

MAY 22 1986

UNITED NATIONS TRUSTEESHIP COUNCIL



Distr.
GENERAL

T/PV.1607
19 May 1986

ENGLISH

Fifty-third Session

VERBATIM RECORD OF THE SIXTEEN HUNDRED AND SEVENTH MEETING

Held at United Nations Headquarters, New York,
on Thursday, 15 May 1986, at 10.30 a.m.

President: Mr. RAPIN (France)

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

This record is subject to correction.

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

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

The meeting was called to order at 10.50 a.m.

ORGANIZATION OF WORK

The PRESIDENT (interpretation from French): Before we continue our examination of the annual report of the Administering Authority, I wish to give the Council the following information.

First, the telegram from the Graef Group of the European Parliament, dated 7 February 1986, mentioned yesterday by the delegation of the Soviet Union, has been issued as an official document of the Council (T/PET.10/359).

Secondly, two of the three delegations that participated yesterday and the day before yesterday in the examination of oral petitions have informed me that they will not insist at this stage on the holding of another meeting at which Member States could continue to put questions to the petitioners who have spoken. If the delegation of the Soviet Union, which had expressed a desire that such a meeting be organized, still considers it to be necessary, I ask it to let the Secretariat know at the end of this morning's meeting, and to inform the Secretariat of the list of petitioners it would like to question. The Secretariat will then immediately get in touch with those petitioners.

(The President)

I come now to the last request communicated to me by the Soviet Union delegation concerning the distribution to members of the Council of the slides viewed yesterday by delegations between 12.30 and 1 p.m. in the Dag Hammarskjöld Library. The matter of petitions to the Council falls under the provisions of rules 76 to 92 of the Council's rules of procedure, none of which provides for the distribution to members of oral petitions. On the other hand, rule 85 provides for the Secretary-General to circulate promptly to the members of the Council all written petitions. The word "written" indicates that that does not include audio-visual materials. Therefore, on the basis of rules 76 to 92 I cannot automatically comply with the request of the Soviet Union delegation. That can be complied with only if the Council, which is master of its own decisions should decide itself to do so.

As President of the Council, I felt that the slides made available to me beforehand by the petitioner might supplement the information to members of the Council if they saw them, before or after the hearing of the petitioner, in an appropriate place - and the slides were shown yesterday. The members of the Council who so desired viewed these photographs; moreover, what they depicted was broadly described and discussed at our meeting yesterday afternoon. During that same meeting a video film was made of the entire discussion through the use of equipment of the Department of Public Information.

I feel that the need for information was met and that in the circumstances it is not necessary to impose on States Members of the Organization additional expenses I do not think would be proportionate to the goal it is sought to achieve.

Nevertheless, to take account of the Soviet request I have inquired whether a set of slides had been submitted to the Secretariat; that is indeed the case, and the set is complete and can be looked at and used by all delegations. I hope that, in the circumstances, the Soviet delegation will feel that its request has been satisfactorily met.

Mr. KUTOVOY (Union of Soviet Socialist Republics) (interpretation from Russian): I should like to thank you, Mr. President, for your sympathetic response to our request made yesterday. At the same time, we should like to respond to your observation that the rules of procedure do not provide for the distribution of video material by saying that the rules we are now using were issued in 1962 when, of course, I do not think any of the then representatives had any idea of video technology. Video technology came into use in the 1970s and 1980s. It goes without saying that we should make broad use of possibilities introduced by technological and scientific progress, specifically in connection with the question we are discussing today, discussed yesterday and the day before and will continue to discuss tomorrow and the day after. That is the first point.

Secondly, you are absolutely correct in saying - and our delegation supports you in this view - that the slides and material we saw yesterday are very directly connected to the events being discussed at present here at this session of the Trusteeship Council and earlier events, specifically in February, in the Trust Territory of the Pacific Islands. Naturally, they are proof of what is in actual fact occurring in the Trust Territory.

