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VERBATIM RECORD OF THE SIXTEEN HUNDRED AND SIXTH MEETING

Held at United Nations Headquarters, New York,
on Wednesday, 14 May 1986, at 3.00 p.m.

President: Mr. RAPIN (France)

- Examination of the annual report of the Administering Authority for the year ended 30 September 1985: Trust Territory of the Pacific Islands (continued)
- Examination of petitions listed in the annex to the agenda (continued)

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

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

EXAMINATION OF PETITIONS LISTED IN THE ANNEX TO THE AGENDA (T/1887/Add.1) (continued)

The PRESIDENT (interpretation from French): I intend first to call on the two petitioners whom we are to hear this afternoon, after which, since Mr. Allen is one of the two speakers, we shall return to the questions which were begun this morning.

I call on Mr. Julian Riklon.

Mr. RIKLON: I am Julian Riklon, and I am here today representing the people of Rongelap Atoll in the Marshall Islands. I thank members of the Council on behalf of my people for this opportunity to explain and report on what has happened to us over the past year.

I congratulate you, Sir, on your election to the presidency of the Council for the current session.

It is my understanding that earlier in this session the United States Government proposed the termination of the trusteeship and the implementation of the Compact of Free Association. I should like to express our views on that subject.

First, let me say that it has been 40 years since the Marshall Islands was established as part of the Trust Territory of the Pacific Islands. It has also been 40 years since the beginning of nuclear testing on our lands and in our waters. It has been only 32 years since the infamous "Bravo" shot of 1954, which completely demolished three islands of Bikini Atoll, contaminated most of the others, including the islands of Rongelap, and injured many people.

The people of Rongelap were and are most seriously affected by those tests. Because of the direction of the wind on that day in 1954, my people experienced and continue to experience the devastating effects of nuclear fallout. We have tried and tried to help our people and to work with the United States Government to determine the actual contamination levels of our islands at Rongelap and to obtain adequate compensation for those affected. As members may know, many of the Rongelapese are now witnessing the effects of nuclear fallout on their children and grandchildren. It is frightening. It is also unfortunate that we have been made victims of the nuclear weapons of super-Powers.

Last year, with the help of the Greenpeace organization and its ship the Rainbow Warrior, we were able to take steps of our own towards a better future.

(Mr. Riklon)

Greenpeace assisted us in a "nuclear exodus". By and through the gracious acceptance of Kwajalein landowners my people have been completely relocated from Rongelap to Mejato Island in the westernmost part of Kwajalein Atoll. We thank Greenpeace sincerely for its help and guidance. We could not have done it without them.

We are very much relieved finally to be off the contaminated land, but the problems we face continue and are now three-fold. First, living conditions are difficult for the 350 people living on land that is basically uncultivated. It will take at least three years before we can build and plant enough to maintain a subsistence lifestyle there. We need greater assistance.

Secondly, after our experience with nuclear testing we are extremely apprehensive about the United States military presence and activity at Kwajalein. We greatly fear that because of this we may once again become a target.

Thirdly, under the Compact of Free Association we are allowed a certain amount of money for compensation for the duration of the treaty. Any lawsuit pending at that time would no longer be valid in any United States court, however, and we shall lose many of the rights necessary to protect ourselves from what happened and from what might happen.

Hence, the people of Rongelap ask that the current United Nations monitoring system, calling for international reporting, remain in effect even after the Compact of Free Association is approved - and I understand that the United States Congress has not approved the Palau Compact. We seek the Council's assistance as we find ourselves in a strange new place facing hazards we do not fully understand. There is perpetual unrest among my people at Rongelap and we find ourselves consumed by the search simply for a safe and decent place in which to live and raise our children.

(Mr. Riklon)

I ask that this statement and supporting documents be included in the Council's records. I am providing the Council with a copy of a film by Dennis O'Rourke, entitled "Half-Life". I believe that this film shows the feelings of the people directly affected by United States nuclear testing, particularly the people of Rongelap. I urge members to view it.

The PRESIDENT (interpretation from French): I call next upon Mr. George M. Allen.

Mr. ALLEN: Please allow me, Sir, to add my congratulations to the many you have already received on your return to the presidency of the Trusteeship Council.

My name is George M. Allen. I reside in Honolulu and am a lawyer who has maintained a law practice in the Trust Territory since 1975. I lived in the Marshall Islands from 1975 to 1980, and I continue to go there regularly. I served for several years as legal counsel for the Marshall Islands Political Status Commission. Over the last few years I have been involved in a number of legal matters relating to United States strategic and military activities in the Micronesian region. Since December 1975 - more than 10 years ago - I have acted as legal counsel on behalf of the landowners of Kwajalein Atoll, and it is with regard to their situation that I appear here today.

I have been requested by Senator Ataji Balos to provide technical legal information with respect to the use of lands, waters and airspace of Kwajalein Atoll for United States strategic weapons development. I shall try to be as brief as possible while still filling in a base of information for the records of the Council sufficient to reflect the present state of affairs at Kwajalein.

(Mr. Allen)

Before doing so, however, and by way of background, let me say that there are some as yet uncompleted processes that make the request of the present United States Administration - at least in my view - anomalous when it asks at this time for approval of the Compacts of Free Association in the Marshall Islands, the Federated States of Micronesia and the Republic of Palau, for approval on a final basis of the Covenant to Establish the Commonwealth of the Northern Mariana Islands in Political Union with the United States and for termination of the international reporting responsibility to this body.

First, and by far most glaring, the United States Congress has yet to act definitively with respect to the Palau Compact. That document has not yet even received the clearance of the relevant sub-committees, much less floor consideration. Since this is a Congressional election year, and since Micronesia and the Trust Territory is, lamentably, a low priority for the United States Congress in relation to such larger concerns as tax reform, Central America, the Middle East, terrorism and re-election, it is not impossible that the Palau Compact will linger in the process of Congressional review for several more months.

Since the Congress has already acted with respect to the implementation of the Marianas Covenant and the Marshalls and Federated States of Micronesia Compacts, so that those instruments are for some practical purposes functioning, at least in part, it is not unreasonable to inquire why the Council is being asked, at this time, to approve the termination processes under circumstances in which it is speculative whether the Palau Compact will be approved by the United States Congress, or in what form.

Consideration of termination of the United States responsibility at the present time raises at least the portent of terminating the non-self-governing relationship with respect to some, but not all, of the Territory. The obvious

(Mr. Allen)

violence to be done to the principle of territorial integrity surely must be entitled to some consideration by this body.

There are other concerns, both technical and practical, occasioned by the proposed circumstances of termination. Many of those appear not to have been considered by either the Administering Authority or by the Council. I shall cite only a few, which seem to me, as one who has worked in the region for some years, to be potential practical problems.

The first of these is population exchange or population movement. The provisions of the Compacts providing easy access by Micronesian persons to the United States labour market and free entry of American citizens to the freely associated States will inevitably mean a brain-drain in Micronesia as the best-educated young people seek jobs in Honolulu, Guam or on the United States mainland. Meanwhile, a number of United States citizens - which, in absolute numbers, be quite small but, in relation to Micronesia, large - moving without means of restriction into the Marshalls and the Federated States of Micronesia will mean that those Micronesian workers who remain at home will face competition for the best jobs from United States citizens lured by the exotic nature of the tropics. Even several hundred such American emigrants would be enough to displace local labour from the best employment opportunities. If that number is several thousand - and I would suggest the experiences in American Samoa and Guam suggest it will be several thousand - the dislocative impact will be very much greater and probably enough to inundate local labour markets.

For the landowners of Kwajalein, who are already unwilling hosts to 450 guest workers and their dependants, with a resultant excess population of about 4,000, the risk of further adverse labour-market entry is a large concern. The provisions of the Status of Forces and Military Use and Operating Rights Agreements with respect to the Kwajalein Missile Range allow the United States to employ only United

(Mr. Allen)

States and Marshall Islands workers. That raises the possibility of loss of employment opportunity for the people of Kwajalein, since Americans would be able to move in without any restriction to compete for those jobs.

A second area of concern is labour safeguards. There is virtually no labour legislation on the books in the Trust Territory. Minimum wages are low compared to the United States - or Japan or Europe - but high in relation to much of the developing world. Workplace safeguards, such as working conditions, child labour and safety laws, are very nearly non-existent.

The Marshall Islands, with which I am most familiar, has already seen an influx of alien labour from the Philippines and Taiwan and, to a lesser extent, Japan. This is under a present circumstance in which there are still the controls and protections of trusteeship. People still have to get work permits; they will not be required to do that in the future. The post-trusteeship period portends risk to all concerned, and particularly the risk of the establishment of such light-manufacturing activities as textiles and electronics assembly, to be done by alien labour under conditions not in compliance with numerous International Labour Organisation (ILO) standards applicable in much of the Pacific region but expressly not applicable in the Marshalls or the Federated States of Micronesia.

I believe the risk to the Kwajalein landowners, who have won some employment advancement at the Missile Range, from such labour-market incursions is obvious, and it would not be unreasonable to postpone approval of any conclusive action regarding the trusteeship until the Governments of the freely associated States have had an opportunity for several years, first, to become members of such organizations as the ILO and, then, signatories to fundamental international labour conventions and agreements. There is an entire body of international labour law that seems to have missed the Trust Territory.

(Mr. Allen)

A third area of concern is the protection of the domestic economies. The Compacts before the Council are the product of the most robust free-trade-oriented American Administration of the post Second World War era. Their negotiated provisions which were before the voters in the plebiscite process on areas such as United States tax and trade treatment were removed or very substantially modified in the Congressional review process. I have not had an opportunity to study in detail the documents before the Council, but I cannot recall a technical analysis from the Administering Authority or anyone else on the dozens of substantive amendments to the Compacts by which they have become materially different from the instruments on which the peoples voted in plebiscites.

