

# UNITED NATIONS TRUSTEESHIP COUNCIL



Distr.  
GENERAL

T/PV.1645  
22 December 1987

ENGLISH

---

## Fifty-fourth Session

### VERBATIM RECORD OF THE SIXTEEN HUNDRED AND FORTY-FIFTH MEETING

Held at Headquarters, New York,  
on Tuesday, 15 December 1987, at 3 p.m.

President: Mr. BIRCH (United Kingdom)

Examination of written petitions (continued)

Report of the United Nations Visiting Mission to observe the plebiscite in Palau, Trust Territory of the Pacific Islands, June 1987 (T/1919) (continued)

Report of the United Nations Visiting Mission to observe the plebiscite in Palau, Trust Territory of the Pacific Islands August 1987 (T/1920) (continued)

---

This record is subject to correction.

Corrections should be submitted in one of the working languages, preferably in the same language as the text to which they refer. They should be set forth in a memorandum and also, if possible, incorporated in a copy of the record. They should be sent, within one week of the date of this document, to the Chief, Official Records Editing Section, Department of Conference Services, room DC2-750, 2 United Nations Plaza, and incorporated in a copy of the record.

Any corrections to the records of the meetings of this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

87-60779 2891V (E)

65P.

The meeting was called to order at 3.10 p.m.

EXAMINATION OF WRITTEN PETITIONS (continued)

The PRESIDENT: The Council will now continue its consideration of the remainder of the written petitions, which all members of the Council have before them.

Are there any comments on T/PET.10/635?

Mr. LEVCHENKO (Union of Soviet Socialist Republics) (interpretation from Russian): With regard to T/PET.10/635 from Mr. Banks, the Soviet delegation cannot bypass it without drawing attention to the very same complaints as were made in many of the petitions received by the Council so far. Here, again, we are talking about illegal and unconstitutional attempts, backed by the United States of America, to force the citizens of the Western Caroline Islands to accept the long-disputed Compact of Free Association. The petitioner has come to the conclusion that the United States is attempting, frequently by blackmail, to use economic assistance to Palau to force acceptance of the Compact. An attempt is being made to get approval through amendment of the Constitution.

Then the petitioner speaks about the conditions of the referendum: threats, arson and violence were resorted to; one person was killed. That is the reality on an island in the Trust Territory of the Pacific Islands.

I shall not repeat all the accusations contained in this petition, but I should like to draw attention to one point. The petitioner, Mr. Banks, expresses special concern that if the Belauans accept the Compact they may be used in future as guinea-pigs in nuclear experiments by the United States, which has already conducted such barbaric experiments on the inhabitants of the Marshall Islands.

What is being proposed in this petition? The request is to investigate this matter and make all possible attempts so that the Trusteeship Council can prevent

(Mr. Levchenko, USSR)

the Belauans from being coerced into accepting something that they so patently do not want; to protect the Constitution of Belau; to curb United States involvement in the politics of Belau; and, finally, to end the violence occasioned by this United States intervention.

Gabriella Ngirmang, one of the leading plaintiffs before court proceedings were dropped, has said - and this is a very important statement:

"We must protect our Constitution and our land. It is the only place on earth where we can express our Belauness."

The petitioner expresses the hope that he can rely on the Council to give this matter the urgent attention that it so obviously requires so that Belau does not simply become another state of America.

The thoughts expressed in the petition are not new to the Trusteeship Council, but I wanted to comment on it because it makes not only the Soviet delegation think seriously but, I believe, also all other members of the Trusteeship Council and all Members of the United Nations. I do not think that the Trusteeship Council should remain indifferent to this appeal by the petitioner. It seems to me that the Council would act correctly if it responded to this petitioner.

Mr. SMITH (United Kingdom): My delegation for one had certainly hoped that the representative of the Soviet Union would have taken some moderation with his lunch, but apparently not because he is continuing yet again the practice which I believe I heard the President several times request him not to, that is, summarizing what we can all read. My delegation is, unfortunately, not able to read Russian, but the petitions are produced here for us in English and we can read English. We do not need the help of the representative to help us get through the petitions.

(Mr. Smith, United Kingdom)

On the substance of what he said, following the lengthy and, as I said, rather unnecessary summary, the representative of the Soviet Union stated "that is the reality" in Belau. It seems therefore that the representative of the Soviet Union takes precisely at face value everything contained in the petitions which are before us. Yet, I wonder precisely why is it that that representative is more prepared to take notice of someone living at 16 Nun's Street, Lancaster, Lancashire, England, than he is either of the people of Palau and what they say or indeed of the representatives of visiting missions who have been to Palau and seen what the situation there really is. I do not see anything in the petition which suggests that Mr. Banks has either been to Palau or has any real idea what the situation there is. And yet the representative of the Soviet Union takes this as if it were gospel. That surprises my delegation.

The PRESIDENT: We turn next to T/PET.10/636.

Mr. LEVCHENKO (Union of Soviet Socialist Republics) (interpretation from Russian): Before the Soviet delegation comments on T/PET/10.636 - which comes not from the United Kingdom but from Honolulu, Hawaii - I should like to make a brief reply to the representative of the United Kingdom. Each delegation in the Trusteeship Council is free to present its own arguments and arrive at its own conclusions. Therefore, we do not intend to get into the substance of the question put by the representative of the United Kingdom; that is his delegation's business. The Soviet delegation makes comments that it feels necessary on each individual petition, and that is what the Trusteeship Council is called upon to do.

I come now to T/PET.10/636, addressed to the President and all members of the Trusteeship Council. Mrs. Sakiko Okubo from Honolulu - I shall not quote the address the way the representative of the United Kingdom did; representatives can always find that - was kind enough to transmit to the Trusteeship Council the letter she sent to a Representative in the United States House of Representatives, the Honourable Ron De Lugo.

Specifically, in that letter attention is drawn to doubtful legality of the two referendums, held in June and August. The petitioner calls for a thorough investigation into the circumstances which led to the withdrawal of the lawsuits challenging the referendums' legality. By the way, this is one of the questions with which the Visiting Mission is concerned, so when we get to the Visiting Missions' reports we can come back to it.

However, the most important thing is that petitioner Sakiko Okubo communicates a very important matter to us; yet the Administering Authority has not yet informed the Trusteeship Council about this, namely, that the United States Department of the Interior took a decision to give assistance to the police in Palau in the search for Bedor's assassin - which she says is commendable, but in her opinion should be wider in scope.

(Mr. Levchenko, USSR)

The petitioner makes an appeal to the members of Trusteeship Council to withhold approval of the Compact and expresses her moral support to her Palauan friends who are fighting to keep their island nuclear free.

If at the conclusion of the consideration of the petitions the Administering Authority gives us more information about these matters - which is traditional here - then the Soviet delegation will be very grateful, bearing in mind that at future sessions of the Council we can learn the outcome of the investigation being carried out by the United States Department of the Interior into Bedor's assassination.

The PRESIDENT: We shall now consider T/PET/10.637.

Mr. LEVCHENKO (Union of Soviet Socialist Republics) (interpretation from Russian): This is a very short petition from United States of America citizens in Seattle, Gene and Thorun Robel. Like the preceding petitioners, they express concern at the critical situation in Palau and ask the President of the Trusteeship Council personally to monitor the situation.

A number of questions are also posed which clearly should be answered: Why are plebiscites necessary? Why are funds for the elderly cut off and government employees laid off? Why should the United States military be allowed to dominate the politics of that small country of Palau? Those questions are facing the petitioners and I think they are legitimate. There would be nothing strange for the Trusteeship Council to ask those questions and give answers to the petitioners.

The PRESIDENT: The Council will turn next to T/PET.10/638.

Mr. LEVCHENKO (Union of Soviet Socialist Republics) (interpretation from Russian): Petition T/PET.10/638 was sent on 23 October 1987 by Mrs. Mary Heath, who lives in Hawaii; she addresses the President and members of the Trusteeship Council.

(Mr. Levchenko, USSR)

Like the other petitioners, over and above her expression of deep concern, she asks questions similar to the earlier ones about the situation in the Territory. I shall not read out all of them, only one or two:

"Why, now, is violence breaking out between those who support the original Constitution and those who want it changed because of pressure from the United States? Must the Palauan nation submit to United States demands and allow its waters to be used by United States nuclear ships and aircraft?" The naïve petitioner says:

"I thought our policy toward our former Trust Territories was to allow them complete freedom to set up their Governments and to rule themselves constitutionally."

What is the request to the Trusteeship Council? To withhold approval of the Compact with the United States at least until the legal status of the two recently introduced referenda can be established. There is also a request to the United States Department of the Interior to widen its investigation of the recent violence and station a team of reputable observers in Palau to monitor the situation.

The PRESIDENT: We turn next to T/PET.10/639.

Mr. LEVCHENKO (Union of Soviet Socialist Republics) (interpretation from Russian): Petition T/PET.10/639 comes from John Markland. He is not a private citizen but the Chief Executive of the Fife Regional Council of the City of Glenrothes. Unfortunately, the secretariat of the Trusteeship Council did not indicate the country when it published this petition, so I cannot deal with the concern of the representative of the United Kingdom about the origin of petition. In this regard, we are both in the same position.

(Mr. Levchenko, USSR)

The substance of the petition is that the entire Regional Council recently considered information relating to referendums being conducted in Belau on its nuclear-free Constitution. Moreover, having considered and discussed the information, a decision was made to come to the United Nations. The petition is intended to go directly to the Secretary-General of the United Nations.



(Mr. Levchenko, USSR)

In accordance with that decision, as the Chief Executive of the Fife Regional Council, the declared authority in a nuclear-free zone, he would like to express support for the people of Belau in their recent decision to retain their nuclear-free Constitution, and the Fife Regional Council is prepared to support calls for a full inquiry into the situation in Belau and for a United Nations peace-keeping presence.

Although it is a short petition - only two paragraphs long - it is very comprehensive in its significance. It seems to me that the Trusteeship Council, the United Nations and the Secretary-General, to whom the petition is personally addressed, cannot remain silent on this petition. In any case, we should react as an organ which deals with the Trust Territory.

Mr. SMITH (United Kingdom): For the information of the representative of the Soviet Union, the Fife Regional Council is - as, I am sure, in fact he already knows - in the United Kingdom.