I should also like to add that the ancient Greeks of more than a thousand years ago used to say that it was better to see something once than to hear it a hundred times. What we see is much more graphic and illustrative; it conveys much more about the actual state of affairs.

Once again my delegation thanks you for your very receptive handling of our request and hopes that the Secretariat will not monopolize those slides but will be able - and we have taken into account the possibility of the technical implementation of our request - to distribute that material promptly to delegations. At any rate, our delegation, I repeat, is interested in receiving such materials.

The PRESIDENT (interpretation from French): I fully share the comments made by the representative of the Soviet Union about the importance of audio-visual materials, which did not exist when the Council's rules of procedure were drafted and adopted. What I wanted to convey in my statement was that I could not carry out my functions as President outside the rules of procedure as set forth by the Trusteeship Council and the Charter. I am not authorized on my own to take a decision in this area. What I might have decided was to bring the question to the members of the Council who, of course, are absolute masters over what should be done. If they deem it necessary or desirable, they can decide on publication of the audio-visual material. In this specific case I wanted to bring into play the authority of the presidency by considering that, in view of the way in which we dealt with the materials in question yesterday, the request could be met in the manner I suggested.

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

The PRESIDENT (interpretation from French): As I understand it, before answering questions, the representative of the United States would like to comment on the statements made by petitioners during the past two days, and I now call on her.

Miss BYRNE (United States of America): In keeping with the traditional practice of the Trusteeship Council, we have listened for two days to the statements of various petitioners interested in trusteeship affairs. Some of these individuals represented inhabitants of the Trust Territory who wished to add their views to those expressed by the elected leaders of the constitutional Governments of the Trust Territory. Others, from different parts of the Pacific region, came before us to support Micronesian efforts to achieve termination of the Trusteeship in favour of their democratically determined future political status. We also heard from those, representing various political and ideological views, who apparently see in the political status process in the Trust Territory an opportunity to advance interests that arguably are of marginal relevance to the peoples of the Trust Territory as they chart their future.

The open and fair manner in which all of these petitioners were heard is a tribute to the Council. In that same spirit of openness and fairness, I should like to comment on some of the statements made by petitioners. I shall not try to correct every error or omission in their statements. Rather, I shall address those matters raised by petitioners on which further discussion will advance the work of the Council.

Beginning with the first petition heard by the Council, I should like to respond to the statement of the lawyer who represents the people of Bikini in the Compact negotiations, their litigation against the United States and their efforts to obtain additional funding from the United States Congress, and in their activities before the Trusteeship Council.

It should first be noted that since the 167 people of Bikini Island were evacuated from the place where they resided in 1946, the United States has paid approximately \$40 million to the Bikinians in compensation and direct benefits, including a \$20 million trust created just over two years ago. This compensation,

(Miss Byrne, United States)

the additional \$120 million in past compensation already paid to other Marshallese people affected by nuclear tests, and the reasons for these compensation payments are a matter of public record based on an open and public process. Of the additional \$150 million in new compensation to be provided under section 177 of the Compact, a further \$75 million will be provided over the next 15 years to the current population of approximately 1,200 Bikinians. An agreed minute to the Section 177 Agreement provides procedures for the prudent management of these funds. I should like to note that the lawyer for the Bikini people proposed and prepared those provisions during the negotiations.

The Bikinians will also have access to the Section 177 Claims Tribunal to pursue additional claims they may have. The Section 177 Agreement also provides that the Bikinians may present any future claims which may indicate changed circumstances that would justify further compensation.

Under the same Section 177 Agreement, funds will be provided for specialized health care, feeding programmes and radiological surveillance for the people of Bikini. The United States will also fund resettlement of Bikini when it is determined to be habitable. This commitment will be carried out even if most of the Bikini people choose to settle elsewhere. We note this because under the Compact the Bikinians will be free to reside, work, attend schools and receive other benefits in the United States, and delegations of Bikinians and their lawyer have travelled frequently to Hawaii and elsewhere in the United States to explore possible relocation sites.