Without going into the questions of legitimacy raised by subjecting one version of a Compact to a plebiscite and then adopting quite another version as a treaty, there is the question for the Council of whether the local economies of the Micronesian entities will be able to withstand free access of United States corporations to their markets. In civil aviation, to name just one example, American flag carriers will have the right to fly "to, from, through and beyond" the Marshall Islands without any right whatever of restriction by either the Government of the Marshall Islands or its citizens. In other words, they have, by letter agreement and by interpretation of the Compact provisions, included the Marshall Islands within the domestic sphere of United States aviation. I would like to think that this statement regarding civil aviation is one with respect to which I am mistaken, and I would be very happy to be corrected.

(Mr. Allen)

But if, as I fear, I am correct, the prospect of permanent dominance of civil aviation in Micronesia by United States carriers, with their attendant loyalties and contractual commitments to United States labour and capital markets, will doom any prospect of successful private local aviation initiatives and will forestall even the successful development of national flag carriers as anything other than feeder operations.

Since even countries as relatively wealthy as Fiji, Papua New Guinea and Nauru have faced difficulty in launching successful competitive international aviation operations, and since successful tourism development probably requires such carriers for stable and assured development, it would seem the guarantee of the Micronesian market to United States carriers - even the internal market - is an unnecessary extension of Reagan Administration free-trade principles. I might add, as an aside, that there is a point here where one crosses the boundary from free trade into mercantilism.

Again, for Kwajalein the concern about civil aviation is more than academic. If there is ever to be a viable economy beyond military-base rent and military-base employment, there must be viable passenger and freight services. The present services are better than nothing, and Airline of the Marshall Islands is a noteworthy success notwithstanding my remarks, but the prospect of its becoming, as it should be, a significant international carrier to such gateways as Hawaii, Guam and Japan, must depend on some reworking of the present aviation provisions of the Compact and its implementing agreements.

Another area of concern, and one which seems to me most acute, is environmental protection. Environmental litigation in United States courts has been a fundamental mechanism of protecting the inhabitants of the Territory from potential excesses of United States Government agency activity. Particularly when

(Mr. Allen)

one is concerned with military-base activity, as the Kwajalein landowners must be, the loss of access to Federal environmental court jurisdiction is intimidating.

The provisions of the Compact which will make the citizens of the Marshalls and the Federated States of Micronesia and Palau virtually the only people in the world who cannot file United States environmental lawsuits seem to me at least to be both unnecessary and ill-advised. In fact, environmental litigation has not been an area of abuse. Only a few cases have been filed. Most of those arose from United States military or strategic activity. None was dismissed out of hand. Several, such as the Enewetak and Bikini cases, led directly to re-examination of the risks of nuclear radiation hazards to the people of the Marshalls and eventually to the provisions before the Council in section 177 of the Compact.

Again, as an aside, I was personally involved with John Weisgall in the commencement of the Bikini environmental litigation. That led to the removal of the people who had been resettled on Bikini and to the Northern Marshalls radiation survey, and all of that eventually led to the provisions to be found in section 177. But it started with environmental litigation.

United States strategic use of the territory has not ended. The hazards of such activity to fragile ecosystems and populations almost cannot be overstated. It is true that the Compact does allow the Governments to make such filings. They would be able to file on environmental lawsuits. But for the Governments to do so raises policy implications entirely different from private-party litigation. Any Government dependent almost totally, or even substantially, on continued United States economic assistance, or variations thereon, such as access of manufactured goods to United States markets, or quotas, or what-have-you, will be practically intimidated from commencement of environmental litigation which may be seen adversely by the very Government officials in the United States involved in

(Mr. Allen)

handling authorization and appropriation of economic assistance funds, trade quotas and so on.

The very existence of potential litigation by private parties operates to protect the peoples of the region. For example, some years ago we became concerned with respect to potential toxicity in the Kwajalein lagoon from ruptured ICBM warheads, which are ballasted with depleted uranium. This material, while not radioactive, is highly toxic. The concern was not idle. On request, military officials briefed Government and landowners alike. No suit was ever filed, but information was made available without suit. Would there have been similar co-operation had there not been the availability of litigation by private parties? One wishes to think the right answer is affirmative, but practical experience teaches that Governments, all Governments, are by their nature protective of information. The instinct is not to be forthcoming, particularly when the information may relate to sensitive defence or security matters.

I would frankly not be surprised if every Government participating actively in the Trusteeship Council were not sympathetic to the United States desire to foreclose environmental litigation. But the long-term policy implications of this foreclosure are truly unattractive. Micronesia has already functioned as a laboratory for applications research into new and threatening technology. That is not necessarily wrong. Human progress does require that new technologies move from concept to application, but experience teaches us that caution is always worth the time it takes. So far at least three atolls of the Marshalls are significantly irradiated - Enewetak, Bikini and Rongelap - and a fourth, Kwajalein, is committed to long-term weapons technology. Is that not reason enough to keep the courthouse door open?

(Mr. Allen)

Let me now move on to the specifics of what has taken place at Kwajalein. The historic record is well developed in Giff Johnson's monograph Collision Course at Kwajalein, which I assume to exist somewhere in the records of the Trusteeship Council and which I am certain is known to the Administering Authority. Recent developments are less well documented as they are in a state of almost daily flux. I shall attempt to describe them for the Council.

In 1982 the United States and Marshall Islands Governments negotiated and signed an Interim Use Agreement for continued use of the Kwajalein Missile Range from 1 October 1982 through 30 September 1985. Both that agreement and the Compact of Free Association contemplated that the Compact would come into effect prior to the expiration of that agreement on 30 September of last year.

A companion agreement called a Land Use Agreement was made between the Marshalls Government and our clients, the landowners of Kwajalein. It too expired on 30 September 1985. It too contemplated the Compact's coming into effect before its expiration.

In the process of negotiation in 1982 the landowners sought compensation for past use of Kwajalein from 1944 to 1979. A dispute exists regarding whether the 1982 agreement provided any such compensation. But clearly the landowners were required to waive any claims for such compensation as a condition of the additional benefits to be received by them under the 1982-1985 agreement. In turn the United States waived any prior claims by reasons of its prior use as against the Government of the Marshall Islands.

(Mr. Allen)

That the failure to adopt the Compact by 30 September 1985 would mean lease expiration at Kwajalein was not in dispute. The senior United States military technical adviser on the matter, Mr. Philip Beringer of the Office of International Security Affairs of the Department of Defense, so testified in August 1984 in hearings before Representative John Seiberling and others of his Committee in the United States House of Representatives.

The unexpected came to pass. The United States Congress did not act on the Marshalls Compact prior to 30 September 1985. It was finally enacted in December, and I might add in a materially different form from that which had been attached to and contemplated by the 1982 agreement. It was signed by President Reagan in January 1986. Tax and trade benefits which would have benefited all of the people of the Marshalls, including those of Kwajalein, had been obtained in negotiation in return for reduced Kwajalein lease payments. Those tax and trade benefits did not pass the Congress.

Thus, by October 1985 the situation was that the Compact had not been adopted. The old use agreement - that is the prior lease - had expired.

In a measures of good will, which has certainly not been reciprocated by either the United States or the Marshall Islands Government, the landowners immediately assured the United States that it would have continued use of Kwajalein so long as the landowners, through the Kwajalein Atoll Corporation, were involved in any new agreement being put in place. And here, to anticipate a question, I should say the Kwajalein Atoll Corporation, which I represent, represents a substantial majority of the people who are landowners. There are disputes as to how land interests are computed. There are some landowners whom we do not represent.

(Mr. Allen)

A meeting was held in Honolulu in October. At significant expense to themselves, but with high hope, the landowners attended, as did representatives of the Defense Department and the Marshalls Government. The landowner demands were modest. Even as a crisis in health care and communicable disease was mounting, the landowners asked only for a modest one-time additional rent payment of \$6 million and for restoration of employment which was cut off by the Army in retaliation for the 1982 occupation. Those jobs were the jobs of the maids. Marshallese women worked as maids for United States families at Kwajalein. Their compensation was paid privately by the households in which they worked. Thus, cost to the United States Government was non-existent. The benefits, both social and economic, were very great. For several hundred women it meant relief from the monotony of Ebeye. Most were given fresh milk and chickens, or other foodstuffs by their American employers as additional compensation. That practice was technically in violation of military regulations but served as a practical supplement to the diet of several thousand Ebeye children. In a place where hunger and malnutrition are a daily fact of life, such small gifts are seen as almost from God.

The Army, which had long wanted to cut off the movement of contraband food from Kwajalein to Ebeye, saw its chance with the 1982 occupation and terminated the maids' jobs. In October 1985 we, as lawyers, found ourselves in the humiliating role of representing people so poor that they had to place themselves as supplicants before a stern Assistant Secretary of Defense to ask him that women might be permitted to leave home at dawn, take a boat, spend the entire day away from their families and return only at dusk in order that they might make wages of \$6 to \$9 per day for doing housework and have a chance to smuggle contraband milk and poultry to their children.

(Mr. Allen)

The Assistant Secretary of Defense was unmoved. He said it would be best for American families to continue to do for themselves. Only four months later, after a landowner occupation had started, did an enlightened General relent and make an offer to President Amata kabua to restore the maids' employment. Mind you, it still has not been done. It is an inducement to give up other claims, not a free-will offering.

As I have said, the lease expired 30 September. The Army immediately declared one of the six-week periods of Range down-time which come three times each year. Some landowners took the chance to go back to their islands in the mid-atoll corridor. This was particularly true of the extended family of Handel Dribo, one of the most prominent of Kwajalein intermediate chiefs, or alaps.