That being said, he gave considerable attention to a petition which, in my delegation's view, appears to be based on misinformation. What the petition says, of course, is that the Council "has ... considered information"; yet in the next paragraph it goes on to indicate support for a decision of the people of Palau to retain their nuclear-free Constitution. In fact, the decision that the people of Palau have taken in a democratic referendum was not specifically to retain the nuclear-free Constitution, but simply to introduce an amendment to that Constitution.

The PRESIDENT: We come now to document T/PET.10/640.

Mr. LEVCHENKO (Union of Soviet Socialist Republics) (interpretation from Russian): Petition T/PET.10/640 is from Ms. Therese Argoud of Honolulu.

(Mr. Levchenko, USSR)

In expressing concern at the situation in Palau and at the illegality of the referendum which approved the constitutional amendment, Mrs. Argoud sent a letter to Representative Ron De Lugo, the Chairman of a special committee of the United States Congress. The letter was enclosed with her petition, which was addressed to the President and members of the Trusteeship Council.

The Soviet delegation would like to draw attention to only two points made in the letter addressed to Representative De Lugo: the illegality of the referendum and the need for a thorough investigation of the circumstances which led to the withdrawal of the lawsuits challenging the legality of the two referendums. She asks Representative De Lugo to take measures to have approval of the Compact withheld at least until a decision is handed down on the legal status of the referendums.

The Soviet delegation shares the concern expressed in the petition and in the letter to the Honourable Ron De Lugo and feels that the Trusteeship Council, having considered the situation in the Territory, should pay attention to those two questions.

The PRESIDENT: We come now to document T/PET.10/641.

Mr. LEVCHENKO (Union of Soviet Socialist Republics) (interpretation from Russian): Petition T/PET.10/641 comes from two petitioners, Paul and Viola Andreas of Kansas; it is addressed to the President and members of the Trusteeship Council.

Apart from expressing anger "that the Reagan Administration has apparently committed acts of criminal violence - this time against Palauans", the petitioners say that:

(Mr. Levchenko, USSR)

"Chief Justice Mamoru Nakamura, Judge Robert Hefner and Roman Bedor testify and/or suggest that the Compact's ratification was criminally coerced.

Surely, the situation in Palau demands an open-ended and complete investigation of the murder of Bedor senior, of terrorism and of the legality of the compact machinations."

Everything is very succinctly stated in the petition, but great concern is expressed and an appeal is made to the members of the Council to pay attention to the situation and take appropriate measures.

The PRESIDENT: We come next to document T/PET.10/642.

Mr. LEVCHENKO (Union of Soviet Socialist Republics) (interpretation from Russian): I refer to petition T/PET.10/642 from Mr. J. Evans, representative of Peace and International Affairs, again from the United Kingdom. In this case the petition is addressed to the Secretary of the Trusteeship Council. As in the previous cases, it expresses concern about the situation in Belau and talks about the methods used in those two referendums. In the petitioner's view, they were in contravention of international law.

(Mr. Levchenko, USSR)

I shall not repeat all the charges made in this petition but should like to highlight the operative part, where the petitioners submit three ideas. The first is:

"Support the appeal by the traditional High Chief of Belau, Chief Ibedul Gibbons, for a United Nations peace-keeping force in Belau, and a full inquiry into the situation by the United Nations".

I should like to draw attention to the fact that, if in many previous petitions the issue was that the United States Department of the Interior should carry out the investigation, in this particular case the idea is a direct appeal to the United Nations to carry out such an inquiry.

Secondly, the petitioners:

"Urge the distribution of the United Nations decolonization Committee report on the United States in Micronesia, and action on its recommendations". The Soviet delegation believes that it would be easy to meet the petitioners' second appeal if the Trusteeship Council secretariat - perhaps it has already done it, for which we would be ready to express our gratitude - were to address the Department of Information on this petition, since this letter was addressed to it, and consider what measures have been taken and submit the report of the United Nations Committee on decolonization about United States action in Micronesia, in response to the petitioners' request.

Finally, the petitioners:

"Request all interested parties to assist the people of Belau before their resistance is finally crushed by the United States."

(Mr. Levchenko, USSR)

The author of the petition has sent it to several persons and bodies, including the Permanent Representative of the United Kingdom to the United Nations, the United States Ambassador to the United Kingdom, the Committee on decolonization, the Security Council, the Secretary-General, and others. The petition shows that the petitioner has a great deal of concern about the situation. He is no novice in this area and understands the structure of the United Nations and other competent organs to act in defence of the Belauan people.

Mr. SMITH (United Kingdom): Since, as the representative of the Soviet Union has pointed out, a copy of this petition was addressed to my delegation also, I should like to comment very briefly.

The substance of this petition follows substantively one which we considered earlier, that in document T/PET.10/601. Unlike the representative of the Soviet Union, I do not intend to repeat my comments. I should simply like to request that my comments on T/PET.10/601 be transmitted to this petitioner also.

The PRESIDENT: We turn now to T/PET.10/643.

Mr. LEVCHENKO (Union of Soviet Socialist Republics) (interpretation from Russian): Petition T/PET.10/643 is from Mrs. Helen Turner, Chairperson of Women Working for a Nuclear-Free and Independent Pacific. She writes from Scotland and addresses her letter to the President and all members of the Trusteeship Council. It is about change of the political status in Belau.

The petitioner writes, not on her own behalf, but on behalf of the whole Group in Glasgow, Scotland. They are concerned about events that have occurred in Belau in the past eight years: they think that the constitution of any country, including Belau, is the highest organ of power; they believe that in the course of the recent referendums a campaign of fear and destabilization was conducted. As the petitioner points out, this has already been noted by an observer from the

(Mr. Levchenko, USSR)

European Parliament. Coercion was used to get a "yes" vote; there should be a careful investigation of President Salii's activities, since there is evidence of orchestrated violence - against whom? - against opponents of the Compact, and his other alleged illegal activities.

The petition also states that that organization is carefully following events in Belau and within the United Nations where the situation in Micronesia is being considered. The petitioner expects the United States to adhere to its own democratic principles, not only in the United States, but also in the Trust Territory of Palau. The Trusteeship Council should share the conviction and hopes expressed by the petitioner and the expectations addressed to us.

The PRESIDENT: We turn next to T/PET.10/644.

Mr. LEVCHENKO (Union of Soviet Socialist Republics) (interpretation from Russian): Petition T/PET.10/644 is from Mrs. Thyra Hansen, representative of Women for Peace, Denmark. As in previous petitions, this more emphatically expresses indignation by the petitioner at the situation in Palau.

The petition begins with a

"request to the United Nations Trusteeship Council to intervene in the violations and insults of the most important principles of the United Nations - the struggle for independence, disarmament and decolonization, which has taken place and still takes place against the Palau group of islands."

The petitioner, representing Women for Peace, expresses profound concern "about the fact that as large and wealthy a country as the United States of America apparently without supervision from the Trusteeship Council" - obviously the Council is called into question here - "can undermine the independence of the little country Palau, and by the utmost critical manoeuvres - through a puppet Government - can eliminate the Constitution of the country and force the country to accept nuclear weapons..."

(Mr. Levchenko, USSR)

The petition requests the Council

"to take urgent control of these conditions before it is too late and ... support ... the proposal that an international expert group be attached to Palau in order to re-establish the independence and development of the country."

We can see from the petition criticism of not only the Administering Authority but also of the Trusteeship Council, and we should take that very much to heart. Furthermore, the petitioner expresses an idea about what should be done to restore the country's independence and development.

In the Soviet delegation's view, this is a very serious petition, one which warrants careful scrutiny, consideration and discussion. Perhaps some proposals will arise on how to achieve the implementation of the initiative put forward in this petition. The Soviet delegation shares the concern expressed in it.

The PRESIDENT: We turn now to the petition in document T/PET.10/645.

Mr. LEVCHENKO (Union of Soviet Socialist Republics) (interpretation from Russian): The petition in document T/PET.10/645 is from the Chairman of the Norwich City Council Environmental Hazards Committee. Its author is Councillor D. J. Hart. The petition is addressed to the Trusteeship Council.

Councillor Hart not only is interested in preserving the environment in his town - which is very important - but is concerned with the events in Palau. Like other petitioners, he expresses concern at recent events - the intimidation and threats on people's lives, and so forth.

It is particularly significant that the petitioner points out that the Speaker of the House of Representatives in Palau stated recently that he voted in favour of the Compact only because his life had been threatened.

Only yesterday, we heard about the situation in Palau from the representative of the European Parliament. We see in this petition that in October it was already known in Norwich what the Speaker of the House of Representatives in Palau had stated about the vote.

We hope that when we discuss the reports of the Visiting Missions we shall have some more detailed information from the Speaker about the atmosphere which prevailed during the voting and about what was said after the voting.

This petition shows how concerned the petitioner is. Moreover, he states that the City Council urges the Security Council and the Trusteeship Council to request the United States Government to honour the Trusteeship Agreement, to ensure that no new referendum is held until the people of Palau have settled their internal differences, and to offer them the choice between the renegotiated Compact and independence. That is what the City Council has to say about the situation in Palau.



(Mr. Levchenko, USSR)

The petition also contains an appeal to the United States Congress not to implement the Compact of Free Association until constitutional questions are answered and settled, and until there has been a full investigation into the circumstances of the murder of Rubak Bedor.

Moreover, the petition urges a renegotiation of the Compact of Free Association in line with the Palauan Constitution.

In the Soviet delegation's view, this petition seriously addresses the situation in Palau and makes serious recommendations which the Trusteeship Council should consider and on which it should adopt measures.

The PRESIDENT: We turn next to the petition in document T/PET.10/646.

Mr. LEVCHENKO (Union of Soviet Socialist Republics) (interpretation from Russian): The petition in document T/PET.10/646 is addressed to the Secretary-General of the United Nations by Mr. Leopoldo Aguirre and 13 other persons, on behalf of the Campaign for Nuclear Disarmament, Eastern Suburbs Peace Group and Trades Union Peace Office. I believe that it comes from Australia. Perhaps the Secretary of the Council could confirm this after I have concluded these remarks.

In addition to expressing deep concern that the United States may move to end the United Nations Trusteeship without meeting United Nations standards on decolonization, the petitioners state that the people of Palau have been under pressure to agree to give the United States the right to operate nuclear warships within sovereign Palauan waters, and to agree to continued unrestricted United States military and strategic access.

This whole group of petitioners calls upon the Trusteeship Council to ensure that the people of Palau are assured of their continuing right to self-determination and their right to maintain the nuclear-free commitment in their Constitution.