In addition, going beyond the requirements of the Compact, the Marshall Islands National Congress and the United States Congress have both authorized their executive departments to enter into an agreement to ensure that the Bikinians staying at Ejit Island will be able to stay there or take advantage of alternative

(Miss Byrne, United States)

arrangements if such continued use of Ejit is affected by Marshall Island court adjudications affecting title to Ejit. That agreement will be signed very soon.

In the light of those provisions, it is easy to understand why the representatives of the Bikini people, including their lawyer, supported approval of the Compact and the Section 177 Agreement by the United States Congress, although they did not support the Compact in the plebiscite. It is also easy to understand that they would like to receive the section 177 funds and be free to pursue litigation to see if yet more funding could be awarded. Thus, it is necessary here to address the issues raised by the petitioners' lawyer regarding resettlement and the legal nature of the Section 177 Agreement, including the espousal provision.

In agreeing to settle the Federal Court lawsuit in which the Bikinians sought a court-ordered radiological rehabilitation of Bikini, the United States affirmed its commitment in the Section 177 Agreement to make available funds in addition to those specifically provided in that Agreement and at some future point for the purpose of Bikini resettlement. In this context, resettlement - which can take place when it is safe and a planned programme is possible - is to be distinguished from rehabilitation, which refers to efforts to ameliorate hazardous radiological conditions. In settling the lawsuit, the United States agreed to provide funds and support for resettlement in a manner which, to the extent practicable, would contribute to any rehabilitation activities that might be undertaken by the Bikini people.

The criteria set forth in the Section 177 Agreement and the court settlement to trigger the United States obligation to undertake resettlement activities have not yet been met. Those criteria are based primarily upon health and safety considerations.

(Miss Byrne, United States)

With respect to the legality of the Section 177 Agreement, the United States believes that the terms of the Agreement speak for themselves and will withstand scrutiny in the context of international and United States constitutional law. It is also noted that the Government of the Marshall Islands, including the National Congress, in which the nuclear claimants are democratically represented, has approved the Agreement and determined that it is consistent with the Marshall Islands Constitution.

The procedure whereby the Government of the Marshall Islands espoused and settled the claims of its citizens has received a great deal of comment, but should not be viewed apart from the overall Agreement. The Section 177 Agreement is a Government-to-Government agreement in which the claims of the citizens of one Government are settled in order to facilitate the orderly process of governmental relations. The espousal provision is but one element of this arrangement. The United States and other members of the Trusteeship Council have practised this approach to settlement of claims, and we believe that in the context of its sovereignty the Marshall Islands is entitled to do so as well.

(Miss Byrne, United States)

With respect to the presentation made by the lawyer for the people of Enewetak, I only know that 75 per cent of the people of Enewetak voted to approve the Compact and the Section 177 Agreement during the Marshall Islands plebiscite. In addition to the programmes and payments already received by the people of Enewetak under the Section 177 Agreement, they will receive \$48.7 million, specialized health services, agricultural and feeding programmes and radiological surveillance.

I should like now to respond to some of the views expressed by the representatives of the International League for Human Rights and the Micronesia Coalition. The petitioners' analyses of the development of the Compact are simply not correct. In all versions of the Compact signed by the United States and each of the Governments of the Trust Territory the terms of strategic denial have been essentially the same. Though expressed in different forms and triggered through somewhat different procedures, the basic arrangement agreed to has in every case been foreclosure to the military forces of third countries until otherwise mutually agreed. The theory that between 1982 and 1984 the United States increased its requirements for denial is wrong. Insinuations that the United States has used complex formulations and separate agreements to obtain deviously these long-term denial rights have been a common theme in the petitioners' statements to the Council. These suggestions are best refuted by the fact that the United States gladly agreed with the Government of Palau in 1984 to express the denial provision as a present foreclosure as opposed to a foreclosure option and to insert the denial provision directly into the text of the 1984 and 1986 Compacts.

