referendum, as in the case of all other referendums of the United Nations in the Trust Territory, do not appear in the report.

My Soviet colleague also raised a number of questions regarding the failure of the Mission to react to various elements pertaining to the internal situation in the Republic of Palau at the time the referendum was held. That is not expressly mentioned as such in the report.

I think there is an obvious reason for this. I should like to invite members of the Council to recall the very precise and enlightening wording of resolution 2184 (S-XVII), which sets forth the mandate of the Visiting Mission to observe the plebiscite. I shall read out in particular paragraph 3:

"Directs the visiting mission to observe the plebiscite, specifically the polling arrangements, the casting of votes, the closure of voting, the counting of ballots and the declaration of results;"

I believe, on the other hand, that in this precise area, the instructions of the Council to the Visiting Mission to Palau were in fact obeyed to the letter and performed faithfully. That is the essential part of the report. The report only deals with that. In answer to the question, I would therefore refer the Soviet representative once again to the report itself. It appears to me to be quite clear.

We are told that, in the conclusions, the report did not carry out any political evaluations. True, the report - and I have the conclusions before me - does not in fact deal with what I would call political considerations regarding either the internal situation in Palau or the situation with respect to specific relations between the United States and Palau. Furthermore, the mission had no means of evaluating these matters.

(Mr. Guinhut, France)

Nevertheless, with respect to the facts which we observed, with respect to the matters brought to the knowledge of the mission, either by official representatives of the Republic of Palau or members of the public at large who appeared at the public meeting which was held the day before the referendum and to whom we listened, all this is contained in the report. I would go even further and say that on a number of occasions in the case of protests and complaints brought to our attention, my colleagues and I asked precise questions of the commissioner in charge of the referendum. This also appears in the report.

(Mr. Guinhut, France)

To corroborate his assertion that the report is superficial, my Soviet colleague has referred the Council to a report produced by an observer mission not sent by the Trusteeship Council, copies of which have been provided to members. I had not intended to speak of the report of the other mission that was in Palau to observe the referendum - and, if I may say somewhat jocularly, about half the time to observe the United Nations Visiting Mission: we were thoroughly harassed by the various requests of these worthy academics, who made reference to our Visiting Mission in their report. For instance, they state that it was thanks to their insistence that the United Nations Visiting Mission was good enough to remain until all the votes had been counted. That claim surprised and amused me, but it was wanting in seriousness. Obviously, the Mission's schedule of activities in Palau and Hawaii was not entirely in the hands of its members. The Mission had to keep to its timetable, which was not the timetable of the international observers group mission that was constantly with it.

That being said, I think I can say to my Soviet colleague that the report of the international group is well done, and that in essence I accept most of what it says concerning the guidelines of the United Nations Visiting Mission. As the representative of the United States quite properly stated yesterday and today, the conclusions reached by the international observers group in Palau were not merely very similar to, but were often identical with, those reached by our own Visiting Mission, at least as they relate to the strict conduct of the referendum. For example, concerning the conduct of the referendum, the report of the international observers group states that

"On the whole, our impression was that the technical side of the polling was fairly conducted, and that any technical defects or violations were of a minor nature. The balloting was secret; and overall there were few problems

(Mr. Guinhut, France)

that we observed. In spite of some fears that we had early on in the counting, particularly concerning the ballots cast in Saipan, Guam, Hawaii and the United States mainland, the counting of the votes was ultimately conducted carefully and fairly."

Secrecy, of course, is central to any referendum, and the international observers group praised the impenetrable secrecy that made it impossible to learn the way in which an individual had voted.

All this is very interesting, and in fact supports the findings of the United Nations Visiting Mission.

I wish to refer to two points that have been put forward as being very meaningful and as indicative of the political situation surrounding the referendum. The first concerns alleged misappropriation of public funds. It is true that on several occasions the Visiting Mission heard ordinary or more prominent Palauans state such allegations concerning misuse of government funds - and it is the term "allegations" that is used in the report of the international observers group - but, as the report of the Visiting Mission states, these were not substantiated to the Mission. The university observers in Palau go even further than this. My colleagues and I did not feel it was for us to go further into the allegations; the Visiting Mission was not equipped to carry out any inquiries as such during a plebiscite, and moreover this was not a part of its mandate.

The second point relates to what may be a mere matter of translation. As I understood him, our Soviet colleague stated that there was a feeling of excitement among the population. The report of the Visiting Mission states that

"it was evident to [the members of the Mission] that a high level of interest, involvement and even anxiety had been generated among the general public".