(Mr. Levchenko, USSR)

The Trusteeship Council cannot, in our view, disregard such statements on the part of ordinary people. This group of persons, even though they are located so far away from United Nations Headquarters, are carefully following what is happening in Palau and have decided to express their views.

The PRESIDENT: I should like to remind delegations that I did appeal earlier for brevity in the consideration of these written petitions. As I said, we have all had these documents for some time. We have read the points and arguments made in the petitions. It really does not seem to me necessary that these petitions should at times be not just summarized but repeated virtually in full before a very brief comment is made right at the end of an individual statement.

So I would ask delegations to bear that in mind, since we have a large number of petitions still to consider.

We turn now to document T/PET.10/647.

Mr. GAUSSOT (France) (interpretation from French): My delegation does not want to speak specifically on the petition in document T/PET.10/647. Rather, we wish to make some more general comments on all the written petitions we have been considering this morning and this afternoon. We are beginning to be very familiar with these petitions, because, in the first place, we have read them and, in the second place, the representative of the Soviet Union - who does not seem to be aware of that fact - systematically repeats the contents of each petition.

Most, if not all, of these petitions, come from persons who might be described as subscribers to the Trusteeship Council, since they come back year after year. Their geographical origin is apparently diverse, but in fact it is very specific. Many petitions come from the same places, particularly the United States and certain Commonwealth countries. Very few, if any, come from Asia or Africa or from large countries like the Soviet Union, or even my own country.

(Mr. Gausso, France)

The common ground in these petitions seems to be the peculiar fact that their authors are very far removed from the facts - regardless of the geographical distance. This distance from the facts on the part of the petitioners is often reflected in particular by systematic prejudice against the Administering Authority. We see that many of the petitioners deliberately disregard the progress in the Trust Territory as well as the remarkable attitude by the Micronesian people in favour of self-determination and their clearly and democratically expressed will to administer themselves as soon as possible.

Those were the few comments I wished to make at this stage.

Mr. LEVCHENKO (Union of Soviet Socialist Republics) (interpretation from Russian): We have listened carefully to the statement made by the representative of France. We have no objection if the representative of France or any other representative in the Council finds everything in the petitions clear and understandable and has no comment to make. But if the Soviet delegation does have comments on one or another point in the petitions, it is its sovereign right to make them. Of course, we respect the views of other members of the Council, but if the Soviet delegation has comments, we do want the Trusteeship Council to hear them.

So much for the point made by the representative of France.

I turn now to the petition in document T/PET.10/647. This petition is from Mrs. Rosalind Rusbridge, of Bristol.

Bearing in mind the President's appeal, the Soviet delegation will not go into the complaints made in the preamble to the petition. Rather, we shall proceed directly to the substance.

The petitioner requests the Trusteeship Council to insist that the United States renegotiate the Compact in order to comply with the Trusteeship Agreement,

(Mr. Levchenko, USSR)

Palau's Constitution and General Assembly resolution 1514 (XV). Secondly, she requests the Trusteeship Council to send a peaceful observer mission as a peace-keeping body to Palau as requested by the Ibedul (High Chief Gibbons). Finally, the petitioner asks the Trusteeship Council not to terminate the Trusteeship Agreement of the Trust Territory of the Pacific Islands until the United States has fulfilled its obligation.

The Soviet delegation finds these requests in the petition very substantial. The author of the petition obviously is familiar with the substance of the matter. In making these points, she has a deep knowledge of the question.

The Soviet delegation believes that all these requests are worthy of careful consideration by the Trusteeship Council, with a view to producing collective, agreed measures to ensure their implementation.

The PRESIDENT: We turn now to the petition in document T/PET.10/648.

Mr. LEVCHENKO (Union of Soviet Socialist Republics) (interpretation from Russian): This is a very brief petition. It comes from Mrs. Janet Csoti, of the United Kingdom. It contains one main point - namely, that the United Nations must insist that the United States renegotiate the Compact to comply with the Trusteeship Agreement and Palau's Constitution. It states:

"Surely the United Nations should not terminate the Trusteeship Agreement of the Trust Territory of the Pacific Islands until the United States has fulfilled its obligations". (T/PET.10/648)

And then there is a cry from the heart in this petition. Mrs. Csoti says to the Trusteeship Council: "Please help the Belauan people".

The Soviet delegation shares the request in this petition, and it hopes that the Trusteeship Council will find it possible to consider it carefully and to take the appropriate decision on the situation in the Trust Territory of the Pacific Islands - Palau, in this particular case.

The PRESIDENT: We turn next to document T/PET.10/649.

Mr. CHERNY (Union of Soviet Socialist Republics) (interpretation from Russian): The petition in document T/PET.10/649 comes from Ms. Pauline B. Fraser, on behalf of Barking and Dagenham Women for Peace, in the United Kingdom. It expresses deep concern over the Administering Authority's methods designed to use Palau for military purposes. It contains an appeal to the Trusteeship Council to use its influence to stop the intimidation taking place on Palau.

In my delegation's view, this petition should be taken note of and, in addition, measures should be taken in connection with it. In other words, the contents of this petition should be taken into account in documents of the Trusteeship Council.

Mr. GAUSSOT (France) (interpretation from French): In the interests of the efficiency of our work, I think that we might suggest to the representative of the Soviet Union not to give us each time the title and the text of each petition, or to paraphrase its contents. That is a waste of time. I think it would be of benefit to the Council if the Soviet representative would limit himself to commenting on each of the petitions. It is the comments that interest us. We are perfectly familiar with the contents of the petition, because we all know how to read.

The PRESIDENT: I am grateful to the representative of France for making that suggestion - a suggestion that I also made, earlier in our proceedings. I would appeal to the representative of the Soviet Union to acquiesce in that request.

Mr. CHERNY (Union of Soviet Socialist Republics) (interpretation from Russian): We can agree with the statement made by the representative of France on one condition: that you, Mr. President, or the Secretary of the Council indicate

(Mr. Chernyy, USSR)

concretely which petition we are talking about. In addition to the number of the petition, we need to know who is the author. We are not considering petitions in general; we are considering specific petitions.

The PRESIDENT: I shall be happy to read out the name of the author of each petition as I give the number of the petition.

Let us turn now to the petition in document T/PET.10/650, from  
Ms. Charlotte Bansmer.

Mr. CHERNYI (Union of Soviet Socialist Republics) (interpretation from Russian): This is a very brief petition. It requests that all legal questions be resolved before any change takes place in Palau's political status. We think that is a reasonable proposal and should be borne in mind by the Administering Authority in its future actions.

The PRESIDENT: The next petition is in document T/PET.10/651. It is from Mrs. A. Eileen Bernal.

Mr. CHERNYI (Union of Soviet Socialist Republics) (interpretation from Russian): This petition is from London. Like the preceding one, it refers to the observance of the Trusteeship Agreement and requests that the Agreement not be terminated until the United States has fulfilled its obligations. My delegation feels that this request should also be borne in mind by the Administering Authority in its future actions with regard to Palau, which is part of the Trust Territory of the Pacific Islands.

The PRESIDENT: We turn next to document T/PET.10/652. This petition is from Ms. Delia Haywood.

Mr. CHERNYI (Union of Soviet Socialist Republics) (interpretation from Russian): In this petition concern is expressed over the recommendation of the Trusteeship Council that approval of the Compact of Free Association be completed at the earliest possible date. We share this concern. As the Council knows, in the past we voted against that recommendation by the Council.

The PRESIDENT: The next petition is in document T/PET.10/653. It comes from Ms. Marjorie A. Burton.

Mr. CHERNYI (Union of Soviet Socialist Republics) (interpretation from Russian): As can be seen, we have great success in the United Kingdom. A number of petitions come from there. Apparently your country, Mr. President, takes a keen interest in the situation in Palau.

(Mr. Chernyy, USSR)

In this petition, concern is expressed by its author with regard to the persistent efforts to force a Compact of Free Association on the people of Palau.

In the petition, a statement by Roman Bedor is quoted. We agree with it, and think we should read it out now:

"I think this is the reasoning of the United States: In order to control us they must create dependency. Once dependency is created they can control our lives. ... A lot of people in this village are jobless but they are able to live because of our society and the land. ... They go fishing. So if the oceans and the land are destroyed for military reasons or we are prevented from using them, then we are crippled". (T/PET.10/653, p. 2)

In the Soviet delegation's opinion, that is a serious statement. We should be grateful if the delegation of the Administering Authority would comment on it later.

The PRESIDENT: It does indeed seem that my fellow-countrymen take a great interest in matters of international affairs. I am a little sad that members and branches of the campaign for nuclear disarmament in the Soviet Union are not equally active in these matters.

We turn now to document T/PET.10/654. This petition is from Mr. Edgar Crane.

Mr. CHERNYY (Union of Soviet Socialist Republics) (interpretation from Russian): There is nothing new in this petition as compared to the preceding ones. The Trusteeship Council is requested to make no change in the political status of Palau until it has thoroughly investigated some legal matters. We feel that the Trusteeship Council should take note of this petition and be guided by the requests made in it.



The PRESIDENT: The next petition is from Mr. Andrew Shanks. It is contained in document T/PET.10/655.

Mr. CHERNYI (Union of Soviet Socialist Republics) (interpretation from Russian): I would clarify that this petition comes from people who gathered at the European Nuclear Disarmament Convention in Coventry. It contains an appeal to the United Nations to listen to the people of the Republic of Belau. These are voices calling for the protection of the Constitution of the Republic. The authors insist upon respect for democratic procedures. The United Nations is requested to fulfil its role as overseer of the Trusteeship Agreement.

In the Soviet delegation's opinion, this is a serious request and we think it should be taken into due account during the Trusteeship Council's work.

The PRESIDENT: The petition in document T/PET.10/656 is from the Reverend Allyson D. Platt.

Mr. CHERNYI (Union of Soviet Socialist Republics) (interpretation from Russian): There is nothing new in this petition, either, in comparison with earlier ones. The author calls for an investigation of what is taking place in Palau. We agree with that request, and we ask the Trusteeship Council to take it into account in its work.

The PRESIDENT: The petition in document T/PET.10/657 is from Ms. Mary P. English.

Mr. CHERNYI (Union of Soviet Socialist Republics) (interpretation from Russian): This is another petition from the United Kingdom. It refers to unconstitutional attempts to obtain approval of the Compact of Free Association with the United States. The Council is requested not to accept the results of the referendum.