Of more interest and import is the fact that in the course of analysis one petitioner clearly implies that a strategic denial arrangement which lasts for a time-limited period after the freely associated State has unilaterally terminated

(Miss Byrne, United States)

in favour of independence is perhaps acceptable, but that strategic denial "until otherwise mutually agreed" is unacceptable. The petitioner's recognition that freely associated States can bind themselves and assume obligations which endure after free association has been terminated in favour of independence is welcome. The suggestion that such obligations, when made for an extended duration, violate international norms on decolonization is unduly restrictive. The petitioner's conclusion that the constitutional acts of the elected leaders of Palau and the decision of the people voting in the plebiscite should be disregarded because the petitioner regards these actions as in conflict with the "norms for a proper exercise of self-determination" cannot be supported.

On the issue of the percentage approval required for the Palau Compact under the provisions of Palau's Constitution, the representatives of the International League for Human Rights and the Micronesia Coalition also made much of one of the questions and answers prepared by an individual seeking to assist the political education programme. This document stated that 75 per cent approval was required because the "nuclear-power plant" provision of article 13, section 6, of the Palau Constitution should be applied to approval of the phrase in section 324 of the Compact which authorizes nuclear-propelled vessels of the United States to operate in Palau.

The statements on this matter by the officials of the Government of Palau are of the greatest importance. The Administering Authority would like to point out that the position of the Government of Palau and of the Government of the United States that a simple majority was required to approve the Compact was a matter of public record and was widely reported in the press before the plebiscite. The fact that other interpretations of Palau's Constitution were given equal time is a tribute to the open and fair manner in which the public debate on the matter was conducted.

(Miss Byrne, United States)

Finally, with respect to the petitioners' statements, it must be noted that the Government of the United States has considered itself to be on notice of the requirements of the Palau Constitution. As long as a potential incompatibility between the Compact and the Constitution existed, the United States and the Government of Palau insisted that the Compact be approved strictly in accordance with the provisions of the Palau Constitution that relate to Compact approval. Notwithstanding the views expressed by some observers, it is the position of the United States and the Government of Palau that section 324 eliminates incompatibility between the two documents. Thus the United States is on notice that no rule of internal law of fundamental importance is being violated by Palau in entering into the Compact. The United States is not willing to tell the Government of Palau that Palau is interpreting its Constitution incorrectly.

Mr. Butler's statement on behalf of the Minority Rights Group and his responses to questions directed to him require that I comment further on the issue of Palau's approval of the Compact. Mr. Butler referred frequently to the "United States and its supporters in Palau" and alleged that we forced the Palauans to vote on constitutional revisions and various versions of the Compact in order to subvert the will of the people. The United States does not consider itself to be dealing with "supporters" or "opponents" in its official relations with Palau. Since the establishment of a constitutional Government in Palau, which took place with the encouragement of the Administering Authority, we have been dealing with the elected leaders of that constitutional Government. Mr. Butler evidences cynicism towards the will of a Palauan people by not recognizing the capacity and competence of their elected leaders to represent them.

The United States has never unilaterally conducted a plebiscite or referendum in Palau. All such votes have taken place pursuant to the laws of Palau enacted by

(Miss Byrne, United States)

the elected representatives of the people. The proposed revised constitution presented to the voters in 1979 was never sanctioned by the United States and it is not clear that it would have satisfied the requirements we had articulated at the time for achieving compatability between the draft compact and a Palau constitution. To suggest that the United States "presented" that document to the Palauan people and waged a "campaign" for its approval could only mislead this Council.

It should be noted that the United States and the Government of Palau have never sought to amend Palau's Constitution through any of the plebiscites on the Compact. Mr. Butler repeatedly referred to the requirement of a 75 per cent vote to amend the Constitution, when in fact an amendment under article 14, section 1, or article 15, section 11, of the Palau Constitution requires not a 75 per cent vote but rather a majority vote in three fourths of the states.

(Miss Byrne, United States)

Had we been attempting to amend the Constitution we would have succeeded, because a majority in over three fourths of the states was in fact obtained.