(T/1906, para. 25)

(Mr. Guinhut, France)

This is significant, because in the diplomatic language usually used in United Nations reports the word "anxiety" is rather strong. Yet the four members of the December Mission did not hesitate to use what is after all an unusual word in this context. The university observers used the words "concern" and "pressure"; we spoke of "anxiety". Several times we attempted to analyze that anxiety and its causes. Members will have noted that we incorporated into our report the texts of memoranda from the Palau Administration addressed to various sectors of that country's civil service, rather than merely drawing members' attention to them. Among our conclusions is the statement that

"the manner in which the Government had conducted its campaign to obtain approval of the Compact of Free Association may also have contributed to this [atmosphere]". (para. 25)

We went no further, for we are not legal experts, academics or sociologists, as were some of the authors of the other report.



(Mr. Guinhut, France)

It is very clear that the manner in which the Government conducted its campaign, which we did not investigate since we had no mandate to do so, did contribute to creating an atmosphere that we described as one of anxiety, an anxiety that is not necessarily scandalous or unusual in the context of a national vote whose outcome is of extraordinary importance to the population.

With regard to political assessments, I believe that the report is brief and succinct in this regard, and that it provides food for thought.

I would conclude by saying that the final paragraph of the report, paragraph 29, was, for us, fundamental and that it expresses the essence of our findings. We were therefore unanimous in deciding to include it as the report's ultimate conclusion.

I should like to add - and I do not think this can be overstressed: before leaving the region, my colleagues and I were determined that our report should, in toto, reflect a consensus, that it should be a text that was totally acceptable to and capable of being defended by each and every individual member of the Mission, as well as all of us collectively. I can make no fuller response to my Soviet colleague, nor can I join him in speculating what additional matter the report might or might not have dealt with. I am satisfied with the report, and I believe that it fully responds to the confidence our colleagues placed in us.

Mr. GAUSSOT (France) (interpretation from French): My colleague, Mr. Jean-Pierre Guinhut, has made some comments that seem to me, as Chairman of the Visiting Mission to Palau in November-December of last year, to have been both wise and convincing.

I should like to add a few very brief comments. The criticisms made by the Soviet representative with regard to the Visiting Mission's report seem not only excessive but totally unjustified. In particular, I cannot understand his argument with regard to the political rank of the participants in the Mission, which he has

(Mr. Gausso, France)

adjudged to be insufficient. I presume he meant to speak of the rank in the administrative hierarchy rather than any political rank, because in our case, at any rate, diplomats are not politicians.

In any event, I do not feel it is necessary to hold the rank of ambassador in order to observe a voting process attentively and impartially. The Visiting Mission, I feel, has reported what its members observed with complete objectivity and without indulgence. The Mission had a precise mandate and it carried it out conscientiously, not going beyond what was asked of it, but fully carrying out its obligations. That, at least, is our impression.

Miss TAYLOR (United Kingdom): As a member of the Visiting Mission, I certainly wish to associate myself with the remarks made by my Chairman, and I should also like to add a few observations of my own.

First, I should like to turn to the Mission's mandate and underline the fact that the task with which we were charged was to observe the plebiscite. We have heard questions asked of us as to why we did not investigate certain matters, and I would say that that is something which went beyond the mandate.

Further, I would draw attention to the details of what it was that we were to observe and, more specifically, what we were not there to observe. For practical reasons, given the shortness of time and the complications of getting together a mission from a number of countries, we were not mandated to look into the political campaign that took place in advance of the voting. We were not there to see the whole proceedings, and, therefore, it would have been quite wrong of us to have attempted to pass judgement on that. However, in the time that we were there we were made aware of the concerns of certain parts of the population that the political education campaign and the Government campaign were being confused. I would draw attention to paragraph 9 of our report, which reflects a conversation

(Miss Taylor, United Kingdom)

that we in fact had with the Chairman of the Political Education Committee, from which it can be inferred that we drew attention to some of these concerns. We have here set out the answers.

I should also like to touch briefly on the question of financial irregularities. We make mention of such allegations in paragraph 10 of our report, but, as will be seen from paragraph 25, in our conclusions, although a number of complaints were made before polling day, in the event these were not substantiated to the mission. Therefore there was no further conclusion to be drawn.

I endorse the points made by my French colleague that we were certainly not blind to the allegations and the concerns about other aspects of the campaign, and I think, as he has stated, that that is fairly reflected in the report. Further, I would like to draw attention to the fact of the composition of our Mission, which included not only my French colleague and myself, but representatives from the Pacific Islands, from Fiji and from Papua New Guinea. Those particular colleagues are not with us today, but they have quite firmly endorsed the consensus on this report.