(Mr. Chernyy, USSR)

The Soviet delegation feels that it would be desirable if, in its concluding statement after the discussion of these petitions, the Administering Authority would make some comments on the accusations in this petition.

The PRESIDENT: We turn now to the petition in document T/PET.10/658, from Mr. D. C. Ramwell.

Mr. CHERNYI (Union of Soviet Socialist Republics) (interpretation from Russian): Again we have a petition from the United Kingdom. There are no new points in it as compared to those in preceding petitions. It refers to political and economic pressure by the United States on the people of Palau. My delegation feels that this petition, too, requires comments from the Administering Authority.

The PRESIDENT: We come now to the petition in document T/PET.10/659, from Ms. Beverly Delong.

Mr. CHERNY (Union of Soviet Socialist Republics) (interpretation from Russian): This petition which comes from Canada, contains a request to the Trusteeship Council to conduct a thorough investigation of what is taking place in Palau. Serious concern is expressed over what is going on there. The delegation of the Soviet Union feels that the Council should take this request into account in its activities.

The PRESIDENT: We now come to the petition in document T/PET.10/660, from Mr. Luke Gray.

Mr. CHERNY (Union of Soviet Socialist Republics) (interpretation from Russian): This is again a petition from the United Kingdom. It deals with the illegal attempt by President Salii to change the constitutional guarantees with regard to the nuclear-free status of the country. There is another thought running through this petition. The Compact should be in accordance with the Constitution. In the opinion of the Soviet delegation, these provisions should be borne in mind by the Trusteeship Council in its activities. This petition requires comment on the part of the Administering Authority because President Salii is involved.

The PRESIDENT: We come now to the petition in document T/PET.10/661, from Ms. Juliet Cunningham.

Mr. CHERNY (Union of Soviet Socialist Republics) (interpretation from Russian): This is a very brief petition. The main part here boils down to the following: the legal questions should be resolved before any change takes place in Belau's political status. My delegation agrees with that request and we ask the Council also to bear the petitioner's request in mind in its activities.

The PRESIDENT: We now come to the petition in document T/PET.10/662, from Ms. Magne Svendsen.

Mr. CHERNYI (Union of Soviet Socialist Republics) (interpretation from Russian): The geography of the places the petitions come from is now expanding. This time the petition is from Norway. Here the Council is urged to have the United States renegotiate the Compact to make it comply with the Trusteeship Agreement, Palau's Constitution and United Nations General Assembly resolution 1514 (XV). The second important part of the petition states that it is best not to terminate the Trusteeship Agreement until the United States has fulfilled its obligations. In the opinion of the Soviet delegation, the request and the recommendation are substantial and deserve appropriate attention from both the Trusteeship Council and the Administering Authority.

The PRESIDENT: We come now to the petition in document T/PET.10/663, from Ms. Anne Adams.

Mr. CHERNYI (Union of Soviet Socialist Republics) (interpretation from Russian): This petition is addressed direct to the Secretary-General of the United Nations. It contains an important provision. It states first that the United States is trying to force the Government of Palau to sign a so-called Compact of Free Association so that the United States can use part of the country for military purposes. Secondly, there is a request for the United States to renegotiate the Compact to comply with the Trusteeship Agreement, with the Constitution of Palau and United Nations General Assembly resolution 1514 (XV). These are important provisions and, in the opinion of the Soviet delegation, they deserve due attention from both the Trusteeship Council and the Administering Authority.

The PRESIDENT: We come now to the petition in document T/PET.10/664, from Ms. Else Houmøller-Jørgensen.

Mr. CHERNYI (Union of Soviet Socialist Republics) (interpretation from Russian): We see in this petition a further expansion of the geography of the petitioners. This time the petition comes from Denmark. The main content is especially the following: that the 4 August referendum on amending the Constitution of Palau was unconstitutional. Concern is expressed over the dangerous situation in the Trust Territory of the Pacific Islands, and specifically in Palau. We express concern over these dangerous events and we feel that this first mention of the unconstitutionality of the referendum of 4 August should receive due attention from the Trusteeship Council and also from the Administering Authority. In particular, we support the appeal to the Trusteeship Council to investigate the situation in Palau thoroughly and to take action to see to it that the trusteeship is not ended on the basis of an illegal referendum on the Compact.

The PRESIDENT: We come now to the petition in document T/PET.10/665 from Mr. David Krag.

Mr. CHERNYI (Union of Soviet Socialist Republics) (interpretation from Russian): The Soviet delegation supports the request in this petition, namely, to make no change in the political status of Palau until the legality of the two August referendums has been determined and until thorough investigations have been made into charges of corruption by President Salii and charges of intimidation and violence.

The PRESIDENT: We come now to the petition in document T/PET.10/666, from Ms. Atsuta Michiko.

Mr. CHERNYI (Union of Soviet Socialist Republics) (interpretation from Russian): Judging by the family name, this petition probably came from Japan. Can the Secretariat clarify this point? In any case, concern is expressed over the situation in the Republic of Belau. The Council is requested to fulfil its

(Mr. Chernyy, USSR)

overseeing responsibilities by protecting Belau's Constitution. We think that this deserves the attention of the Council and should be taken into account in its work.

The PRESIDENT: I am told by the Secretariat that this petition came in the form of a telegram so that it was not possible to know from what part of the world it came and it will be even more difficult to send a reply to Ms. Michiko.

We come now to the petition in document T/PET.10/667, from Ms. Anna Rehin.

Mr. CHERNY (Union of Soviet Socialist Republics) (interpretation from Russian): I congratulate you, Mr. President, as this petition again is one coming from the United Kingdom. It deals with much unrest, violence and intimidation in Palau during the plebiscite on 21 August. What is more important, a question is directed to the Trusteeship Council. Is the Trusteeship Council taking any action, even at this late date, to uphold the interests of the people of Palau? As I understand it, a reply from the Council is called for.

The PRESIDENT: We come now to the petition in document T/PET.10/668, from Ms. Gilda Lowe.

Mr. CHERNYI (Union of Soviet Socialist Republics) (interpretation from Russian): This petition is in essence an appeal not to turn a blind eye to what is happening in Palau and an appeal to restore the rights of the people there. We hope that this appeal will be heard by the Administering Authority.

The PRESIDENT: We come now to the petition in document T/PET.10/669, from Mr. Everett Whealdon.

Mr. CHERNYI (Union of Soviet Socialist Republics) (interpretation from Russian): The most important point in this petition is a request to the Trusteeship Council to respect and defend the rights of the citizens of the Republic of Palau to maintain their Constitution and to stand against encroachments from any source. Our delegation feels that it is a very serious request and it should be borne in mind by the Council.

The PRESIDENT: That brings us to the end of our consideration of the written petitions. The remaining petitions in the folder were from petitioners asking to address the Council and we have granted all those requests. Therefore, we have now come to the end of our consideration of the individual written petitions.

Does any member of the Council wish to make any further remarks on those written petitions before we take a decision?

Mr. LEVCHENKO (Union of Soviet Socialist Republics) (interpretation from Russian): Since we are approaching the completion of the question of written petitions, I wish to state that at the morning meeting the Soviet delegation requested the secretariat of the Trusteeship Council to make available this afternoon photo copies of those petitions mentioned in the annexes to the petitions so that our delegation, working along with the text of the petitions, could cursorily inform itself about the petitions and present our comments in order to speed up the work of the Trusteeship Council. Unfortunately, although we have waited patiently, we have received no response. Therefore, we should like to know

(Mr. Levchenko, USSR)

whether our delegation can obtain these copies so that we can make our comments, if we have any to make.

The PRESIDENT: It was my understanding that the Soviet delegation had in fact been provided with some photo copies. I understand from the Secretariat that the documents requested by the Soviet delegation are available in the Secretariat. The request to have copies made was only made this morning and it has not been possible for the Secretariat in the short time available between when the request was made and this afternoon to identify, extract and copy those documents. But as all members of the Council know, these documents are available for consultation in the Secretariat at any time prior to a meeting. The answer is that these documents are not available for the Secretariat to hand over to the Soviet delegation now. However, they could be made available at a later date if they are clearly identified.

Mr. LEVCHENKO (Union of Soviet Socialist Republics) (interpretation from Russian): Thank you for your explanation, Mr. President. My understanding is that we shall obtain copies of these petitions after the meeting of the Council. I think we can study them and make our comments at the next meeting, tomorrow or whenever it will be held. If I am mistaken, no doubt the Secretariat should see to it that we get them during the meeting so that we can make our comments today. That was the essence of our request. We have waited patiently, but our request has not been met. We thought that the documents would arrive at any moment. The Council has already concluded its consideration of the petitions, but we have received no answer from the Secretariat or copies of the petitions. Therefore, I would like to consult the judgement of the President. When can we hope to have these petitions? Can we have them by the morning meeting?

The PRESIDENT: The Soviet representative asked for my judgement on this matter. My judgement is that if his delegation had required these documents, it



(The President)

should have asked for them earlier. If in fact the Soviet delegation had attended the informal consultations to which I invited all members of the Council before this resumed session had begun, this question of documentation could have been addressed at that time and no doubt these documents would have been with those members of the Council who now request them. I am not prepared to delay consideration of the item of these petitions any further, unless that is the wish of all the members of the Council. We have devoted a great deal of time and attention to the petitions and I should like shortly to have the Council take a decision on these petitions. But in this matter I am, of course, in the hands of the Council. Is it my understanding that the Soviet delegation wants to delay a decision on the petitions until it has had a chance to examine further documentation?

Mr. LEVCHENKO (Union of Soviet Socialist Republics) (interpretation from Russian): No, Sir. The Soviet delegation has never had any wish to postpone discussion. It is precisely for this reason that, when discussing certain petitions at the morning meeting, we drew the attention of the Secretariat to the fact that there were certain letters and documents, annexed to certain petitions. Precisely bearing in mind the President's request to accelerate our work, we asked the Secretariat to make photocopies during the lunch hour so that we could examine them and make our comments, if we had any to make, and thus conclude the discussion of these items.