The constitutional procedures employed in the plebiscite were not the amending procedures referred to above. Rather, and quite appropriately, the procedures employed were those for approval of international agreements such as the Compact. They are set forth in article II, section 3, of the Constitution. After twice seeking approval of the Compact in accordance with those provisions and in a form which was determined to require 75 per cent approval, the United States and Palau agreed upon a formulation which could properly be approved, in accordance with these provisions, by a simple majority.

Instead of applauding this compromise solution, Mr. Butler and others who share his viewpoint have condemned it. One cannot avoid the conclusion that they would oppose any outcome or solution that did not serve their own ideological ends, which consequently can only be understood as having little actual connection with the question of self-determination for Palau.

Mr. Butler joined the Micronesian Coalition and others who complained about the length of the education programme preceding the February referendum. It is the view and experience of the Administering Authority that during the final negotiations in Palau and the period preceding the referendum the people of Palau, their representatives in the National Congress and their Executive Branch officials exhibited to United States negotiators and representatives a thorough knowledge of the Compact and its related agreements. This was at least partially based on two earlier plebiscites and years of consideration of the fundamental principles and specific features of the negotiated Compact package. Thus, the most critical issue in the referendum was whether section 324 resolved the issue of compatibility between the Compact and the Constitution in a manner acceptable to the people of Palau and whether the improvements to the other provisions were acceptable.

(Miss Byrne, United States)

These matters were fully reviewed in the public meetings and radio, print and television discussions that addressed them in great detail. While Mr. Butler may have no confidence that the people of Palau knew what they were doing, the Administering Authority is certain that they did.

The comments of Mr. von Uexkull on Palau were dealt with extremely well by the deft and expert questioning and comments of the representatives of the United Kingdom and France yesterday.

I should like to turn now to the issue of Kwajalein as presented by Senator Balos and Mr. Allen. With your permission, Sir, I should like to invite the High Commissioner, Mrs. Janet McCoy, to speak on this issue. She was for long personally involved in the resolution of this matter.

The PRESIDENT (interpretation from French): I call on the High Commissioner.

Mrs. McCOY (Special Representative): In order to add to Ambassador Byrne's statement from a different perspective as far as the petitioners are concerned, I should like to make a few comments as the High Commissioner of the Trust Territory.

The Council has spent the last two days listening to the frequently well meaning, occasionally carefully rehearsed and often slightly distorted statements of several petitioners who, as in past years, feel that the Micronesians really need protection from themselves. As in the previous years in which I have had the pleasure of attending these meetings, a large number of organizations and individuals have taken it upon themselves to represent Micronesians in situations in which the majority of Micronesians have taken a different course.

I note that the four constitutional Governments have been formed by free elections based on Constitutions which were written and adopted by the affected

(Mrs. McCoy, Special Representative)

populations in a thoroughly democratic tradition and frequently with the observation of visiting missions of the Council.

Once again I call to the Council's attention the fact that many of the statements of petitioners give the impression that the Micronesians are incapable of making their own decisions and protecting their own interests. As High Commissioner for the past five years I can attest to their ability to pursue their own goals with determination and tenacity. I urge the Council to give the representatives of these Governments full consideration in responding to the allegations of corruption, malfeasance, ignorance and incapability. I am confident that the spokesmen here can make their own Governments proud.

I note that the petitioners have limited themselves almost entirely to situations in the Marshalls and the Palau plebiscite. With the exception of one, all of them have given historical recitals of mismanagement, personal interests and other negative and harmful events, policies and decisions. I submit that the Trust Territory is not and has never been a paradise. However, we can review the history from the other side with some very significant differences in perspective.

Considering that what was destroyed in the Second World War was there for the 100,000 Japanese settlers in the islands and not for the total of 40,000 or so Micronesians, it is not surprising that development in the Territory started from nothing. Without going into great historical detail, we can now say that in spite of the great problems of distance, size, population and other factors there are Micronesian constitutional Governments in place, and there are roads, sewers, communications systems, hospitals, schools and so on. From listening to the majority of the petitioners, one would think that we were living in the islands of the late 1940s.