Mr. Dribo, who is, quite simply, the bravest and strongest man I have ever known and who is 72 years of age, was determined to make something of his islands. His children and grandchildren went out to Omelek, to Enewetak and to Gellinam and even to the forbidden ground that had once been his on Meck, where now exists a Minuteman II launch complex. But to him Meck is the island on which he lived as a young boy, as the Marshalls were moving from German to Japanese administration, long before most Americans had ever thought of even Hawaii, much less the Marshalls.

Mr. Dribo's presence and that of his family on Meck was enough to prompt intense concern. President Amata Kabua wrote to Assistant Secretary of Defense Richard Armitage on 30 January 1986 pointing out that there was no agreement for United States use of Kwajalein "express or implied". This prompted a response by an Army General offering to loosen up if only the landowners would return home, but still no response to landowner demands to address money issues.

(Mr. Allen)

Mr. Dribo was, however, in his conversations with us as his lawyers, emphatic about money. He patiently explained that, no matter what distribution system is used, \$6 million per year in rent payments to be divided among 5,600 landowners results in shares too small to buy food or other necessities. If substantial shares are then set aside, as they are by the Marshalls Government, for those high and intermediate chiefs who will get direct payment without contribution to a per capita fund, the amount to be distributed to those remaining becomes even smaller. As a practical matter, after these set-asides, the amount per month available to distribute is about \$30 per person. Food prices at Ebeye are higher than in Honolulu. There is too little land for gardening or other agriculture. Fishing is poor because of the number of people trying to do it. To fish by boat costs money for fuel and boats. Mr. Dribo and the other landowners were emphatic: money must be negotiated or they would reoccupy their land. As lawyers we had to tell them that while it was undoubtedly their legal right to do that, both the Marshalls and the United States Governments would be provoked and angered and the already hostile base command would surely turn to violence.

Our predictions were, sadly, proved true. The photographic slides which members have seen show the extent of the assaults, handcuffing and seizures of elderly Marshallese men and women by Army security guards on 15 February. These photographs were taken by military contract photographers and turned over to us in Honolulu by lawyers of the office of the United States Attorney, an office under the jurisdiction of the Department of Justice. Among those arrested and handcuffed were Mr. Dribo and Senator Balos. The wives of Senator Imada Kabua and Mayor Alvin Jacklick were arrested and detained but not handcuffed.

(Mr. Allen)

I come now to material that I believe responds directly to the inquiry of the representative of the Soviet Union. Criminal trespass charges and other misdemeanour charges were filed against the landowners. More than 50 charges were filed. All but two were thrown out by the Marshall Islands courts on technical grounds. Two charges of trespassing remain pending. In an affidavit, the prosecutor, an assistant Attorney General of the Marshall Islands, has stated that the process of concluding new land agreements is ongoing - hence, the basis for the trespass filings. I have never seen, in nearly 20 years of law practice, a clearer example of attempted ex post facto prosecution than the filings of trespass charges against our clients arising out of their occupancy of their own land. The authorities say outright that they mean to get a new agreement, or some sort of land rights, and they mean to have that relate back to an earlier date, and on that basis they go out and arrest people for trespass. That is absurd.

With respect to the question whether anything similar could happen to a member of the United States Congress or any other elected official of the United States, I suggest that it is unthinkable.

On 24 February 1985 the Kwajalein base commander, Colonel William A. Spin, issued orders to the civilian security contractor authorizing security guards to shoot the landowners. The landowners have at all times been unarmed. None has been shot. So far as we know the order remains in effect. I had intended to attach a copy of the order to my statement and I shall submit a copy for the record. Colonel Spin's 24 February order does advise that the shots be to wound and not to kill, and that firearms be used only in extreme situations. A State Department representative has told me that some landowners have thrown rocks at some of the security guards. I have personally been at Ebeye when such incidents are claimed to have taken place. I have not seen any rock-throwing. An Army videotape does record one rock audibly striking a boat. Another rock is clearly shown having landed on a boat.

(Mr. Allen)

Over the past three months three landowner boats have been seized, one of which has been returned; two are still held. No charges have been filed in connection with confiscation of the boats. The boats are essential to the livelihood of their owners. The Army is still holding yet another boat seized in the 1982 occupation. The 1982 Interim Use Agreement had a normalization clause. Apparently that clause was not construed by the Army to mean either rehiring the maids or returning the boat. The boat taken in 1982, with two motors, had a value of about \$10,000. Its loss to its owner was a family catastrophe. The boat was a means of livelihood, including the means of catching fish.

It is ridiculous to have to burden the Council with seemingly minor incidents of property being confiscated by the United States Army without charge, without compensation, without concern for consequence. Such is life at Kwajalein.

The High Commissioner of the Trust Territory and her Attorney General went to Kwajalein. A press statement said that the presence of the High Commissioner was to mediate the dispute. I am told she visited Ebeye several times. On one occasion we requested that she meet with Senator Balos and me as well as Marshall Islands officials to try to find a way out of the impasse. Admittedly, the notice given in requesting this meeting was very short - only a few hours. At the request of Chief Secretary DeBrum, she did not meet with us. I might say that she had other meetings with Senator Balos and other landowner leaders at which I was not present. Attitudes on all sides are mistrustful and have hardened. Later in the day we asked to meet with Mrs. McCoy I met with the Marshalls Attorney General and two other lawyers employed by the Marshall Islands, including Mr. Ingram. All of us were Americans. All of us had been in the Marshalls a long time. Each of the other three had served at one time or another as Attorney General of the Marshall Islands. I believe we are all able lawyers. We made no progress.

(Mr. Allen)

On 15 March 1986 President Amata Kabua signed an extension of the Interim Use Agreement with Mrs. McCoy. So far as we know, no landowner has authorized the making of this extension agreement. No deed or document has been recorded with the Clerk of Courts so indicating. Certainly, no member of the Kwajalein Atoll Corporation has authorized it. Some landowners, including some members of the Kwajalein Atoll Corporation, have accepted interim payments since last October. Most of the Kwajalein Atoll Corporation members - probably all, but I cannot be certain - have taken no money since 1 January 1986. The Marshalls Government takes the position that anyone who has taken any money has agreed to indefinite continued military use. In my personal view that is bad contract law, but it is the policy of both the United States and Marshall Islands Governments, notwithstanding the fact that it is contrary to the clearly stated view of President Amata Kabua in his 30 January 1986 letter to Assistant Secretary of Defense Armitage. Anomalies abound.

On 8 April 1986 Chief Secretary DeBrum tendered what was called an allocation agreement to the landowners. We believe no landowners have signed the agreement. Its key provision states:

"The Landowners represent and warrant that they:

...

(d) hereby grant to the Government the use, operating rights, waivers and other rights required by the Government of the United States under the 1986 Extension, the Compact and the Military Use and Operating Rights Agreement as they become effective by their terms ..."

The proffer in the above language flies in the face of a contention that the Marshalls Government has the rights to the land. If it had them, it would have no need of such an agreement.

(Mr. Allen)

By the date of Secretary DeBrum's tender of the 8 April document, which was the same day as the Marshall Islands court threw out the criminal charges, land on Kwajalein Island had been occupied by Mr. Dribo and about 150 others, mainly older women and very young children, for almost two months. I observed that occupation. It was peaceful and almost inconspicuous. The landowners provided their own food. The children - and the occupation group was made up mostly of very small children - were in a safe place, under adult supervision. They all appeared healthy. Their water was safe. They had toilet facilities. Their only danger was enforcement of Colonel Spin's order that they might, in extreme circumstances, be shot. That risk appeared to me to be virtually non-existent.

Nevertheless, the Army considered the presence of the women and children on their own land, in among the hundreds of American women and children who live on Kwajalein Island, a disruption. We believe Ambassador Zeder, or some other high American official, carried a letter to President Amata Kabua telling him in no uncertain terms that if his Government did not act to get the landowners off Kwajalein Island the United States would not support the Compact.

(Mr. Allen)

Since the Marshalls Government is over \$50 million in debt, primarily to British banks for electrical generating equipment and aircraft bought on British export credit guarantees, and since there is already litigation here in New York against the Palau Government to collect similar debt, a Defense Department threat not to support the Compact - meaning not to support Compact funding by the United States Congress - would threaten the very existence of the Marshalls Government.

On 21 April the Marshalls Government filed a condemnation case against Mr. Dribo and Senator Balos' mother. Neither of them had taken any payment of any kind after the 30 September expiration of the old agreement. The Kwajalein occupation was on Mr. Dribo's land. His other islands, including Meck, were occupied by his family. His legal case appeared to us, as his lawyers, impeccable. He was on his own land, on which a prior lease had clearly expired. His presence and that of his family was peaceful and non-disruptive; it had not injured anyone.

The Army was still proceeding with rocket tests. It said it had retargeted several missions, but it had not come to any landowner to ask co-operation before doing such retargeting. I might add that the Army was told in a letter of 17 February from Senator Balos to the State Department representative in the Marshalls, Mr. Sanco, that the landowners would co-operate in the event their presence on any island might constitute an interference to a mission. They were never asked for that co-operation.

Many of the landowners, as Mr. Riklon stated, do not like the testing. People in the Marshalls, especially the Kwajalein people, many of whom are also holders of rights at Rongelap and Bikini, have a more than casual acquaintance with the dangers of radiation. This, after all, is a part of the world in which many, many people have suffered thyroid cancer from exposure to nuclear testing. But the

(Mr. Allen)

testing of delivery systems and other elements of star-wars technology was going on with landowner acquiescence on 21 April when the condemnation was filed.

Our clients are understandably wary of such legal proceedings. This is not the first time that condemnation has been filed in respect of Mr. Dribo's land. A lease interest in some of the same islands - Omelek, Gellinam and Enewetak - was filed in 1966 - yes, 1966. That litigation is still pending. We argued the final appeal to the High Court of the Trust Territory on Saipan on 7 December 1985. Based on past experience, that Court may take substantial additional time before resolving the case.