The PRESIDENT: The practice, as I understand it, is that when petitions arrive, if they have a lot of additional documents attached to them, the Secretariat makes a judgement, which I respect, as to which of those documents should be translated and circulated with the petition and which documents, particularly if they are bulky or in languages that are not working languages of the United Nations, should remain in the files of the Trusteeship Council and be

(The President)

available for consultation to any member of the Council or, in fact, to any member of the public who has access to these documents. I am sorry that the request for some of these documents came to the Secretariat late in the day. I had understood that one of the documents requested by the Soviet delegation had been photocopied by the Secretariat and made available. Now I understand that some further documents are requested. I shall ask the Secretariat to consult with the Soviet delegation to identify those documents and make them available to the Soviet delegation. But I do not want to delay consideration of the petitions that we now have in front of us until such time as delegations have examined the additional documentation, unless that is the wish of the majority of the members of the Council.

May I then leave it that the Secretariat will now consult with the Soviet delegation and make available to it whatever documentation it wishes to see from the records of the Secretariat? Thank you.

Does any other delegation wish to make a statement on the written petitions before we take a decision?

Miss BYRNE (United States of America): This morning one of the oral petitioners mentioned a letter from Congressman Udall and several other Congressmen to President Lazarus Salii of Palau, in which they set down their concerns about the situation in Palau. Mr. Collett also read out parts of that letter.

I consider it fair, balanced and instructive to insert into the record of our proceedings the reply of President Lazarus Salii to Congressman Udall. This letter is dated 30 October 1987 and reads as follows:

"The Honorable Morris K. Udall  
Chairman  
Committee on Interior & Insular Affairs  
U.S. House of Representatives  
Washington, D.C. 20515

"Dear Mr. Chairman:

"There has been much discussion outside Palau demeaning both our system of law and order and our credibility as a Government. Let me say that I, as President of Palau, on behalf of the Government and the people of Palau, am proud of and confident in our governmental institutions and our democracy.

"We are a proud, capable, competitive people. That is our history and our present situation. It is our strength. As a result of that strength, we have had struggles in the past and have them in the present. These struggles frequently come out in litigation.

"Some have charged that our courts are not active, are not independent, or that our community does not have access to these courts. There is no basis for these charges. Even a cursory review of the litigation in the Federated States of Micronesia, the Marshalls and Palau indicates this. There are many more reported cases in Palau than in the Federated States of Micronesia or the Marshalls although these areas are much larger. No one has suggested that our

judges have decided these cases unfairly or were biased. The history of Compact litigation alone indicates the accessibility of our courts to our citizens and the independence of our courts.

"I, and many others, have differed with our courts on the Compact litigation and I have questioned, and still question, the desirability of placing the decisions so vital to our nation and to our people in the hands of outsiders whose ties to Palau are few. There are others who think otherwise. But that argument and that debate is one that is long-standing, not only in Palau but in the United States as well. It was in the beginning of the U.S. history, like in the beginning of ours, that the Jeffersonian Democrats argued for the popular election of judges and Jefferson was as much a democrat as any American. His reasoning was the same as ours. Judges should be close to the people, understand their aspirations and be sympathetic to their concerns. At times of great controversy, it is important that the judges be perceived as having such sympathies even if they rule against the popular view. As a result of the Jeffersonian arguments, the state constitutions of the 1830s which were passed in the various states very rapidly contained clauses which would bring judges closer to the people - such as popular election and recall, for example. And even today the argument goes on with respect to nomination of Judges and recall. (California's recall of three judges in the last election is a recent case in point).

"I don't mean to address this in the abstract, however, but I did want to place my views in the appropriate governmental context. We should address the issue in connection with the Compact litigation and the events of late August and September. Let me say my Government deplores the violence that took place on that occasion and does not support or condone in any way intimidation of public officials or individuals in the exercise of their human rights. My

record as President strongly indicates my personal stand in favor of respect for the law. We are actively pursuing, and will bring to justice, those who have committed this violence and, thereby, violated the laws of Palau.

"On the other hand, let me say there are those who would use these acts of violence, expanding upon them and suggesting that more was involved than an unfortunate outburst during a time of great stress at the end of a long holiday weekend when there may have been excessive drinking on top of these tensions. They are doing the people of Palau and its governmental institutions a great disservice and in fact may be endangering the various institutions of democracy.

"People who say this also do not understand the strain of status change, not just in Palau but in the course of United States history. One can reflect on U.S. history and find at the time of status change similar embarrassing outbursts of violence. We have only to go back to the events of 1950-1952 when Commonwealth was established in Puerto Rico and Puerto Rican nationalists burst into the chambers of Congress and shot at Congressmen on the House floor. What is less well remembered is that during the course of approving the Constitution, which established the Commonwealth of Puerto Rico, violence broke out in Puerto Rico. During October 30 - November 6, 1950, 28 persons were killed and 419 wounded on various parts of the island.

"Of course, as a result, someone would say, as Senator Olin Johnson, of South Carolina did, that Puerto Rico was a 'gigantic incubator of people who do not understand American traditions or ideals but who are glad to qualify for American residence or American history.'

"But, unfortunately, the majority of Congress understood and approved the Commonwealth. Violence was not an indicator, that the people did not understand democracy but of how extraordinarily difficult democratic processes

are to maintain without violence breaking out. Democracy rests on the people who, under great pressure at times of status change, frequently perform acts which we, and they, later regret.

"Let me repeat, violence is not to be condoned. We do not condone it - we condemn it.

"Our governmental institutions are strong and democratic. Our OEK is an arena of active debate. Full minutes are kept of these debates and there are the usual strains between the Legislative and Executive branches of Government. We have voted under U.N. scrutiny now seven times - twice, very recently, in August - without any indication of impropriety.

"Our Judiciary and our bar are strong. We have more litigation per capita than anywhere in Micronesia despite contradicting those who say access to the courts is limited. And our judges - with respect to the Compact and elsewhere - have hardly proved themselves to be less than independent.

"I am confident in our ability to continue to manage our democracy and to continue to provide for all people in Palau the ability to freely express themselves, to grow, to be secure and, if they wish, to register their dissent. I look forward to your active assistance in the speedy ratification of the Compact of Free Association.

"Sincerely yours,

(Signed) Lazarus E. Salii"

(Miss Byrne, United States)

I wanted to insert President Salii's letter into the record. Because he is a Palauan, a premier Palauan, he clearly understands the situation in Palau, and I believe that his letter, in response to the honourable Morris K. Udall, answers many of the criticisms and complaints that were made here last evening and today.

The petitions before us today represent essentially the same viewpoints expressed in petitions considered at our earlier sessions. Therefore, my delegation would like to refer petitioners to our observations in May and August on petitions.

Most of the petitions received recently deal with events in Palau connected with the plebiscites conducted in June and August of this year. My delegation recommends that petitioners acquaint themselves with the reports of the Visiting Missions dispatched by this Council to observe the plebiscites. Those reports make clear that the plebiscites reflected the freely expressed wishes of the people of Palau.

Several petitions express fear that Palau's Constitution is in jeopardy. Nothing could be further from the truth. The constitutional amendment adopted on 4 August was the product of Palauans acting in accordance with constitutional procedures. It passed with a large majority. In accordance with democratic tradition, Palauans have accepted the result and have begun to move forward in a spirit of hope and unity. While a few individuals living far from Palau and with no connection with the islands may not like the course the people of Palau have adopted, it is not for outsiders to approve or disapprove what the people of Palau have chosen. In this connection, my delegation notes with regret that a few petitions maliciously spread baseless charges of wrongdoing against the Government of Palau and individual officials of that Government. Those malicious charges do not merit a response.

(Miss Byrne, United States)

The Compact of Free Association is the product of long negotiation between the United States and the representatives of Palau. It is in no way an agreement imposed by one side. There is no question that the overwhelming majority of the people of Palau support the Compact of Free Association with the United States. This fact has been confirmed in a number of plebiscites observed by United Nations missions whose reports this body has approved over the years. Certainly, the most recent plebiscites took place in an environment of tension; this situation is only natural when weighty decisions are to be made. Equally clearly, the people of Palau have accepted the results of the plebiscites. Opponents and advocates of the Compact have settled their differences. In short, political reconciliation, not intimidation, underlies the decision of the people of Palau to move towards a brighter future in free association with the United States. Since earlier tension in Palau has subsided, there is no need for any international peace-keeping force. I would note that the request for such a force has not been reiterated in Palau.

My delegation would like to note once again that the United States has no intention to place nuclear weapons in Palau nor to undertake any military construction there. The provisions of Palau's Constitution that define and limit the activities of the United States in carrying out its defence responsibilities under the Compact of Free Association remain unchanged: the United States agrees not to use, test, store or dispose of nuclear or other specified weapons in the jurisdiction of Palau.

Document T/PET.10/593 raises a question regarding Rongelap. The people of Rongelap filed class action personal injury tort cases in the United States Court of Claims and other Federal courts. These court actions have been dismissed and the courts of the United States have upheld the settlement and compensation mechanisms which have been implemented in accordance with the Compact of Free Association between the United States and the Republic of the Marshall Islands.



(Miss Byrne, United States)

The people of Rongelap have their own trust fund in the amount of \$37.5 million. Like all other Marshallese citizens they will also have standing to pursue their claims in the Marshall Islands Claims Tribunal.

The United States Congress approved an ex gratia payment to the people of Utirik and Rongelap in October 1977. Payments to 220 individuals totaled about \$1.8 million. This was the second round of payments to the exposed people of Rongelap, who received an ex gratia payment of \$950,000 in 1965.

The United States is proud of what it has achieved during its administration of the Trust Territory of the Pacific Islands. These achievements, documented in the records of this Council over the past 40 years, include, first and foremost, the nurturing of democratic societies and freely elected Governments. The United States respects the decisions of the Governments and people of the Trust Territory regarding their future. We ask other Governments and individuals to do the same.

The PRESIDENT: I should now like to suggest, if no other member of the Council wishes to comment on the written petitions, that the Council should draw the attention of the petitioners to the statements that have been made by the Administering Authority and other members of the Council during the current session of the Council. If that is in accordance with the wishes of the members of the Council, it will be so decided.

It was so decided.

REPORT OF THE UNITED NATIONS VISITING MISSION TO OBSERVE THE PLEBISCITE IN PALAU, TRUST TERRITORY OF THE PACIFIC ISLANDS, JUNE 1987 (T/1919) (continued)

REPORT OF THE UNITED NATIONS VISITING MISSION TO OBSERVE THE PLEBISCITE IN PALAU, TRUST TERRITORY OF THE PACIFIC ISLANDS, AUGUST 1987 (T/1920) (continued)

The PRESIDENT: The Council will now continue its consideration of the two reports submitted by its Visiting Missions to Palau and the two draft resolutions about the two reports contained in documents T/L.1263 and T/L.1264.