(Mrs. McCoy, Special Representative)

It is not my intention to pre-empt questions from members of the Council by this short statement. I want to emphasize, however, that while we respect freedom of speech - and as an aside I would note that there are many places in the world where citizens would not be able to speak out as freely as some of the petitioners have done - we believe that great progress has been made and has largely been ignored by the petitioners, many of whom have demonstrated a kind of condescension which I find most unpalatable. Of course, I and my staff stand ready to respond to the questions of the Council and look forward to clarifying and correcting many of the impressions which have been made over the past couple of days.

I now want to say a word about Kwajalein. Since 24 February I have been on Kwajalein Island as the chief United States negotiator with the Government of the Republic of the Marshall Islands for the extension of the Interim Use Agreement for the Kwajalein Missile Range. We have negotiated in good faith and I am extremely pleased to say that the situation has been settled. The demonstrators are off Kwajalein Island itself and the other outer islands which are involved in the missile range programme.

(Mrs. McCoy, Special Representative)

This was not easy, but I will not go into it at great length. However, I would like to give to the Council a few little facts prior, probably, to considerably more questions from members.

The United States has paid rent for the use of Kwajalein Missile Range. There was quite a point made of that yesterday - how little it was, that it was not enough money. I should like to point out to Council members that from 1963 through 1985 we have paid \$68 million in rental. That started out with a population of about 4,000 people. In fact, in 1967, four years after we started paying rent, there was a population of only some 3,500 on Ebeye. Because of the extended-family cultural system within Micronesia and because people on Ebeye were able to go over to Kwajalein and get jobs, the population has shot up much too high. It is now somewhere around 8,000 to 9,000 people. But \$68 million from 1963 to 1985 is a pretty sizable chunk of money.

We shall have paid by the end of fiscal year 1986 over \$10 million for this year alone in land-rental payments and in development funds. Since 1982 Ebeye and the Kwajalain Atoll Development Association have received \$14.7 million in development funds from land payments. This year, they will receive an additional \$3,277,600 out of the \$10 million that is coming to them.

I should also like to point out that the people on Ebeye and the Kwajalain landowners are so far the only people in the Trust Territory to get full Compact funding. The United States negotiated, we worked and we got it for them. They are the people who are getting this money now, some of it right up front - \$963,000, as a matter of fact, in rental payments that is right on top of the monthly payment they have been getting.

I say to the Council that there are two sides to the Kwajalein story, and the one I heard yesterday I found very questionable. I have been there. When the

(Mrs. McCoy, Special Representative)

Interim Use Agreement was signed by the United States Government and the Marshall Islands Government, by President Kabua of the Marshall Islands and by myself for the United States Government, Chief Secretary Oscar DeBrum, who is heading the delegation here, and I went back to Kwajalein. He went immediately to Ebeye to meet with the landowners and to inform them that the Interim Use Agreement extension had been signed, giving them these additional benefits.

When he returned we tried to set up meetings on Ebeye. We went over and met with one group of landowners who had taken no part whatsoever in the demonstration. They did not believe in it; they thought it was wrong; they felt they were fairly treated by the United States. We had a meeting with them, explained the full terms of the Interim Use Agreement, told them what money was coming in and left with everybody feeling fine about the whole thing.

We had asked for a meeting with the Kwajalein Atoll Corporation, Senator Balos and his group. We were put off several times, and finally it was said that we would have a meeting the next day at 1 o'clock. Chief Secretary DeBrum and I went - without lawyers, since these were meetings that dealt with the Kwajalein landowners themselves. We got on Ebeye only to be told that they did not know where everybody was and could not set up a meeting, but would probably set one up for the next day. Time was running out. We wanted the people to know and be informed as quickly as possible.

The next day I sent word that I would be over on Ebeye at 1 o'clock in the afternoon and it was my hope that I would meet with the Kwajalein Atoll Corporation landowners at that time. Chief Secretary DeBrum accompanied me, and when we got there the meeting had been set up. We explained the Interim Use Agreement, the fact that it had been extended and about the payment and the money that would be coming in. We had quite a lengthy meeting with them, and then we returned.