In conclusion, I wish to point out that whatever the allegations may have been of intimidation in advance of voting, in any event the turn-out was higher than the previous occasion, with 82 per cent as against, I believe, 71 per cent the time before, and the percentage of "no" votes was higher. I think we can all draw our conclusions as to the degree of intimidation from those results.

Mr. SMIRNOV (Union of Soviet Socialist Republics) (interpretation from Russian): The Chairman of the Visiting Mission to Observe the Plebiscite in Palau has given us a series of clarifications in reply to the criticisms the Soviet delegation has made of the report and the Mission as a whole.

(Mr. Smirnov, USSR)

For us it is not at all surprising that the Chairman of the Mission attempted to hide behind the narrow mandate the Council gave that Mission. Moreover, as we see it, he tried to make that mandate even narrower and essentially boiled the Mission's task down to merely observing the voting and the counting of the votes.

But the report the Mission has presented to the Council itself clearly shows that in practice the Mission went much further than that narrow mandate. Having arrived in Palau, on the very first day it met with the Referendum Commissioner. At that meeting all matters relating to the organization and holding of the referendum were discussed. Furthermore the Mission met with senators, in particular the nine referred to in paragraph 10 of the report, in which the Mission notes that its members had

"heard criticism of the fact that the Referendum Commissioner, also Minister of State, had participated in the political campaign; that the Political Education Committee had been campaigning for the Compact of Free Association in contravention of Republic of Palau Public Law No. 2-22; and that the President's task force had campaigned under the umbrella of the Political Education Committee." (T/1906, para. 10)

Other criticisms were made about the preparations for the referendum, and they are mentioned by the Mission members.

If we go on and look at paragraph 12, we see that the Mission reports on its meeting with representatives of the public, at which some 30 persons were present. At that meeting one speaker said that during the campaign - and let me quote the English text:

(spoke in English)

"the Government had created a climate of fear that had not been present during the last three plebiscites". (T/1906, para. 12)

(Mr. Smirnov, USSR)

(continued in Russian)

It was that atmosphere that I was talking about in my intervention - the atmosphere that prevailed just before the holding of the referendum.

In the same paragraph, paragraph 12, of the report, the Mission refers to other situations. For instance:

"Another speaker said that the United Nations had a responsibility for Palau and appealed to it to give the people of Palau a fair chance to choose their future without fear or intimidation." (T/1906, para. 12)

Of course the Mission is using the diplomatic language it considers appropriate to reports of missions or other United Nations bodies. Translated, that sentence means that the referendum took place in an atmosphere that was not free of fear or intimidation.

When I referred to that, I did so because it seems to us that this is just the tip of the iceberg; obviously, other data were available to the Mission from the Trusteeship Council, data it did not include in its report, clearly having decided, on the basis of consensus, that it should be omitted. However, another mission, one that was also present at the time and observed the plebiscite more broadly, did refer to such data.

When I said that, two questions occurred to me: The first was what specifically the Mission had done, how it had reacted to the comments made to the Mission by the senators and the public. The representative of the United Kingdom, whom I mentioned, referred to paragraph 9, which is supposed to contain an answer to that question. Perhaps we are reading different paragraphs 9 in document T/1906. In that paragraph I can see not a single word about the reaction of the members of the Mission to what they were told at that meeting. The second question I asked myself, and this interests me, regarded a political assessment of the criticisms or complaints expressed to the Mission.

(Mr. Smirnov, USSR)

When I spoke of the Mission's membership, it was at the very beginning of my intervention. I mentioned its level, and especially emphasized that from our point of view that level was insufficient given the important tasks that were before the Trusteeship Council with regard to the future of the Trust Territory; each action of the Council concerning the future of the Trust Territory requires a most responsible approach, not just a purely technical one. What is required is precisely a political assessment. Unfortunately the Mission did not make one, and in that regard we criticized the report - though, as I said, the report does contain some criticisms, but a political assessment of events preceding and during the referendum are lacking. Hence the difference in the conclusions of the two reports available to the members of the Trusteeship Council, that of the Visiting Mission and that of the group of independent experts - I would call them experts because they have been dealing with Trust Territory problems for many years. It was a non-governmental group that was present during the plebiscite, and it was precisely that group that ran up against a whole series of difficulties during its stay in Palau to observe the plebiscite.

Therefore in conclusion I must say that neither the brief presentation of the report by the Chairman of the Mission at an earlier meeting, nor the actual report, which is itself brief, nor the additional clarifications given by the Chairman and a member of the Council's Visiting Mission with regard to our comments on the report, have convinced us that the Mission duly carried out its responsible task.

(Mr. Smirnov, USSR)

It did not duly assess politically what happened before and during the plebiscite.