Is it reasonable to expect the courts to resolve the Kwajalein situation? In my judgement, no. We seem only to pile confusion on complexity.

In the most recent developments the United States District Court in Washington, D.C., in response to an application filed by one of my co-counsels, Stephen N. Shulman of Cadwalader, Wickersham and Taft, ordered the Department of Defense to show cause why a writ of habeas corpus should not issue. This raises the implication that the Federal Court might permit or order the Army not to interfere with some degree of reoccupation of missile range sites. The reality is that such action in Washington would probably lead to more condemnation litigation in the Marshalls.

Why does the Defense Department not just sit down and negotiate? Everyone I know asks me that question. Our clients are willing. Our clients had taken up occupancy of the Ebeye pier; it was an act of desperation. It came after the condemnation order was enforced and the people on Kwajalein Island had been forcibly removed to South Loi, a small uninhabited island just north of Ebeye with no food and no water, from which they then had to go back to Ebeye, and they went back and onto the pier. Their presence on the pier blocked regular boat traffic

(Mr. Allen)

between Ebeye and Kwajalein islands, which are about three miles apart. That had the effect of stranding the day labour force, most of whom are non-landowners. Some were stranded at work on Kwajalein Island and others at home on Ebeye. Eventually most walked the reef from Ebeye to Kwajalein, where they were temporarily accommodated by the Army.

Kwajalein Island once had over 4,000 residents and it could clearly accommodate some Marshallese families. It easily accommodated the day labourers, who numbered about 450, but their potential long-term presence was apparently as offensive to the Army as that of the women and children who had preceded them. In frantic meetings - invariably described to me as "round-the-clock" meetings - the Army insisted the Marshalls Government solve its day labour accommodation problem. Remarkably, the Marshalls Government undertook to do just that, saying it would build barracks on Gugegue Island, a few miles beyond Ebeye.

Why can the Army not allow Marshallese people to live on either Kwajalein or Roi-Namur? Kwajalein Island has 900 acres to Ebeye's 65. Roi-Namur has 400 acres and some of it is still jungle.

The Kwajalein Missile Range has some security requirements, but they are enforced on a building-by-building basis. A Soviet surveillance ship sits offshore much of the time. National security is clearly not the reason for keeping the Marshallese out. What is the reason? I confess that after almost 11 years of dealing with the problem I am no closer to knowing now than I was in 1975.

It is easier to understand why they do not negotiate. Under basic principles of Anglo-American property law, the end of a lease means that buildings put on the land become the property of the landowner. If that principle applies at Kwajalein - and there is no reason to believe it does not - our clients, the landowners, now own not only the land but also the buildings, fixtures and

(Mr. Allen)

improvements on the land; that is to say, they own the Kwajalein Missile Range. And, remember, in 1982 the United States waived its claim of prior rights against the Marshall Islands Government. That is to say, it waived its claim that it owned anything by virtue of its activity at Kwajalein before 1982. It waived its claim to the buildings if the Compact did not come into effect before 30 September 1985.

So the fear of dealing with the landowners is easier to understand.

Kwajalein, not the Philippines, may be the base that the United States lost - at least on paper.

(Mr. Allen)

If our clients' circumstances were not desperate, if children were not dying with army doctors noting they suffered from malnutrition - and I call the Council's attention to the death certificates that I have furnished with the written text of my statement that has been distributed - we could all engage in a great and intriguing legal exercise about whether the landowners do or do not own the buildings, the launch complexes, the radars, the runways, the docks, the warehouses. We could enjoy litigating whether the Massachusetts Institute of Technology, which operates the biggest and most important radar at Kwajalein and which we have sued for rent, does or does not owe rent and, if it does, whether it is only ground rent or rent for ground and the radar worth several hundred million dollars.

But as one who has witnessed the tragedy that is Ebeye for over a decade - and who must say that things not only are no better but are in many ways worse - I have to state that there is no luxury of time. The suffering is now and it is real. To quantify it is difficult. I cannot say how many children go hungry; but certainly some do - no one can deny that. When one reads the death certificates and the army doctors' notes that three-month-old children died suffering from malnutrition or that two-year-old children died in four days of dehydration, suffering from malnutrition, no one can deny that there are children on Ebeye who are hungry. When I walk down the dusty roads, people ask me for money. "Elan moneyey?" "Elan juon dollar?" "Elan juon quarter?", they ask. Translated, that means: "Have you got any money?" "Have you got a dollar?" "Have you got a quarter?". I give them money and I watch them: they immediately go into stores and buy candy bars.

Clearly, notwithstanding the efforts of countless well-meaning people, notwithstanding the hard work and commitment of almost everyone concerned, Ebeye is a breakdown. Everyone means well. Mrs. McCoy means well. She went there and she

(Mr. Allen)

worked hard. Chief Secretary DeBrum means well. Ambassador Zeder means well, as did all of his predecessors. President Kabua means well. Even the Army Command means for the situation to improve. And every organization has a capacity for optimism.

That optimism is unwarranted. I repeat: that optimism is unwarranted. This has been a bad problem for a very long time. The past attempts to solve it have not worked. It is just as bad with base rent at \$6 million per year as it was with rent at \$420,000 per year. I have seen it both ways.

The order of magnitude of the problem has been missed by multiples: it has been missed by perhaps as much as \$100 million per year. People have not done their homework. I am a lawyer, not an economist. But Ebeye is susceptible of economic analysis - and I had some training in that field over 20 years ago at university.

First, all the data are suspect - including those which I have used. We always say that the population figure is 9,000. But it might be 12,000 or 7,500. A proper census is needed, and censuses need to be taken repeatedly to catch seasonal fluctuations. There are 1,500 more people on Ebeye in the summer, when the children are home from school. They come home with family members, who go off with them because they have to board at high school in Majuro or on Jaluit or in Honolulu or Guam. Detailed micro-economic studies need to be done. Proper health statistics need to be maintained. None of that is done now.

A week of going from hospital to court clerk to vital statistics offices on Ebeye, and then again to counterpart offices on Majuro, 270 miles away, leaves one without a handle on the number of child deaths from disease - except that one knows that there are a lot and that they should not happen. Government officials who say they happen also on Majuro or Truk, or in Africa, are not presenting defences. The

(Mr. Allen)

United States has been there with a military installation since 1944. The Marshalls Government has been in office for seven years. This is my eleventh year as a lawyer trying to deal with it. We are all involved, and none of us has solved it. I believe that I am as responsible for the failure to solve this problem as any other person, and I accept that responsibility.

First we must get a data base. We must have hard information. Then a comprehensive plan must be drawn up. And I am speaking now of the social and economic problems - not just the capital structures. It is probably going to cost, at the end, about two or three times more than would appear to be the case. I built a house on Majuro. The planned cost was \$30,000; the actual cost was \$82,000. We can expect to be out on the figures by that order of magnitude. It is a remote place. Everything is chancy: shipping, materials, supply, labour, whether the part one orders from one place will fit with the part one orders from another place.

Mr. Dribo wants the United States either to pay him fair rent or to move its missile testing elsewhere - or to get out of that line of activity. His position is reasonable. But with a \$3-billion-plus investment at Kwajalein tied to strategic weapons development programmes such as MX and the strategic defence initiative - which account for over \$11 billion in the 1987 administrative budget of the United States - it is folly to think that the army is going to leave Kwajalein.

Senator Balos said that the cost of capital improvements for a master-planned development - this is capital structures - is about \$150 million, and the Compact funding of \$2.8 million per year will not meet that need. I am saying that \$150 million is almost certainly a minimum figure. Rental payments of only \$6 million per year, even if perfectly apportioned - and they are not - would still leave the landowners in extreme poverty by any scale. They are just too low.

(Mr. Allen)

Too many junior officials of the United States Government have been allowed to get away with saying, or implying, that if the Marshallese want more at Kwajalein the United States may go elsewhere. That kind of talk is coercive and intimidating; it does not help solve anything.

The problem is getting worse. The population growth is exponential. How much longer does anyone think that lawyers or press releases are going to be the means of expression of unrest? Already both sides have moved to open physical confrontation. The landowners go on the land. The security guards muscle them off. People get court orders days or weeks or months after the fact. Judges take years to decide. The documentary evidence shows that the children succumb to diseases in days, while the lawyers take for ever.

(Mr. Allen)

I call the attention of the Council to one of the death certificates - the most recent - dated 31 December 1985. Danny Jay Calhoun. Age last birthday: two years. Date of birth: 4 January 1983. Date of death: 31 December 1985. Immediate cause of death: Electrolyte imbalance, from which he had suffered for one day, due to or as a consequence of: Infectious diarrhea, from which he had suffered for four days. Other significant conditions contributing to death but not related to cause shown above: Malnutrition.

So this little boy died four days before his third birthday. Presumably a week or a week and a half before his third birthday he was malnourished but not sick. Four days later he was dead.

The other documents are equally heart-breaking and equally unnecessary.

I spoke with the women occupying the Ebeye dock. They are fed up. They are as angry with me as with the army or the Marshall Islands Government. They are angry with the men, all of us. Their view is that we go off to Kwajalein Island - where they do not go - or to Majuro, or Honolulu, or New York or Washington, but they are stuck on Ebeye, always without water, often without enough doctors or medicine in the hospital, knowing that if the baby gets sick the baby may die. Almost every mother who is 30 or older has had a baby die in her arms, with fever and diarrhea after several days of agony and without medicine. My command of Marshallese is primitive, but I can ask the question, "Emijke juon ningning?" - Have you had a baby die?, or Did the baby die? And always the same answer, given slowly, with eyes and face cast down, in both grief and shame, "Aet" - Yes.

It is those women who occupied Colonel Spin's headquarters. It is they who occupied the dock. It is they who force our attention to this problem we all wish would simply solve itself or go away.