(Mrs. McCoy, Special Representative)

Senator Balos and his group, that handful of landowners, decided to carry on the demonstration, and it has been only recently that the Marshall Islands Government has stepped in and with its good constitutional authority, its strength as a constitutional Government, has taken the lead and ended the demonstration.

Most of the demonstrators were women and children, sitting there on Kwajalein Island. I come from the old school in which "women and children first" applied to lifeboats. Those women were primarily the ones who got the task of sitting on Kwajalein Island. They were also the ones who were instructed and asked to stand on the Ebeye dock and keep the boats from coming in.

I could go on and give a lot more facts and figures, but, as I said in my other statement, I do not intend to pre-empt questions. I shall be glad to answer anything, as will Chief Secretary DeBrum and Mr. Ingram, their attorney, who has been in on all the negotiations also. I will therefore merely say that a lot of money has changed hands here, and I guess it is worth it.

Mr. MAXEY (United Kingdom): I have listened with interest and benefit to the statements just made by Ambasssador Byrne and High Commissioner McCoy. Those statements have answered more than one of the questions I was proposing to ask. However, I should like to ask immediately a supplementary question of the High Commissioner about the payments made to Kwajalein. She has told us of the very large sums of money which are going in the form of rent and development assistance to Kwajalein. I would be interested to know how this money is paid, whether it goes direct to landowners or through the Marshall Islands Government, and whether the landowners are obliged to account in any way for its use to the Marshall Islands Government.

Mrs. McCOY (Special Representative): The money goes through the Marshall Islands Government, and it is paid to three people. This is in accordance with Marshallese custom, culture and tradition. They are the Iroi, the Alap and the Dri-Jerbal, the three leaders of the various clans. I am not that big an authority on Marshallese culture, but I know that the money is split up in that way. It is up to those individuals to make the payments to the people of their clan or family or those who own land in their particular part. Since it goes through the Marshall Islands Government, Chief Secretary DeBrum can be more specific and detailed on how the money goes to them.

Mr. DeBRUM (Special Representative): Mrs. McCoy is correct in stating that money comes from the United States Government to the Government of the Marshall Islands and goes immediately to the landowners for proper distribution, in accordance with Marshallese custom to the proper recipients under their jurisdiction.

As to details of how it is distributed, we have requested that an audit report and a report on such distribution be made available to all concerned, so that when requested we can provide answers to such questions. But it depends entirely on their own traditional system how they distribute the money to the people under their jurisdiction.

I have with me Mr. Ingram, the attorney who worked on the details of the distribution scheme, and perhaps, Mr. President, you would allow him to clarify the issue further.

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

Mr. INGRAM (Adviser): What the High Commissioner and Chief Secretary have said so far is correct. The moneys that are received - approximately \$10 million a year - are passed by the Government of the Marshall Islands to the Kwajalein landowners for land payments and also for development projects.

(Mr. Ingram, Adviser)

Yesterday Senator Balos told the Council that they were receiving approximately \$1,000 per acre per year for 2,000 acres. That would come to only \$2 million. In fact, they are receiving \$10 million in value, or \$5,000 per acre per year, which is in excess of the value of land in many locations throughout the world.

Also, Senator Balos, telling the Council what the people were receiving, at one time said \$30 per month, then revised it to \$20. If we take the \$7 million that the landowners are receiving each year and divide that by a population of 5,000, we get \$1,400 per person per year. The average size of a family in the Marshall Islands is eight persons, which gives us \$11,200, and that is about 10 times the family income of the rest of the families in Micronesia. That is one of the reasons why the Government of the Marshall Islands feels that the payments that are being made are fair and adequately compensate the people for the use of their land.

Furthermore, if we divide that sum of \$1,400 by 12 months we come up with a figure of \$117 per person per month. So, if the Kwajalein Atoll Corporation, under the leadership of Senator Balos, is paying its people only \$20 to \$30 per month, its administrative fees are quite excessive.