Statements to the effect that the report is brief and that it was difficult to include everything having to do with holding the plebiscite are unconvincing, because it is better to have a more complete report, fleshed out with facts, and most important that it should contain political assessments of the situation and the illegal actions undertaken by the Administering Authority and proponents of the Compact during preparation for and the holding of the plebiscite. It seems to us that a broader report, supplemented by the factual side and political conclusions, would have given a more comprehensive picture of the situation on the spot.

Mr. GUINHUT (France) (interpretation from French): I should simply like to add a few minor clarifications which perhaps in some respects might help to satisfy my Soviet colleague.

I shall start by taking up one of the latter points he raised in connection with the diplomatic level of the members of the Visiting Mission sent by the Council. I think he has just given some clarification on this point which now enables us to feel completely at ease. When we talk, for example, about important tasks - which are those incumbent upon the Trusteeship Council in connection with the future of the people of the Trust Territory of the Pacific Islands - I must agree with my Soviet colleague that at least there ought to be a seasoned ambassador in charge. I think there are in fact such seasoned ambassadors accredited to the Trusteeship Council. But obviously and fortunately for my colleagues, that was not the purpose of the modest Visiting Mission which was organized by the Council, on the request of that body, and according to very precise instructions - I might even say strict and extremely formal instructions - laid down by the Council. As far as its mandate was concerned, I do not think we can ever over-emphasize that.

(Mr. Guinhut, France)

As far as the length of the mission was concerned, I indicated earlier in the Council's work that sometimes it seemed as though the Mission had to run a marathon. I repeat that, because it cannot necessarily be seen in the conclusions of the report. We cannot see exactly what is involved in observing a referendum in distant isles - in a climate where normally one views things philosophically - how difficult it is to be serene, calm and objective - and, of course, we had to observe over a period of four days and four nights very, very meticulously and objectively what was going on. I must say that, having participated in ballot counting in my own country - which, naturally, has a certain historic experience in such matters - I have seen certain small irregularities which frequently take place but are subsequently corrected by the local authorities, because they cannot go unperceived. In Palau's case the same thing happened, and I think it was in that area that my colleagues and I learnt a few lessons.

I admired the technical capacity, with rather limited means - in the case of a country which in every sense of the word is a developing one that even aspires to become a sovereign country - and think that the Palauans coped very well. That is why, as the other members of the Council will have noted, the report is a modest one which refrains from giving our Palauan friends - some of whom are present with us today - any lessons about referendums; I do not think we have anything to teach the Palauan authorities in the case of referendums. We did not do so before and we do not need to do so now.

With regard to the political facts and the way in which the referendum was organized, the representative of the Soviet is quite correct: I, as well as my colleagues, sought refuge behind the mandate. I can quite easily conceive what he - being the seasoned diplomat he is - would have said to me if I had not done so. He would not have hesitated to state that, because we were hiding behind this mandate, we might have been tempted to exceed it, particularly in the way in which



(Mr. Guinhut, France)

we accepted the timetable that was so kindly given to us by the Palauan authorities, and accepted with every good grace, because we felt it was very well organized, quite judicious and very nicely done.

For example, we paid a courtesy call on President Salii. Of course - I do not think I need to say this but feel I should show that I am at least aware of it - President Salii is not the Head of State of a sovereign State in the United Nations; there is no doubt about that. However, he was democratically elected President. I am deeply convinced - a conviction which, I think, is shared by my colleagues - that to have visited Palau on behalf of the Council without paying a courtesy call on President Salii would have been quite inexplicable. We did pay a courtesy call on that gentleman and other persons. It is true that we met with the Commissioner in charge of the referendum who is a Minister of State. President Salii designated a Minister of State to be Commissioner in charge of the referendum - I see nothing peculiar in that. Therefore we visited the Commissioner to ascertain exactly how the referendum would be organized.

Of course that did not mean we did not hear a lot of other things. We heard abundant, indeed judicious, comments from members of foreign universities with respect to elements of the situation. But if the United Nations mission had confined itself to that information, relying on the reputation of those university members without taking into account the information officially supplied by Palau - even though it is not a sovereign State - as to the way in which the referendum was to be organized, we would have been shirking our most elementary duties.

It is also a fact that we visited not only President Salii and the Commissioner of the referendum but also agreed - and I do not see how we could

(Mr. Guinhut, France)

reasonably have refused - to meet the elected representatives of that nation, however large or small that nation might be. We were in Palau, we were its guests, so we were supposed to see them. We listened to what they had to say, and they did tell us a number of things that were duly noted in the report, and which has made it possible for our Soviet colleague to make entirely accurate quotations which he got from the report and nowhere else. I shall return to that parliamentary visit later.