This problem of Ebeye is a needless tragedy, and I know from more than a decade of dealing with it, from having given it the central years of my life, that

(Mr. Allen)

its solution is not contained in the Compact. Its solution is not in the scope of ability or competence of the Marshall Islands Government. That Government is by and large doing very well. Many of its undertakings are dazzling successes, such as its airline. But because of Ebeye, it has major trouble and major internal division.

The Marshall Islands Government has some of the ablest leaders in the region. I know that. I can vouch for it. I worked for Amata Kabua for four years. I lived on Majuro for five years.

The United States Government representatives who have had the key responsibility, Peter Rosenblatt and Fred Zeder, are able men and they have produced good work. But Ebeye's solution has evaded both of them. And Mrs. McCoy has worked very, very hard. I met with her and her Attorney-General on Saipan years ago to say that the water on Ebeye was an acute problem. I know they tried to do something.

The best diplomacy is private diplomacy. The purpose of a body such as the Trusteeship Council is both public review and private communication.

We did not come here to embarrass the United States Government. The Kwajalein landowners are here to invoke their fundamental international right of review and accountability, and I humbly and respectfully suggest to each member of the Council that it say, privately and effectively, to the United States Government, even if not publicly, that this problem must be resolved even if it will, as it probably must, involve very, very much more commitment than has been made, even if it means reopening the military provisions of the Compact to permit a negotiated solution.

To permit this trusteeship to terminate without a solution having been achieved is to sow terrible seeds of future destruction.

Mr. President, I thank you and the members of the Council for your time and I extend heartfelt thanks on behalf of my Kwajalein clients. We shall be prepared and available to respond to such questions as there may be.

The PRESIDENT (interpretation from French): The Council will now resume its examination of petitions.

Mr. ROCHER (France) (interpretation from French): I must confess right away that my delegation was very much interested, and indeed impressed, by the high quality of the statement made by the petitioners in general. I would even go so far as to say that certain petitioners touched us with the emotional content of their statements. Having said that, I shall come down to earth again and ask a few questions of various petitioners.

Generally speaking, my delegation first and foremost would like to recall - unless we are mistaken - that to our knowledge the Administering Authority has not yet asked that the trusteeship be ended. Everyone here knows that this session could be the occasion for it, but so far it is the local governments that have stressed the need for terminating trusteeship, arguing that - as they have proved - they have achieved a certain political maturity. Having closed that parenthetical thought, I should like, first of all, to put a question to Senator Balos.

First, I should like to wonder aloud. This morning Senator Balos said that "the progress noted by the visiting missions... has been more apparent than real." (T/PV.1605, p. 7) Does this mean that the difficulties were more apparent than real? This is the first question in my mind.

Having said that, I am quite aware, since I participated in a visiting mission last July - and here I pay tribute to Senator Balos - that there does indeed exist genuine difficulties, in particular in Ebeye, with regard to the water supply, but we must give credit either to the Administering Authority or to the local authorities - I do not know which - for the tremendous progress with respect to hygiene in Ebeye and the services rendered by the hospital. No one here can deny it.

(Mr. Rocher, France)

However, I should like to ask Senator Balos directly: What price has been paid to the Army for having water supplied by barge? I should also like to know what sums, in his view, the United States Government is paying to rent land in Kwajalein.

(Mr. Rocher, France)

I wish also to ask him why he did not contact the Visiting Mission in July and whether, in his view, the problems he spoke of today before the Council do not in fact reflect an internal political conflict between the inhabitants of Kwajalein or their representatives and the elected Government of the Marshall Islands.

Mr. BALOS: With regard to cost of the water barged to Ebeye from Kwajalein, I really do not know. All I know is that the water barged to Ebeye twice a week is not enough to supply the needs of the people of Ebeye. Right now, water is available to the people for less than one hour per day. This is equivalent to a few buckets of water for all purposes. It is very difficult for a household of, say, 20 people to live in that situation. They do not even wash their dishes or their clothing; there is not enough water for the members of the household to take baths.

Again, with regard to the price of the land used by the military I cannot state an exact figure, but I think it is a little over \$1,000 per year per acre. That is not enough money to meet the needs of the people; we are talking about almost 6,000 landowners with land rights on Kwajalein. When they divide up the money, it comes to about \$20 per person per month.

I should like to ask Mr. George Allen to add to my response.

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

Mr. ALLEN: With respect to the question of the amount of the rent, we can get and supply for the record the documents of the interim use agreement and the extension thereof which provide for the rent. I think they would provide the best record. I think the cash amounts are on the order of \$6 million to \$7 million per year apportioned among 5,600 landowners, with very substantial shares being set aside for the higher Chiefs and for those who want to opt out of the per capita scheme and who sign documents saying that they will be responsible for furnishing money to the junior interest holders.

(Mr. Allen)

With respect to the internal dispute question, the Marshall Islands Government functions effectively as a buffer to protect the United States, and particularly the Department of Defense, from exposure to and from having to deal with landowner discontent. One can say, taking a narrow view, that the landowners have a dispute with their own Government: their Government thinks the amount of money is adequate; it declines to take up with the United States the question of more money or better conditions. It says that the agreements made are legally binding and that the conduct of the landowners is illegal. The United States says that it deals only with the competent constituted Government, and thus it has no intercourse with the landowners. Fundamentally, in my view, this is a legal dispute with the United States over the adequacy and sufficiency of the conditions. The Marshall Islands Government has been willing to be placed in a position - or has been compelled to be placed in a position - of having to deal with this. Army officials say to me, "We expect it to act like a Government". By that they mean they expect it to keep the "natives" under control.

Mr. ROCHER (France) (interpretation from French): If I have understood, the sum paid at Ebeye by the United States Government is roughly \$100 per month per person.

Between 12.30 and 1 o'clock this afternoon we saw some slides. I did not quite understand the point of that, because there were very few slides - and distant shots at that. But I looked at them very closely, recalling what Senator Balos had said this morning about there being a lot of malnutrition at Kwajalein. I made a special point of looking at the people of Kwajalein. In my view, I must say that they did not appear to be in poor health.

Having said that, I wish to ask another question: Had the United States Government not been making use of the lands leased from the Kwajalein landowners, what could those lands be producing?

Mr. BALOS: If I understand the representative of France's question correctly, he is asking how much the land can produce. I would say that you cannot compare money with the land that produces our local foods - coconut, breadfruit, pandanas and so forth - because we have lived and survived on that kind of food for generations, from the days of our ancestors, and we have been all right. We lived off the land until they came and took our land and replaced it with money, which is too small an amount to supply the needs of our people.

The land is valuable to us, even though we have only coconut, breadfruit, taro, pandanas and so on, for it is on that food that we survive, together with fish. That gives us more food to live on on a daily basis than the money we are receiving now from the United States Government.

Mr. KUTOVOY (Union of Soviet Socialist Republics) (interpretation from Russian): I should like to associate myself with the representative of France's comment that he was touched by the emotion in petitioners' statements. The Soviet delegation was touched also by the content of those statements, which made an even greater impression upon us.

We were very much impressed in particular by the slide presentation following this morning's meeting, and we are grateful to the organizers. We listened most attentively to the explanations by Mr. Allen that accompanied the slide presentation. To employ the image of the ancient Greek poet, he undertook a true Odyssey on 15 February and underwent an ordeal. In this connection, we should like to ask the Secretariat, through you, Mr. President, to circulate a selection of those slides to delegations attending this session of the Trusteeship Council.

Our question to Mr. Allen is whether we are correct in thinking that the lease agreement or contract for the land in question expired in October 1985. If that is the case, is the continued presence on Kwajalein legitimate?

Mr. ALLEN: In reply to the question put by the representative of the Soviet Union, I should like to read out a letter dated two weeks ago that responds directly to that point. The letter is from Mr. Grant Hering, who is a managing partner of Cadwalader, Wickersham & Taft, a law firm with which I was associated for four years and with which I continue to do virtually all of the Kwajalein work. Cadwalaer, Wickersham & Taft is a firm that has been in continuous practice here in New York City since 1792, and is one of the larger law firms in the United States.

Mr. Hering wrote to Mr. Michael J. Cifrino, of the Office of Assistant General Counsel of the Department of Defense in the Pentagon, who had protested with respect to myself, in particular, in representation of the Kwajalein landowners, as follows:

"Dear Mr. Cifrino,

"I have your letter of April 22. At the outset, I must emphasize that it is the conviction of this law firm that the landowners physically present on the Island of Kwajalein were not 'illegally sitting in', as your letter states. To the contrary, they were entirely within their rights on their own land, and were illegally confined to two areas of the island at the instance of the base commander. Since that time they were unlawfully, forcibly removed from Kwajalein Island at the instance of the base commander and have since been confined unlawfully, as they previously were, to the Island of Ebeye. That forcible removal has mooted your request that this firm take steps to communicate with them 'at the army base'".

I am going to read the rest of the letter because I think it is pertinent to what else has been said. It goes on:

"In view of your statement that the sole person in the United States Government to negotiate a settlement is the High Commissioner of the Trust

(Mr. Allen)

Territory, our partner Stephen N. Shulman yesterday called the Department of the Interior to arrange to speak to Mrs. McCoy while she is in the District of Columbia. She informed him (a) that she could not meet without representatives of the Republic of the Marshall Islands present and (b) that in any event any matters affecting Kwajalein landowners and the Republic of the Marshall Islands would have to be resolved between them since she had concluded negotiations with the Republic of the Marshall Islands."

Mr. Hering concludes:

"I regret that events compelled you to write. I also regret that it has been so difficult for our Kwajalein landowner clients to receive any audience in the Department of Defense, which occupies their land."

As I said in my statement, the United States District Court in the District of Columbia has issued an order to show cause. The Defense Department's response to that order saying why a writ of habeas corpus should not issue allowing the landowners to return to their own land on which the lease has expired is due within a week.