I should like to say at this stage that the Permanent Representative of Papua New Guinea, whose staff took part in both of the Visiting Missions during the summer, has asked whether he could make a short statement to the Council before we consider these two reports. If that is in accordance with the wishes of the Council, I shall ask him to address us.

Mr. LEVCHENKO (Union of Soviet Socialist Republics) (interpretation from Russian): It is my understanding that the Trusteeship Council has now turned to the next items, the reports of the Visiting Missions of the Trusteeship Council in June and August of this year. The Soviet delegation would like to confirm its position on these agenda items. Briefly, it amounts to this: that it would be logical to consider both of these reports not at this session but at the fifty-fifth session of the Council, along with the regular reports of the Administering Authority for the period October 1986 to September 1987.

(Mr. Levchenko, USSR)

This is precisely the period during which two Trusteeship Council Missions visited Palau. However, the decision has been taken to continue the discussion of these items and the Soviet delegation is ready to go along with that decision. Quite simply, we have no alternative. But before turning to this question, we would like to know what procedure will be followed. At yesterday's meeting the Chairmen of the Visiting Missions presented their reports and, of course, two draft resolutions on them have been submitted. The Soviet delegation has studied the reports of those Visiting Missions carefully and has a number of questions and some comments on them.

Therefore, we should like to know from you, Sir, what our further procedure will be for consideration of these matters. Do you intend to propose that our delegation explain the points and questions we have on the June and August reports, or do you want to continue the submission of these reports by members of the Visiting Missions?

You stated just now that the representative of a country which had participated in the Visiting Mission - not a participant in the Visiting Mission itself - would like to make a statement. The Soviet delegation would have no objection to that, but we would like to know what the future procedure will be. Will the opportunity be given to members of the Trusteeship Council to express their views, make their comments, ask questions and exchange opinions with members of the Visiting Missions and other members of the Trusteeship Council, or are we going to call immediately on the representatives of countries that are not members of the Council? We would be grateful, Sir, if you could clarify for us the procedure you intend to follow.

The PRESIDENT: I am grateful for the fact that the Soviet Union has clarified its position about taking the reports of the two Visiting Missions at

(The President)

this resumed session rather than at the next session of the Council. We discussed that matter yesterday and I am grateful that the Soviet Union has agreed to abide by the wish of the majority on that matter.

I intend now, if I have understood the question correctly, to continue with further consideration of the two reports of the Visiting Missions and then to take a vote on the two draft resolutions that we have before us. This will give members of the Council an opportunity to make any comments and to ask any questions they wish before we take a vote on the draft resolutions.

We were fortunate during the two Visiting Missions to have the help of the representative of Papua New Guinea. The Permanent Representative of Papua New Guinea has asked if he might make a short statement. Some of his staff were here yesterday but did not have an opportunity to speak.

It would not be my intention to suggest that we should then invite all comers to address us on the question of these Visiting Missions, but it does seem to me that the Permanent Representative of Papua New Guinea, whose staff was so helpful to us in taking part in these Visiting Missions, has made a valid and very reasonable request that he should make a short statement to us, and I gather from the Secretariat that similar facilities have been given to individuals in the past. I should therefore like to propose to the Council that we should hear the representative of Papua New Guinea, but that the remainder of our consideration of these two reports and of the draft resolutions should be confined to members of the Council.

I hope that makes my intentions clear.

Mr. LEVCHENKO (Union of Soviet Socialist Republics) (interpretation from Russian): Clearly, in the course of the interpretations the point of the question I raised was lost. I cannot allow anything other than what I said just now. We

(Mr. Levchenko, USSR)

were quite clear in what we put forward. The reports of the Visiting Missions have already been presented to the Trusteeship Council by the Chairmen of those Missions. The draft resolutions on those reports have also been submitted to the Council. It is now my understanding that we are continuing the discussion of those reports, and according to all existing norms the full-fledged members of the Council who are considering the reports should be given priority. They have not had a chance - except for the Chairmen of the two Visiting Missions - to speak, to put forward their thoughts, to share questions which have arisen and thereafter to hear what other members of the Trusteeship Council might say. That is the practice, not only in this organ, the Trusteeship Council, but in all other organs of the United Nations. Priority is given to the members of the Trusteeship Council, that is the body of which they are full-fledged members.

The Soviet delegation has never objected to giving any member of the United Nations that is very much interested in the activities of the Council regarding the fate of the Trust Territory the opportunity to address the Council. The Council is well aware of that and knows that we always approved this course of action. But probably before giving a Member of the United Nations which is not a member of the Trusteeship Council the opportunity to speak, clearly it would be logical to hear the opinions of the members of the Council on the reports of the two Missions. Unless I am mistaken, that is the existing practice in the United Nations. Correct me if I am mistaken and there is another practice whereby observers, who are not members of this body, are called upon to speak and then the question is considered by the members of any given organ.

Therefore, from the viewpoint of my delegation, it would be logical now for all delegations that are members of the Trusteeship Council who have something to say either about the draft resolutions or the reports, or who want to ask questions

(Mr. Levchenko, USSR)

of the Chairmen of the Visiting Missions or of the Missions themselves, to be given priority and called upon to speak first. After we have exhausted all of these questions, probably then, with the agreement of the President and the members of the Trusteeship Council, any other Member of the United Nations who would like to make a contribution to the work of the Trusteeship Council would be called upon to speak.

That is our understanding of this situation and we would like some clarification or confirmation from the President on that.

The PRESIDENT: I understand that there are no set rules on this matter and that it is up to the bodies themselves to determine. I had just thought that perhaps we were getting a little tired of the sound of our own voices and that it would be pleasant at this stage to hear a contribution from another delegation.

The Permanent Representative of Papua New Guinea has waited very patiently this afternoon to make a very short statement to us, and I thought it would be a courtesy to him to ask him to do that now. If, however, it is the wish of the members of the Council that he should wait until we have all had our say, then I am in their hands.

Is my understanding correct, therefore, that the Soviet delegation would prefer now to have comments from members of the Council and that we should ask the representative of Papua New Guinea to wait until that is concluded?

Mr. LEVCHENKO (Union of Soviet Socialist Republics) (interpretation from Russian): Yesterday when we approved the Council's programme of work for these meetings of the Council, the Soviet delegation heard nothing from you, Sir, to the effect that there were still additional requests from non-members of the Trusteeship Council to speak on this item, nor how many such requests there were.

Only when we began this discussion were we informed that the Permanent Representative of Papua New Guinea, on whom you promised to call, has been here since lunch-time. This is the second day we have been in session. We have made huge efforts to help accelerate discussion of the written petitions and are prepared to continue that work. However, Mr. President, if you feel that the representative of another State has priority over the members of the Council just because you promised him something, then the decision is in your hands and the Soviet delegation will go along with it.

The PRESIDENT: I have not made any promises to anyone. Who addresses us is in the hands of members of the Council, and I think that what is happening now is that we are just using a procedural wrangle to drag out the process. As I said, I think it would be courteous if we asked the Permanent Representative of Papua New Guinea to address us now, but on this matter I am in the hands of the members of the Council.

Would any other delegation, apart from that of the Soviet Union, like to give its view on this matter?

Miss BYRNE (United States of America): Just as we have spent many hours hearing petitioners in order to get their information to help us have a fuller consideration of our work, I think it would be extremely advantageous to the Council to hear the Permanent Representative of Papua New Guinea, because I am sure he has information and views to impart that would be of enormous value to us in our proceedings here today.

Mr. SMITH (United Kingdom): The representative of the Soviet Union spoke of logic and of proceeding logically, and it seems to me that the procedure which you have suggested, Sir, is indeed entirely logical. The Permanent Representative of Papua New Guinea is here. He has been waiting all afternoon while we completed our consideration of written petitions. No one is suggesting that the representative of the Soviet Union should be denied an opportunity to speak. Indeed, perhaps he will have comments to make precisely on the remarks of the representative of Papua New Guinea. I therefore support the idea that we should hear the Permanent Representative of Papua New Guinea at this time.

Mr. GUINHUT (France) (interpretation from French): I vigorously support the views expressed by the representatives of the United States and the United Kingdom.

The PRESIDENT: I call upon the Permanent Representative of Papua New Guinea to address us.

Mr. LOHIA (Papua New Guinea): I thank the President and members of the Council most kindly for allowing Papua New Guinea this rare opportunity - as demonstrated in this very important Chamber - to participate in the important deliberations of the Trusteeship Council on a matter which is important to Papua New Guinea and its people: the Trust Territory of the Pacific Islands.



(Mr. Lohia, Papua New Guinea)

Papua New Guinea has always valued its direct participation in the numerous Visiting Missions of the Council to Micronesia, and more specifically in the recent visit to Palau.

On behalf of the Government and people of Papua New Guinea, I take this opportunity to thank you, Mr. President, the Trusteeship Council, the Governments and peoples of Micronesia, and more specifically Palau and the Government of the United States of America, for making it possible for my Government to participate directly in the Council's Visiting Mission and have direct access to the peoples of the Trust Territory of the Pacific Islands, and to information concerning them.

The Papua New Guinea Government is pleased to note from you, Sir, and your colleagues that our participation in your recent Visiting Mission to Palau was useful and constructive. Our greatest hope is that the people of Palau and Micronesia benefit from our direct participation.

It is important that the Trusteeship Council take note of Papua New Guinea's concern, as expressed by our Minister of Foreign Affairs at the forty-second session of the General Assembly during the general debate on 7 October 1987, when he said:

"It is of great concern to my country that the process of decolonization in the Pacific has not been completed. The situation in the Trust Territory of the Pacific Islands, especially that in Palau, causes some degree of uncertainty and apprehension. We urge the Administering Authority to ensure that the termination of the Trusteeship Agreement is achieved as soon as possible, and is consistent with the aspirations of the people of that Territory." (A/42/PV.29, p. 13)

Papua New Guinea's concern over the Trust Territory of the Pacific Islands, and more specifically over Palau, is confirmed by the numerous petitions that have

(Mr. Lohia, Papua New Guinea)

been presented to this session of the Trusteeship Council. Our Minister of Foreign Affairs also expressed concern about how the Security Council works, when he said:

"The increasing tendency for the Security Council to be used as a forum for East-West power brokerage is most unsatisfactory. My Government is concerned that the United Nations should be held hostage to such trends." (A/42/PV.29, pp. 11 and 12)

The Papua New Guinea Government is equally concerned and sad to witness such trends in the Trusteeship Council.