It is also true that during the visit - for the first time - we heard what I described as allegations of defalcation of funds. My colleagues and I did not believe we could go as far as the university professors who visited Palau went:

(spoke in English)

"We are quite sure that large sums of money were used to encourage a 'yes' vote."

What does it mean to be "sure"?

(continued in French)

I do not know. If these are legal experts, of course that is quite interesting.

(spoke in English)

"We believe that there should be a full accounting for those monies."

(continued in French)

If the Visiting Mission had dealt with those matters, it would probably have used some such language.

(Mr. Guinhut, France)

But when we write that, "We believe that there should be a full accounting for those monies", this shows that we are not absolutely certain. When we read on the next page that

(spoke in English)

"The Sali Administration had staked its future - and a lot of someone's money on obtaining a favourable vote",

(continued in French)

exactly what is this based on? I do not think that a mission of the kind ours was, which is fully aware of its mandate, its methodology, its objectives and its code of conduct - if I may say so - could have written language such as this. Frankly, I must admit to my Soviet colleague that the level may not have been adequate, but we did not go that far.

A public meeting was very kindly organized for our benefit by the Palauan authorities - and I note that it was in fact the Palauan authorities who included it in our programme. Just about everybody who was anybody in local society wanted to see us - there is always some solemnity when a mission from New York visits Palau - if not to speak to members of the Mission personally at least to express before them what some members of Parliament referred to as fear. I took note of it, and in more neutral but more precise terms our Mission called it "anxiety". The Palauans did in fact convey a certain degree of anxiety, which is mentioned in the first paragraph of the conclusions.

One of those individuals, the last one who spoke before us, expressed the following thoughts, as reflected in the report:

"Another speaker said that the United Nations had a responsibility for Palau" - there is no doubt about that - "and appealed to it to give the people of Palau a fair chance to choose their future without fear or intimidation".

(T/1906, para. 12)

(Mr. Guinhut, France)

The Mission did not hesitate honestly and frankly to take note of what it had heard.

I should, nevertheless, like to clarify - subject to correction by my British colleague who was a member of that Mission - that the person in question - we did not put it in the report because he was perfectly entitled to speak - was a teenager, obviously still going to school, who expressed himself with a certain liveliness, quite independently and without any great fear as far as we could see. This is perfectly true. But to conclude from it that we should have replied or that the atmosphere was not a free one, is something with which I cannot agree. It is precisely the opposite in fact. If, indeed, the situation prevailing in Palau at the time of our visit, that is, when the referendum was held, did not allow the population to express themselves with complete freedom, then we would have heard nothing and we would have had nothing to report to the Council. But that was not the case.

Concerning the replies which could or should perhaps have been provided - and I stress "perhaps" - by the Visiting Mission to the elected representatives of Palau, I do not agree here either. I am not persuaded that during our meetings, which were held simply to exchange information, the role of the Mission - and once again I come back to the mandate - was to make official replies to representatives. Furthermore, unless I am mistaken, this Council's rules of procedure do not permit members of a visiting mission or an observer mission from the United Nations to put forward anything that has not been agreed to in the Council at Headquarters by highly qualified diplomats and at a quite different level.

This leads me to an additional remark: that of course the Soviet Union representative may have been prompted to make this comment because of the disconcerting ease with which our visiting university professors expressed themselves on a certain number of issues. They did not balk at giving advice to the administration in Palau, to make judgements on the way things were being

(Mr. Guinhut, France)

done. I will cite just one example to prove my point; it is more relevant to the specific conduct of the referendum rather than to the vast political fresco, which does not concern us at all. There is a recommendation that appears in the conclusions of that international group to the effect that

(spoke in English)

"We would suggest that, in a democratic society holding a referendum of this nature, equal rights including funding should be granted to the opposition, particularly in a case such as the present...".

(continued in French)

Once again I wish to stress for the other members of the Council that it is quite impossible for a United Nations visiting mission to take positions of that kind. Furthermore - and if I may be allowed I will once, and only once, express my personal view - I am extremely surprised by this proposal because I did not know until now that a democratic society must grant funding to the opposition. That idea is non-existent in my country, which nevertheless considers itself perfectly democratic.

#### ORGANIZATION OF WORK

The PRESIDENT: The delegations of the United Kingdom and the Soviet Union have indicated that they have no further comments to make on the Visiting Mission's report. I therefore propose that we adjourn now and continue our proceedings this afternoon. If there is no objection, it will be so decided.

It was so decided.

The meeting rose at 1.10 p.m.