(Mr. Allen)

I should say one other thing, because I believe it has been omitted. The landowners who occupied the pier on Ebeye withdrew in response to a request by President Amaka Kabua of the Marshalls, who said, I am told, that he would place before the United States the question of additional compensation. So far as I know, he has not to date done that.

With respect to the question of the representative of France as to whether the photographs show malnutrition, I have this to say. I stayed away from Ebeye for two years, until February of this year, when the situation became acute and I went back. I dealt with it from afar because I felt my presence was provocative and caused people to be hostile. The documents, the death certificates, tell us what the medical findings are with respect to the children who died. I would say that, at least based on appearance, most of the people appear to have an adequate diet, but clearly some of the children do not and many go hungry.

There are also clearly documented outbreaks of typhoid and syphilis on Ebeye at the present time.

I believe that it is clear, as do all the lawyers with whom I have worked on this matter for many years, that our clients' presence on their own land is lawful. I regret the statement to the contrary by Secretary DeBrum on behalf of the Marshall Islands Government. I would point out that no judge has found the presence of the landowners on the land to have been unlawful.

Mr. KUTOVOY (Union of Soviet Socialist Republics) (interpretation from Russian): We have a question for Senator Balos. Have the landowners of Kwajalein approached the Trusteeship Council in connection with the actions of the American military authorities against them in February of this year? If so, what has been the reaction of the Council? In particular, have they approached the department of the United Nations Secretariat which deals with questions falling within the province of the Trusteeship Council?

Mr. BALOS: On 21 March this year I sent a letter to the Trusteeship Council asking for a visiting mission to come and look into the situation in Kwajalein. The response to that letter was that it was trying to clear with the Administering Authority, that is the United States, the sending of a mission to Kwajalein, and that our letter had been included in the records of the Trusteeship Council. So the answer is yes, I have asked for members of the Council to come and look into the situation that exists in Kwajalein.

Mr. MORTIMER (United Kingdom): I, too, have a number of questions to ask Mr. Allen and Mr. Balos but in view of the lateness of the hour I shall mix the questions about a bit and address a question to another of the speakers this morning, namely, Mr. von Uexkull. In the course of his fascinating homily, he referred to the fact that the United States had imposed on Palauans a political system that was cumbersome in nature and alien to Palauan culture. Could I therefore ask him whether he thinks that a non-nuclear Constitution is alien to Palauan culture?

Mr. von UEXKULL: It would seem to me that a non-nuclear Constitution as such is not alien. The fact that it was necessary for the people of Palau to adopt a non-nuclear Constitution shows that there are reasons for this, which, of course, are alien to Palauans - namely, the introduction of nuclear weapons, nuclear tests, and so on, in other areas of the Pacific. That, as I understand it from the lengthy discussions I had on Palau with the framers of the Constitution, was the reason for its introduction: to make sure that Palau, which suffered much destruction in the last war, but was not a victim of nuclear warfare, would not in any future conflict become such a victim because it had nuclear weapons installed on its territory and would not suffer radiation through becoming a storage place for nuclear waste, and so on.

(Mr. von Uexkull)

There was a very clear feeling among Palauans that they did not want this and certainly that they had to deal with these questions, because they had been imposed upon them from outside.

I was not suggesting that the democratic system had been imposed or forced upon them, but it is quite clear that they were given little choice in the matter. This was presented as the only system, and when one looks at the consequences it has had for Palau, I think it is quite clear that it is alien to their traditions and has caused many of the problems which they are facing today.

Mr. MORTIMER (United Kingdom): Nevertheless, surely it was the political education process in Palau by the United States, the setting up of a congress, the setting up of a house of representatives and the creation of the presidency, that gave birth to the idea of a constitution. What I am trying to get at is this. I think it was clear to all of us listening in this Chamber this morning that Mr. von Uexkull's presentation was extremely hostile to, shall I say, Western values, and indeed United States values.

(Mr. Mortimer, United Kingdom)

He referred, for example, to political trials and intimidation of voters. He said they were "silenced and frightened" (T/PV.1605, p. 41) in the Palau plebiscite. In short, he gave a very depressing picture of Palau that I certainly did not find when I went there to observe the plebiscite in February this year.

It seems to me that whatever criticisms we might have of the United States administration of the Territory, it is something of a tribute to it that a - for want of a better word - dependency of the United States consisting of only 13,000 people should end up with its own Constitution, and a non-nuclear one at that. Is not that, even in Mr. von Uexkull's view, something we should be proud of?

Mr. von UEXKULL: When I spoke about the recent intimidation in Palau I was aware that it was not easily observed during a short visit, as I noticed myself when I went there. It takes a while; people will not admit to it at first; they are frightened. I think the quotations I mentioned gave evidence of that. I would politely request the Council to remember the offer made in the petition of Mr. Bill Butler yesterday, which included a film made by Mr. Jim Heddle in Palau, which I think documents what we are talking about.

The representative of the United Kingdom asked whether we should not be proud that Palau has adopted a nuclear-free Constitution. Yes, many people in the world are extremely proud of that. That is why we are working so hard to make sure that Palau's nuclear-free Constitution is upheld.

Mr. MORTIMER (United Kingdom): The point I am trying to make is that from Mr. von Uexkull's presentation this morning we had the impression that the Palauans were the unfortunate victims of United States imperialist tendencies. Yet it is precisely the United States administration of the Trust Territory that has given the Palauans the opportunity to choose a non-nuclear Constitution. That is something on which we should congratulate the United States.

(Mr. Mortimer, United Kingdom)

Why did not Mr. von Euxkull refer in his petition to the fact that the Compacts of Free Association in the case of the Marshalls, Palau and the Federated States of Micronesia and commonwealth status in the case of the Northern Marianas were negotiated by democratically-elected members of Micronesian Governments? I find the absence of any reference to the fact that they were not imposed on the Micronesians, but were negotiated by them, as significant as it is condescending.

Mr. von UEXKULL: As to whether the United States should not be congratulated on giving the Palauans the opportunity to adopt the Constitution, I thought it was the obligation of the Administering Authority to lead the Trust Territories towards independence and give them that opportunity. It was certainly a positive development that the United States allowed Palau to adopt such a Constitution, but it was the right of the Palauans so to do. It would be even more positive if the United States allowed Palau actually to live by that Constitution. It is the United Nations that should be congratulated on having set up the trusteeship, with the obligations it entails, and making sure the Administering Authority abides by it. It should also be congratulated on the hearings it is still holding on the issue.

In response to the second question of the United Kingdom representative, I said very clearly that I was aware that the present President of Palau was in favour of the Compact and had been very involved in the negotiations. I also mentioned some of the circumstances of the history of the political system in Palau. I spoke of the feeling of hopelessness - this was my strongest impression when I was there, and I think it must be the impression of anybody who has dealt with the situation in Palau - that the Palauans have been given, a feeling that if they do not accept the United States position they will simply be made to vote

(Mr. von Uexkull)

again and again and again and be given less and less money until they comply with the wishes of the United States. So I am not suggesting that they have been ignored. Obviously, for the Compact to have any chance of being accepted by the Council the United States had to provide a system under which there were negotiations with elected representatives of the Territory. What needs to be looked at is the pressure under which the negotiations have taken place.

Mr. MORTIMER (United Kingdom): We could pursue this fascinating discussion. For the present, I have one final question for Mr. von Uexkull. Does he see anything wrong with plebiscites taking place time after time, which seems to me to be what the democratic system is all about?

Mr. von UEXKULL: There is nothing wrong in principle with elections and plebiscites taking place, but I think there is something very wrong with plebiscites being held on the same issue, the freely expressed will of the Palauan people being ignored and the same question being asked again and again. I cannot imagine that such a system would be acceptable, for example, to the United Kingdom, a democratic system under which the party that lost the election simply kept holding new elections until it finally might be able to win one.

Mr. ROCHER (France) (interpretation from French): I have many questions to put to Senator Balos, Mr. Clark, Mr. Walburn and Mr. Butler. First, I should like to know from Senator Balos whether anything prevented him from asking to meet the Visting Mission last July.

I had not had much time to study the statement of Mr. von Uexkull, but I have a number of questions to put to him. First, however, I wish to make two comments.

(Mr. Rocher, France)

In his statement the petitioner said:

"The United States lawyer advising the Palau legislature, Mr. Wolf, claims that without a 75 per cent "Yes" vote the permit to operate nuclear vessels in Palauan waters can simply be removed from the Compact."

(T/PV.1605, p.36)

It so happens that I met Mr. Wolf. He said that, but not only that. He also said - at least, so he told me: "That is my position, which I stand by, adopted in order to get the Palauans to vote in such a way as to bring about a more than 75 per cent 'Yes' vote." That changes the nature of the statement.

My second point is about the passage concerning the opposition's having been reduced to silence and threatened so that it would take no part in the political campaign. I do not know whether we have two different versions of what took place in Palau during the electoral campaign before the plebiscite, but I should like to give my impression. I hope that it will help the petitioner. At no time did the Visiting Mission consider that the opposition had been muzzled. It had every opportunity to express itself.

(Mr. Rocher)

I would go even further. I believe that the earlier visiting missions, like the one in which I participated, were able to note the great freedom of expression that exists in Micronesia, particularly in Palau. So I do not think it can be said that the opposition in Palau was muzzled.

Mr. von Uexkull said that, as a recent visitor, he was surprised and shocked by the contrast between the capital, Koror, before the Second World War, as seen in photographs in the museum, and that today after 30 years of United States trusteeship. The Mission had an opportunity to visit not only Koror but many other towns. From what it saw of what had happened before the Second World War - that is, exploitation by the Japanese - it cannot be said that the present situation is worse than that before the Second World War.

The PRESIDENT (interpretation from French): Has Mr. von Uexkull any comments on what the representative of France has said?