We urge the Administering Authority and the Trusteeship Council once again to answer adequately the concerns expressed by the people of Palau and the world community and to ensure that the Trusteeship responsibilities in the Trust Territory of the Pacific Islands are terminated in line with the wishes, interests and aspirations of the people of the Territory and that these are also in line with the United Nations principles and practices of decolonization.

The Government of Papua New Guinea, for its part, will continue to co-operate with the Trusteeship Council, the people and Government of Palau, and others, including the Administering Authority, in working towards the final termination of the Trusteeship Agreement.

Once again, I sincerely thank you, Sir, and the members of the Council, for allowing the Government of Papua New Guinea to participate in the important work of the Trusteeship Council. It is the Papua New Guinea Government's belief that the participation by members of our Government is not individual participation but is the participation of the Government of Papua New Guinea.

Mr. CHERNY (Union of Soviet Socialist Republics) (interpretation from Russian): The Soviet delegation has a number of questions on the report of the Visiting Mission to Palau in August.

Paragraph 6 of the Visiting Mission's report which we received speaks of "legal complications". It says,

"Owing to legal complications, the result of the plebiscite of 30 June... had not... been officially certified by the President of Palau." (T/1920, para. 6)

Could any member of the Mission tell us what were the legal complications referred to in this instance?

The second part of my question is: what is the assessment by the Visiting Mission with regard to the actions of local authorities in Palau in laying off 900 out of 1,300 Government employees immediately after the 30 June plebiscite? This is also mentioned in paragraph 6 of the English text of the Visiting Mission's report.

The PRESIDENT: Unfortunately the Chairman of that Visiting Mission is not with us, but he has delegated the representative of the United Kingdom to answer in his place, and I now call on him.

Mr. SMITH (United Kingdom): I do find myself in a slightly difficult position here, in that the representative of the Soviet Union appears to be asking questions concerning the views of the Visiting Mission; I, myself, was not a member of that Mission.

Certainly as regards his first question, it seems to be a factual one which perhaps the Administering Authority could resolve for us. But his second question seems to concern opinion on the part of the Visiting Mission. If it is his wish, my delegation could try to locate the President of the Visiting Mission and ask him to join us in our considerations in the Chamber.

(Mr. Smith, United Kingdom)

The PRESIDENT: Perhaps that would be a good idea. I would also point out that in fact this is a chapter on the background to the plebiscitic concerns - in fact, things that happened before the arrival of the Visiting Mission - and in my view it would be reasonable to ask the Administering Authority if they would like to comment on this part of the report. We are simply asking for, I think, a factual explanation. But in the meantime I would ask the delegation of the United Kingdom to see whether they could find the leader of the Mission, who, I believe, is in the Fifth Committee.

In the meantime, if the Administering Authority would like to offer a comment on these two questions by the delegation of the Soviet Union we would be happy to listen.

Miss BYRNE (United States of America): I want first to be sure that we understand the first factual question presented by the representative of the Soviet Union. As I understood it through interpretation he was asking what were the political developments in Palau that prevented the President of Palau from certifying the results of the June plebiscite. Is that a correct understanding?

Mr. CHERNYI [Union of Soviet Socialist Republics] (interpretation from Russian): I would indeed be glad to clarify my questions, because what I heard does not at all accord with what I asked.

I raised one question with two parts to it, because the question relates to one paragraph. The first part of my question was: what kind of legal complications are involved here? This is mentioned at the very beginning of paragraph 6. What is meant in that particular instance? What are those complications?

(Mr. Chernyy, USSR)

The second part of my question clearly relates to the Mission, because we wanted to hear the assessment made by the Chairman and members of the Visiting Mission with regard to the actions of the local authorities in Palau when they laid off 900 out of 1,300 Government employees immediately after the 30 June plebiscite in which the Compact was approved.

I hope that I have now completely and clearly expressed this question.

Miss BYRNE (United States of America): Actually, my understanding was correct. I think I may have misspoken when I used the word "political"; I meant to say "judicial", meaning legal, and my understanding accords completely with what the representative of the Soviet Union has just said.

I would ask that Mr. Buczacki of our delegation be permitted to speak on that matter.

Mr. BUCZACKI (United States of America): While I would not presume to read the mind of the Chairman of the Visiting Mission, I believe that the legal complications to which paragraph 6 refers would refer to judicial challenges to the constitutionality of the 4 August referendum and the 21 August plebiscite - what was referred to as "legal complications".

I hope that answers the question of the Soviet representative in that regard.

Regarding the furlough of Government employees in Palau, this of course is an administrative decision that has for some years now been in the hands of the duly elected Government of Palau - that is, who should be hired, how long they should be employed and what they should do, and the allocation of resources to fund the salaries of these individuals - and it was the judgement of the Government of Palau at that time that the financial situation of Palau necessitated a temporary furlough of some Palauan Government employees.

Mr. CHERNYI (Union of Soviet Socialist Republics) (interpretation from Russian): My delegation would like to thank the United States delegation for clarifying this issue. However the clarifications are rather general in nature and do not inform us as to the essence of what we wanted to hear. Could we not have something more precise as to the legal complications, not simply the response that that was a legal matter? What is the essence of the complications?

Miss BYRNE (United States of America): I do not think that this is the section entitled "Questioning the Administering Authority". I really think we are discussing the two Visiting Mission's reports. We have answered that question on a factual basis, but I think that any further clarification or explanation should come from the members of the Visiting Mission, unless, Mr. President, you rule otherwise.

The PRESIDENT: I agree with the representative of the United States. Therefore we will pass on from this for the moment in the hope that we will have the author of these lines with us shortly.

Mr. CHERNYI (Union of Soviet Socialist Republics) (interpretation from Russian): It might be helpful if we were to have a short break until the Chairman of the Visiting Mission could come here, say a five- to ten-minute break.

Mr. SMITH (United Kingdom): For your information, Mr. President, and that of other members of the Council, I have just spoken to the Chairman of the Visiting Mission, who is on his way here at this moment. He is in the building, so it should not take him too long to arrive.

Mr. GUINHUT (France) (interpretation from French): I would just like to make a small suggestion. Instead of suspending our proceedings, since it is getting late, perhaps if any members of the Council have questions on this report we could proceed to the examination of the previous report, that of the June Mission.

The PRESIDENT: I think that is a sensible suggestion. I am always reluctant to adjourn meetings because, although one says "five minutes", people are gone for 15. I would really rather we wait here until the Chairman arrives. Do any members of the Council have any questions or comments on the first report?

Mr. LEVCHENKO (Union of Soviet Socialist Republics) (interpretation from Russian): Our delegation is ready to begin consideration of this and to have explained the points in the report of the first Visiting Mission to Palau in June under your chairmanship, Mr. President.

The idea was to distribute the work so that it was even, as you said when you called upon the representative of Papua New Guinea, and that is when we decided to begin with that Mission's report. But if you have any particular preference to begin our work with the June Mission, our delegation is agreeable. We would have questions to ask you as Chairman of the Mission. Of course, as Chairman of the Mission you might have to take your place in the United Kingdom delegation.

Yesterday we had a brilliant example of how to conduct a meeting, when upon your presenting the report of your Mission you requested the Vice-Chairman to take your Chair since it would not have been entirely appropriate for you to be discharging both functions at the same time. So in the light of your own comments, Sir, the Soviet delegation did not want to disturb you and began the discussion with the report of the other Visiting Mission, of which you were not Chairman but rather another brilliant representative of the United Kingdom. But if the Chairman of the Visiting Mission is not here, since we have already completed our programme on the written petitions, perhaps we could have a few minutes' break and take a rest.

The PRESIDENT: I thank the representative of the Soviet Union who, I know, is a master of the Trusteeship Council's procedures and I am sorry that he has exhausted himself and wants a break. We do have a problem, in that the

(The President)

Vice-President is not with us, but we are fortunate to have with us Mr. Raj Singh from the Permanent Mission of Fiji, who was the Acting Chairman of the Mission, and he has very kindly agreed to answer any questions on the report of the first Mission.

And we now have with us Mr. Murray of the United Kingdom, who was the Chairman of the second Visiting Mission, so I hope we will now be able to continue with our work. If it is the wish of the Council, I will remain sitting here.

There have been two questions put by the Soviet delegation concerning the report of the second Mission and I will give Mr. Murray a moment to acquaint himself with them and then ask him if he would like to reply.



Mr. MURRAY (United Kingdom): I understand that two questions were asked concerning the report of the August Visiting Mission: one referring to the legal complications, which we have mentioned in paragraph 6, and one on the furlough, which also appears in paragraph 6. If I can cast my mind back to the circumstances in August, my recollection is that the Palau Congress passed a law on 19 July - that is, Public Law No. 2-30; that a challenge was entered in the courts of Palau to the legal rectitude of that law; and that an injunction was applied for against holding the plebiscite which, one way or another, did take place on 4 August. But my recollection, again, is that the courts of Palau did not in fact make a firm ruling on the constitutionality of Public Law No. 2-30, so that the plebiscite took place, leaving a question mark as to the constitutionality of the holding of a plebiscite and of the result thereof, and subsequent to 4 August a request was entered for an injunction against the holding of the subsequent plebiscite and that was not clarified until shortly before the holding of the plebiscite, when my recollection is that the Chief Justice of Palau said that the voting should go ahead but that the votes should not be counted or tabulated; and then a day before the plebiscite took place he ruled that, indeed, counting and tabulation should proceed.

I recount this from memory and I confess that I may be inaccurate on one or two points, but the object is to point out that there were a number of legal proceedings taking place in Palau which called into question the events from the middle of July, the plebiscite of 4 August, and the arrangements and plans to hold the plebiscite on 21 August. Possibly the word "complications" is not an accurate one. It would be more factual, I dare say, to say something like "owing to legal proceedings that were taking place in Palau at that time". I think I would still maintain the view that these legal proceedings were quite complicated and it was not the simplest matter to comprehend at that fairly short notice.

(Mr. Murray, United Kingdom)

As regards the question of the furlough, I think that the Visiting Mission was intended to observe the carrying out of the plebiscite. Reference to the furlough in our report is intended to point out one of the significant facts in the background to the situation in Palau at the time we went there. I do not feel that I am in a position to express an opinion one way or the other on the furlough. The fact is that the furlough was in force and that it affected a large number of government employees and therefore was an element in the background to the plebiscite that we were there to observe.

Mr. CHERNYI (Union of Soviet Socialist Republics) (interpretation from Russian): My delegation would like to thank the representative of the United Kingdom for his explanation. It is certainly a very complex question. Nevertheless the representative of the United Kingdom has lifted the curtain somewhat on the question. However, we need further clarification on its essence. My delegation would like to make a few more comments and ask a few more questions on this subject.

My first question is: How do you reconcile the holding of the referendum of 4 August with the provisions of the Palauan Constitution?

Secondly, why before, with regard to the holding of the 4 August referendum, did the Supreme Court cast doubt on the question whether Public Law No. 2-30 was constitutional and in what connection, and why did the Supreme Court on 10 August propose initially prohibiting the holding of a referendum until 21 August? My delegation would be very grateful if we could get an answer to these questions. I am willing to repeat them if necessary.

The PRESIDENT: I am prepared to call on the representative of the United Kingdom if he wishes to comment on these questions, but I think that in considering these reports we need to look carefully at the terms of reference that we the

(The President)

Council gave the Visiting Missions, which were to observe plebiscites, not to become experts in the constitutional law of Palau.

Mr. MURRAY (United Kingdom): I do not have much to add to what you have just said, Mr. President. I would simply say that in response to the last two questions - the second of which, if I understood it correctly, was: Why did the Supreme Court do various things? - I am afraid I am in no position to offer an explanation or to comment. That clearly was a decision taken by the Supreme Court of Palau and I cannot pretend to know the reasons behind its judgement. That is a judgement that it rendered at a certain point.

As regards the first question, similarly it seems to me that it is an issue for somebody with a great deal more legal experience and understanding than I have. My function on that Visiting Mission was, as you, Mr. President, said, to examine the carrying out of the plebiscite. The legal background to the plebiscite, as we have already agreed, was complex and I do not feel that I can offer a sensible comment on it.

Mr. CHERNY (Union of Soviet Socialist Republics) (interpretation from Russian): My delegation regrets that I was unable to receive answers to the questions I asked, which were not idle questions, but were designed to obtain a fuller picture of the background against which the plebiscites were held in Palau. Nevertheless, my delegation is grateful to the representative of the United Kingdom for those explanations that he was able to give.

My delegation still has a number of questions on other paragraphs, particularly on paragraph 10. How are we to explain the delay in the Mission's departure? The Council's resolution clearly laid down the date for the beginning of the Mission's work: 17 August. The Mission's arrival in Palau at a later date limited its opportunities to discharge its duties.

Were the mysterious "legal uncertainties" known by the Administering Authority or members of the Mission before the convening of the special session of the Council or during that session? When did they arise? When did they become known to the members of the Mission? Who decided to delay its departure? The decision of the Trusteeship Council changed nothing. Do the members of the Mission agree that the artificial delay in beginning the Mission's work in Palau led to a situation in which it was unable to discharge fully the mandate entrusted to it by the Council and that it was unable duly to assess the character and effectiveness of the programme of political education which had taken place before its arrival?

Mr. MURRAY (United Kingdom): As regards the timing of the Mission's departure, it is my recollection that, because of the legal proceedings and the uncertainty that those ongoing proceedings engendered, there was some doubt, between the time the decision was taken to send the Mission to Palau and the date of the plebiscite, whether in fact it would take place. There was a motion in the courts of Palau challenging the holding of the plebiscite on 21 August. It would not be wise to dispatch a mission on a journey of that length and at that expense

(Mr. Murray, United Kingdom)

unless one was reasonably sure that the plebiscite would take place. It is my recollection that there was in fact a delay for the previous Mission, which arrived in Palau and then discovered that the timing of that plebiscite had been postponed by a few days.

As it happens, I am the United Kingdom representative on the Fifth Committee, where we have a particular concern with the financial affairs of the United Nations. We delayed the departure in the hope that it would become clear whether the plebiscite was or was not to go ahead. I think it was on 18 August that we left, since at that stage it looked likely - in fact, it was rather more than likely - that the plebiscite would go ahead. At that point we decided we should go. I suggest it would have been unwise to set off very much earlier when it remained uncertain whether the plebiscite would take place.

As regards the question whether the difficulties were known before the meetings of the Trusteeship Council, I am not in the position to answer, since I was not involved with the Council's work at that stage, nor do I know whether the difficulties were known to anyone else.

Did the delay mean that somehow we failed to carry out our mandate? I think that in substance our mandate was carried out. It is my assumption that the political education campaign carried out before we arrived was very much the same sort of campaign as had taken place with regard to earlier plebiscites. Clearly, we were not in a position to see what was going on and make a judgement, but I assume that the campaign was similar to the previous one, which was carried out only six or seven weeks before. Therefore, I suggest that our absence from Palau during the time of the education campaign would not materially have affected the judgement to which we came on the holding of the plebiscite.

Mr. CHERNY (Union of Soviet Socialist Republics) (interpretation from Russian): Our delegation is grateful to the representative of the United Kingdom for the explanations he has given. However, we still have questions. In particular, with regard to paragraphs 13 and 14, what is the Mission's assessment of the fact that, even before the date for the holding of the plebiscite, a number of constituencies had voted? Was this provided for by any law of Palau? If so, which?

Mr. MURRAY (United Kingdom): It is my understanding that the casting of ballots outside Palau before the timing of plebiscites is entirely normal practice. My judgement is that the effect on the outcome was nil, because, if my recollection is correct, the process is that the absentee ballots are cast in the various locations listed on page 6 of the report and are then flown to Palau and are counted along with all the other ballots during the counting process after the date of the plebiscite. In other words, as soon as the counting begins, those absentee boxes arrive from all over the Pacific and the United States and are counted in their turn with all the other ballots. So it would not appear to me to have any effect on the outcome of the plebiscite.

Mr. CHERNY (Union of Soviet Socialist Republics) (interpretation from Russian): I have some questions about the conclusions. First, with regard to paragraph 19, did the Mission or its members consider it normal that in a period of seven weeks there were three referendums, for two of which Visiting Missions were sent to the Trust Territory?

Mr. MURRAY (United Kingdom): As I have already said, my familiarity with Palau before my visit there in August was extremely limited. I could not say whether or not that is normal. It is probably unusual to have that number of plebiscites in many countries with which I am familiar, but those happen to be the circumstances in which Palau finds itself. I do not regard it as either normal or abnormal. It was our mandate to observe a plebiscite, and that is what we did.

Mr. CHERNY (Union of Soviet Socialist Republics) (interpretation from Russian): I have another question, with regard to paragraph 22. How do we reconcile the Mission's conclusion that the referendum was conducted fairly and in accordance with the rules, when in paragraph 20 something different is said - something quite contradictory in fact? It says:

"These [legal] uncertainties created an unsatisfactory situation, the more so in that voting at many locations outside Palau had taken place even before the procedural issue of whether the votes were to be counted"

- on site -

"had been settled." (T/1920, para. 20)

May we have an explanation?

Mr. MURRAY (United Kingdom): When we state in paragraph 20 that

"These uncertainties created an unsatisfactory situation", that again goes back to the point we were discussing at the very start of this question session - the legal uncertainties as to whether or not the plebiscite would take place. While the situation was uncertain, the arrangements for the

(Mr. Murray, United Kingdom)

voting away from Palau had to be initiated. As I understand it, the circumstances in the Western Pacific are such that if the boxes were to be available for 21 August, or shortly thereafter, there presumably had to be some kind of advance voting. I think it is not the kind of situation in which one can do everything on 21 August. My assumption is that the arrangements for carrying out the ballot had to be set in motion at some stage a few days before.

But in terms of the effect that that might have upon the outcome, I return to my earlier remarks: it seems to me that whether or not the votes cast outside Palau were cast before 21 August has no effect, because they were counted all together. I do not see that there is a contradiction because of the uncertain situation. That is a procedural problem. But in terms of an expression of the voters' wishes, I do not see that there is a contradiction.

Mr. CHERNYI (Union of Soviet Socialist Republics) (interpretation from Russian): My last question on the report concerns annex VI. It says that the result of the voting was certified by the President of Palau, Mr. Salii, on 29 August. What was the reason for the unjustified delay in presenting the Visiting Mission's report to the Trusteeship Council, which was addressed to the Secretary-General on 23 October? We received the Russian version only on 9 December, after many attempts over a long period by us to obtain a copy.

The PRESIDENT: That question is probably best addressed to the Secretariat, which is responsible for putting these documents together. I understand that the certificate in annex VI to which the Soviet representative refers was not received by the Secretariat, and was not available to the Trusteeship Council, until some months after it was signed on 29 August. That is the reason for the delay.



Mr. MURRAY (United Kingdom): In addition to that, two members of the Mission were not resident in New York, and therefore it was necessary, having drafted the report, to send it to them in Paris and Port Moresby respectively and to await their comments and clearance for the report. That took a number of weeks through September. The certificate by the President of Palau was received in October, as I recall.

The PRESIDENT: It is now just past 6 p.m. and I fear that we shall not finish our business today, as I had hoped. We shall continue tomorrow consideration of the reports of the Visiting Mission. Will Mr. Raj Singh be able to be with us if we meet promptly at 10.30 a.m. tomorrow? I understand that it is likely that members will want to make some comments or ask him questions on the report of the Visiting Mission which I chaired, but of which he was Vice-Chairman and on which he is ideally qualified to answer any questions or comments. Mr. Raj Singh, will you be available to us tomorrow morning?

Mr. RAJ SINGH (Fiji): Like my colleague from the United Kingdom, I also have other business of the United Nations which takes some of my time, and unfortunately tomorrow morning I shall be in another meeting, which I am chairing. But if it is possible to hold the meeting at 3 p.m., I shall certainly be available.

The PRESIDENT: As we have scheduled a meeting for tomorrow morning and made the arrangements with the Secretariat, I do not want to change them. Unfortunately, we shall not have the Vice-Chairman of the Visiting Mission with us, but if it is agreeable to members of the Council, I shall answer any questions addressed to me as Chairman of the Visiting Mission from the President's chair. That is probably the most satisfactory solution. If we need Mr. Raj Singh's assistance, we shall send a messenger to him and see if we can obtain some help from him. I hope that we shall be able to conclude our work tomorrow morning.

The meeting rose at 6.10 p.m.