Mr. von UEXKULL: With regard to the first point about Mr. Wolf's statement, I am not completely sure where the conflict lies. I quoted from the lengthy interview that Mr. Wolf gave to James Heddle in the film - which, as I mentioned before, is available - in which he states quite clearly that it is his opinion, given also to the Palau Legislature, which he advises, that if the 75 per cent is not obtained it is just possible for Palau to remove the clause which gives the United States nuclear transit and other nuclear rights in Palau. I pointed out that that was obviously the impression given to the Palauans, but that, as far as we are aware, the United States has never agreed to such a procedure. Either the United States has not, in which case there is a conflict, or it has, and that is a change of policy which for Palau's sake we hope will be clarified by the United States Government.

With regard to the muzzling of the opposition, it is mentioned in the report I believe of the delegation from the Trusteeship Council - that there were no

(Mr. von Uexkull)

marchers, there was less of a campaign - indeed the absence of an opposition campaign - compared with previous referendums. That seems to have been very clearly the case. There was a much more vigorous campaign in 1983 than in 1984, and certainly this year the campaign was very much less vigorous. That can be seen, I believe, if one compares the editions of the main newspaper in Palau, the Rengel Belau, before the 1984 referendum and the very vigorous debate which took place and the very thin examples of that paper which now appear in which basically are reprinted full-page Government advertisements. The publisher was not prepared to make any public statements, but apparently he did so on other islands when campaigning. As will be seen from the testimony given this morning, as a result of that the President threatened to cut his state out of the Compact monies. There have been many ways, not all so obvious of muzzling the opposition. I have given a few examples.

Certainly when somebody like Mr. Sekuma, the Head of the Compact Education Committee, can complain about economic pressures in such strong language as he used in the testimony that I quoted this morning, I think there is a case for further investigation. That was all I suggested.

I am not sure whether there is disagreement on the present situation in Koror compared with what it was before the Second World War. It is interesting to note from photographs in the Koror museum that in Japanese times there were in Koror pavements, even covered pavements for the rainy season. Looking at the state of Koror today one has to agree that the evidence certainly seems to show that, while it is certainly much better than in many other areas in those islands, physically Koror was in a better state 40 or 50 years ago than it is today.

Mr. ROCHER (interpretation from French): I do not wish to monopolize or nationalize the discussion, but my delegation would like to clarify what the petitioner has just said.

While there was vigorous opposition in 1983, it must also be recalled, so as to have a complete picture with regard both to the quotation relating to Mr. Wolf - on which I maintain what I said - and to the opposition to the Compact in Palau in 1983, which no one can deny and which was noted also by the Visiting Mission at the time, that in 1983 the traditional chiefs - and in Palau the traditional chiefs have great influence; I do not think that is taken sufficiently into account by the Council - and some Governors were against the Compact.

In 1986 there was a resolution from the Governors of the states of Palau and a resolution from the Council of Chiefs approving the negotiations which took place between the Administering Authority and the Government of Palau. They all supported the Compact of Free Association and encouraged the population to vote in favour of the Compact. In that country, where the traditional chiefs probably have the greatest influence, the electorate does what the traditional chiefs tell it to do. That is the essential, if not the only, reason, at least in my delegation's view, why the opposition did not manifest itself; it had virtually disappeared.

Mr. KUTOVOY (Union of Soviet Socialist Republics) (interpretation from Russian): I have two questions for Senator Balos. First, is my delegation correct in thinking that in his view the United States is violating its obligations under article 6 of the Trusteeship Agreement? Secondly, how in his view, in specific and practical terms, can the Trusteeship Council and the United Nations as a whole help the population of Kwajalein?

Mr. BALOS: The first question put by the representative of the Soviet Union was: is the United States violating its obligations? The answer is: yes.

The Soviet representative's second question related to what help this body could give our people. As I said this morning, among the areas in which we have real needs are medical care and food. Those are really needed at this time to help our people.

Mr. MORTIMER (United Kingdom): This is another question for Mr. von Uexkull.

I think I understood Mr. van Uexkull correctly to say that the political education campaign was too short and that there had been no translation of the Compact of Free Association into Palauan until very shortly before the voting. Does he really think that written material such as a translation of the Compact of Free Association into Palauan is necessarily a useful form of educating the people of Palau - given the fact that there is in Palau a certain non-reading tradition and information is communicated far more readily by word of mouth? That is my first question.

My second question is this: If the political education campaign was too short, how much longer was really needed? I made the point yesterday, I believe, in commenting on a couple of petitions that this is the third time the Palauans have voted on the Compact of Free Association. There was a pretty lengthy programme of political education before the 1983 plebiscite. This was repeated to a lesser extent before the September 1984 plebiscite, and once again in the run-up to the February 1986 plebiscite. Is there not a limit to the amount of political education that anyone can be expected to absorb? Does there not come a point where people simply cannot take any more political education teams knocking on their doors and saying, "Good afternoon. I intend to educate you politically about such

(Mr. Mortimer, United Kingdom)

and such" - whatever it might be? It does seem to me that there is more to life than political education about the Compact of Free Association.

It seemed to us - and we have recorded this point in our report - that although, not surprisingly, there were really very few people who had a full grasp of the finer details of the Compact, everybody had a pretty good understanding of the pros and cons of what they were being asked to vote on.

I would now follow up what my French colleague said about the muzzling of political opponents. It is of course true that in the Visiting Mission's report - which, incidentally, we shall discuss at greater length later - we do say that there was a marked absence of a political campaign when compared to 1983. But I think that what Mr. von Uexkull seems to suggest is quite wrong - namely, that from this one can extrapolate that this was due to muzzling of the opposition. As far as I was concerned, it was due to the fact that people were somewhat weary of plebiscites, and perhaps rather weary of the whole subject, and merely wanted to get on with the Compact of Free Association.

I would also, if I may, draw a distinction between the absence of a political campaign and apathy. I think that those are two separate issues that are frequently confused.

In fact, the turnout for the vote was very high: 71 per cent of those eligible to vote. If we ever got that percentage in Europe, we would all be absolutely delighted. I am sure that if Mr. von Uexkull were elected to the European Parliament by such a majority, he too would be absolutely delighted.

The point being made is that although the turnout was high the political campaign was low. But that does not suggest to me that there was any muzzling of the political opposition - only, as I said, a certain weariness of plebiscites.

Mr. von UEXKULL: In answer to the questions by the representative of the United Kingdom, I would say the following.

The translation into Palauan was actually asked for by Palauans. There is, of course, an oral tradition there. But with an agreement of such complexity, which commits not just the present generation but also future generations of Palauans and which in significant respects cannot be terminated unilaterally by Palau, it is seen that it is indeed very important to make sure what is in the text.

Speaking from my experience as the only international observer in Palau during the 1984 referendum, I can say that I was amazed at the misconceptions about the contents of the Compact, even among persons such as Mr. Schwartz Tudong, who was one of the heads of the "Yes" campaign. When I said to him that, on many important points, what he had just told me was in the Compact was not actually in it, he replied: "I have not read it; I trust what my Ambassador tells me" - he was referring to Ambassador Salii, who is now the President of Palau.

Regarding the shortness of the campaign, I would say this: The Marshall Islands had a longer campaign before their referendum. There was, I am told, a telex signed by 14 Palauan leaders in which they complained that the time had been too short. In 1984 the opposition did not have the resources of the pro-Compact forces and had to campaign in very difficult circumstances. As the Council knows, Palau consists of islands, some of which are days away from each other by boat - and there is no other means of communication. The opposition found itself at a great disadvantage. It had relied upon various court cases to postpone the Compact plebiscite. When that did not happen, they had some five days to campaign. The only area in Palau where they were able to mount anything like a campaign in that short time was the area of their capital, Koror. Interestingly enough, in that area in 1984 there was an absolute majority against the Compact.

(Mr. von Uexkull)

Regarding the muzzling of the opposition, I would again refer to the quotes from various Palauan nationals and residents that are contained in my statement and in the film by Jim Heddle. It is certainly true, as I think one of the quotes indicated, that the Palauans are tired. They are also fearful. They are certainly tired because they see themselves as having no choice. They vote again and again and because the United States Government does not accept the result of the vote they just have to vote again. It is true that 71 per cent is an interesting majority. But it is also interesting that it was not more - and in 1984 it was just a little less. Despite the fact that all the opposition leaders were silenced this time, the Compact was not really endorsed. They have urged the President to sign it, to bring it out into the open and discuss it. But, certainly, I know specifically that High Chief Ibedul has not endorsed the Compact.

I would conclude by suggesting to the representative of the United Kingdom that if a 71 per cent majority is impressive, then the 92 per cent majority with which the people of Palau in 1979, after a lengthy discussion at village level, adopted their Constitution outlawing nuclear arms and other imports is an even more impressive majority.

Mr. KUTOVOY (Union of Soviet Socialist Republics) (interpretation from Russian): In his statement today Mr. von Uexkull referred to a subject which had not been mentioned by any of the other petitioners. He said:

(spoke in English)

"Speaking from personal experience, I can say that after the murder of President Remeliik last June, contacts with Palau suddenly dried up. Letters were not answered, agreements were not kept". (T/PV.1605, p. 41)

(Mr. Kutovoy, USSR)

(continued in Russian)

We have a question to ask the petitioner. Did he not try to explain the reason for such a situation as described in his statement?

Mr. von UEXKULL: In response to the question from the representative of the Soviet Union, quite simply the reason I mentioned it was that it is another example of the climate of fear that descended on Palau after the murder of the President. First, such a murder is unheard of; Palau has no history of political violence. Secondly, the way the President was murdered obviously suggested a professional killer from outside. He was shot six times. He was shot in a well-lit street - not when he was out fishing, but when he came home - in the capital of Koror, obviously by a killer who thought he would get away with it. Then there is the arrest, under the most incredibly flimsy evidence, of the relatives of the main opposition leader for the murder. All that contributed, I think, to creating this climate of fear, and as a result it was very difficult to get those in opposition in Palau to write or to speak out.

I also know specifically about the case I mentioned regarding the IPSECO power plant. A British company of private investigators had been hired by the Palau Senate to investigate this matter and there was a telex from the Palau Senate, signed by, I believe, the President of the Senate, confirming this agreement and promising to pay and asking for urgent results from the investigation.

Suddenly, after the murder of President Remeliik, this private investigator found that he did not receive any further communications from Palau - no answers, none of the promised monies, nothing. It just looked as if there had been a very definite change, which seems to date back from the time of the assassination.

Mr. ROCHER (France) (interpretation from French): I should like to make a small clarification as regards the assassination of President Remeliik. I think

(Mr. Rocher, France)

both the petitioner and I do not have the same sources of information. Rumour has it that the assassination of the President might have been political. Some say it might have been by the Japanese Mafia; others that it could have been the result of a love affair or drugs. As of now, no one knows. At least my delegation does not know. What I should like to specify is that all that information, including what I just noted, comes from the journalist Rampell. The Secretariat could perhaps remind us of the title of this newspaper; I cannot remember it, but I do have a copy at the Mission. He is doing his work as a journalist who is trying to gather information and conveying it to his readers. Far be it from me to judge the veracity of what he reports, but we do have the right to question it; there are pros and cons. In any case, the matter is not clear.

I made this clarification because I think much has been said here that was based on what Mr. Rampell has written. What a journalist writes is quite commendable and quite respectable. But possibly there is more than his opinion alone to be taken into account.

With the permission of the President, I should like to ask questions of the other petitioners.

My first question is for Mr. Clark. He told us that he felt that the provisions of section 324 of the Compact with Palau required that it be approved by a three-fourths majority -

The PRESIDENT (interpretation from French): I apologize for interrupting the representative of France. Mr. Clark is not in the room.

Mr. ROCHER (France) (interpretation from French): Is he represented by anyone?

The PRESIDENT (interpretation from French): No, he is not.

Mr. ROCHER (France) (interpretation from French): Must I wait until he returns?

The PRESIDENT (interpretation from French): I think Mr. Clark has left New York.

Mr. ROCHER (France) (interpretation from French): I greatly regret his absence because he made a statement which requires some clarification. I am extremely disappointed that he is not present.

I shall now put a question to Mr. Butler.

The PRESIDENT (interpretation from French): Mr. Butler informed us yesterday that he could not be here in the afternoon and that he would be replaced by Ms. Roff. When I insisted, he agreed to remain with us in the afternoon and answer any questions. I believe that we had every reason to take it that all questions had been put to him yesterday, and it should appear that these two persons are not in the Chamber.

Mr. ROCHER (France) (interpretation from French): Really, Mr. President, I am out of luck. I shall reflect on this new situation and, with your permission, I shall speak at a later stage.

Mr. KUTOVOY (Union of Soviet Socialist Republics) (interpretation from Russian): Our delegation has a couple of points to make. Our meeting is now at the point of concluding. The first day, when the Soviet delegation appealed to the President of the Trusteeship Council to consider the possibility of not imposing severe limitations, the President stated at that time that we should work efficiently, intensely and energetically. We are proposing specifically that because of the fact that not only your own delegation, Mr. President, but also other delegations still have questions to ask the petitioners and since, as we understand it, if not all at least a majority of them have been compelled to leave, possibly you could consider the expediency of extending our meeting today. Like the representative of France, we should like to ask some questions of precisely those petitioners he mentioned. Possibly with the help of the Secretariat you

(Mr. Kutovoy, USSR)

could get in touch with these persons and fix on a date, time and place that we could ask our questions. This is what I wanted to say about the conduct of our meeting today.

We have learned that about two weeks ago, if our information is correct, the President of the Trusteeship Council received a telegram from a large group of members of the European Parliament, and in particular the following reference was made:

(spoke in English)

"We members of the European Parliament urge you to reject proposed US compact with Palau as section 324 conflicts with the nuclear ban in Palau's constitution.

"The compact also severely limits Palauan sovereignty and commits Palau to hand over any land wanted by the US for military purposes. Implementation of this compact will mean the end of this fragile nation entrusted to UN protection.

"...

"We request the UN to investigate intimidation of Palauans opposed to compact to retain UN oversight and ensure that the USA fulfils its trusteeship obligation and honours Palau's desire to remain free of foreign military bases and nuclear substances."

(Mr. Kutovoy, USSR)

(continued in Russian)

We request that that document be issued as a document of the Trusteeship Council.

Mr. von Uexkull mentioned a film. We wonder if he would be willing to show that film, possibly during tomorrow's lunch break, in the Dag Hammarskjold Library. Through you, Mr. President, we would ask the Secretariat to provide the necessary assistance.

The PRESIDENT (interpretation from French): It appears that the film to which Mr. von Uexkull referred was presented two years ago in a closed meeting of the Trusteeship Council; I shall confirm this and take a decision in due course.

I have taken note of the request by the representative of the Soviet Union for the issuance of a document, and shall deal with the request in consultation with the Secretariat.

With regard to the request for an additional meeting devoted to the questioning of petitioners, I shall take a decision in consultation with the members of the Council and with the Secretariat.

As to the final request of the representative of the Soviet Union, I shall adjourn this meeting as soon as members indicate that they have no further questions for the petitioners still in the Chamber, of which there are several at present.

Mr. KUTOVOY (Union of Soviet Socialist Republics) (interpretation from Russian): Can you be sure, Sir, that, should we hold an additional meeting to question petitioners, the petitioners will be present?

The PRESIDENT (interpretation from French): I cannot answer that question. Many of the petitioners live outside New York on the west coast of the United States. I know that several of those who are absent this afternoon have already taken westbound flights, and I should not think they would be able to return.

(The President)

As for those who live in or near New York, I know from my own experience and from remarks made yesterday that even they have difficulty in arranging to come to Trusteeship Council meetings. If the representative of the Soviet Union agrees, I shall contact the petitioners mentioned this afternoon and ascertain whether they can return, then consider the request of the representative of the Soviet Union in the light of the replies I get. I shall do this as soon as possible and let him know the result.

Mr. ROCHER (France) (interpretation from French): Is Mr. Walburn present?

The PRESIDENT (interpretation from French): Miss Elizabeth Bounds, a representative of Mr. Walburn, is present and is prepared to answer questions addressed to Mr. Walburn.

Mr. ROCHER (France) (interpretation from French): Mr. Walburn was concerned about the inability of Micronesian entities to reject certain parts of the Compact while retaining others. Is it not true that any agreement is the result of negotiation and that its balance could be disturbed if one party had the right freely to reject any clauses which were the counterpart of the advantages it gained through the agreement?

Ms. BOUNDS: I am Elizabeth Bounds, Director of the Micronesia Coalition. The questions we have been raising have been about the form of the Compact of Free Association with regard to the Marshall Islands, the Federated States of Micronesia and Palau. I would note that during the whole process of negotiation many pieces of the Compact were accepted and others rejected. The Compact most recently voted on by the Palauans is a very good example.

(Ms. Bounds)

As Mr. Walburn said in our petition, we accept free association as a legitimate status for termination of the trusteeship, as set out in United Nations resolutions. However, we think that the Compact of Free Association as a document needs to be examined carefully in terms of the minimal requirements of free association established by the United Nations. As we pointed out in our petition, one of the requirements is that the entities that made up the Territory may terminate unilaterally and at any time the status of free association. Certain provisions of the existing Compact documents do not comply with that provision of the United Nations resolutions.

I should like to comment on an earlier remark by the representative of France. He noted quite correctly the importance of the traditional Chiefs in Palau, but I should like to correct the statement he made about their wholesale approval of the Compact, because that is a misrepresentation that has been quite widespread. As shown in annexes VI and VII of the report of the Visiting Mission, the Chiefs ask their President to sign the Compact of Free Association.

As regards interpretation of that document, I would ask the representative of France to look at some of the supplementary testimony submitted by our Coalition, which includes a copy of a petition presented by the Micronesia Coalition to the United States Congress. On page 3 of that petition we discuss this very statement by the traditional Chiefs on the basis of information submitted to our Coalition by a representative who traveled in Palau with a member of the World Council of Churches. They offer, through their interview with members of the traditional Council of Chiefs, a different interpretation, and I would respectfully ask the representative of France to examine this very carefully.

Mr. ROCHER (France) (interpretation from French): I refer again to the resolution that was voted upon, signed and certified by the Council of Chiefs of the Republic of Palau, who support the Compact of Free Association and who campaigned in favour of that Compact.

More generally, many petitioners have stressed the argument that the Compacts of Free Association accepted by the States of Micronesia are not in accordance with the so-called norms governing self-determination. Does the petitioner not think that the criterion for determining whether a Compact of Free Association respects the principle of the right of peoples to self-determination should be the clearly and freely expressed will of the population of the Territory in question?

Ms. BOUNDS: I am not completely sure that I understood the direction of that question, but I gather that it concerns our evaluation of the recent plebiscite in Palau as an adequate act of self-determination in accordance with the norms of the United Nations.

I submit that the evidence we presented today, along with the documentation presented in the supplementary testimony that we have submitted, raises very grave questions about the adequacy of the education, in particular the political education, offered to the people, so that the document they thought they were voting on because of the political education they had received may have been somewhat different from the document they were actually voting on.

Our concern deriving from this is whether there was enough understanding of this very complex document to indicate that this was, indeed, an adequate act of self-determination.

The PRESIDENT (interpretation from French): Tomorrow the Council will continue its consideration of the report of the Administering Authority and delegations may begin questioning the representatives of the Administering Authority.

The meeting rose at 6.05 p.m.