In this respect I might also add that there was a recent lawsuit between the Kwajalein Atoll Corporation and one of the other landowner groups, the Ten-Ten, now called the Kwajalein Landowners Association. At that time the Kwajalein Atoll Corporation was trying to get the other landowner association to help it pay its administrative expenses. The other group argued that the Corporation should show them what its expenses were and justify them. It turned out that the Kwajalein Atoll Corporation had had nearly a half million dollars in undocumented administrative expenses over the previous two years. So the other group was able

(Mr. Ingram, Adviser)

successfully to defend itself in the court action and avoid the necessity to pay a share of the administrative expenses.

In sum, I think it best to say that we believe there are sufficient funds under the Compact to provide for the support of the people and to give them an adequate income in substitution for the use of their land by the United States Government for the missile range.

Mr. MAXEY (United Kingdom): I am inclined to agree that the sums in question are certainly sufficient and indeed extremely generous. But, to be quite clear, I take it from the answer given by Mr. DeBrum that, although these large sums of money have been paid over since 1963 to three people, the Marshall Islands Government has no clear evidence as to what has been done with the money and whether it is being used for the purposes for which it was intended. Is that correct?

Mr. DeBRUM (Special Representative): The representative of the United Kingdom is correct. We do not really have the facts and the distribution scheme showing who has received how much under the Marshallese system of distribution. That is a true statement.

Mr. ROCHER (France) (interpretation from French): As the Council is aware, we have heard high-level petitioners who have made very interesting statements. The Council will recall that I pointed out that in his statement Mr. Butler proposed disputing in the Palau High Court the results of the plebiscite of 21 February 1986, and I asked him if his organization was going to undertake that action or whether someone else would do it. If I remember correctly, he replied that Palaun individuals did intend to take the question of the referendum results to the High Court. I also stated that I wanted to address myself directly to the Administering Authority and its representative in Palau, President Salii.

(Mr. Rocher, France)

I should therefore like to ask President Salii what he thinks about this legal issue, in particular, and, more generally, if in his opinion the conduct of the referendum and the question put in it respected the terms of the Constitution.

Mr. SALII: In response to the question raised by the representative of France, in an open society such as we have in Palau, every citizen has the right under our Constitution to take the Government to court to test any decision the Government may take. As the Council is well aware, after the first two plebiscites in Palau, the citizens of the Republic did take the Government to court and the decision of the court resulted in the Government's inability to implement the Compact. It further resulted in the decision to resume negotiations with the United States on those provisions of the Compact which had the potential of being in conflict with the Constitution of the Republic of Palau.

I must point out that as a result of those events the negotiations were resumed with the specific goal in mind of achieving compatibility between the Compact and our Constitution. The specific result was the elimination of two previous sections, 314 and 411 B. The first of those sections gave the United States the authority to perform activities not allowed by the Constitution of Palau. The second specified that the Compact must be approved by 75 per cent of the voters of Palau. Those two sections were removed and are not now in the Compact. A new section 324 was put in the Compact; it restricts the activities of the Department of Defense of the United States under the Compact. In effect, it makes the Compact subordinate to the Constitution of Palau, and eliminates any potential conflict between the Compact and the Constitution.

Allow me further to read out for the record the summary of the official legal opinion of the Attorney General of the Government of Palau on this very question. It is a somewhat lengthy opinion; hence I shall read out only the summary and some pertinent references, as follows:

(Mr. Salii)

"In summary, we find that article II, section 3 of the Constitution is the only provision of the Constitution which governs the approval of the Compact of Free Association, and that the Compact of Free Association has been approved in accord with those provisions. It is our opinion that article XIII, section 6 of the Constitution has no applicability to the approval of the Compact of Free Association. We believe that article XIII, section 6, does not apply to shipboard propulsion systems. We further believe that, if article XIII, section 6, were held to apply to vessel propulsion systems, such application would have no effect upon the approval of the Compact of Free Association."

In short, some people have argued, on the basis of article XIII, section 6, that a 75 per cent approval vote is required. As the opinion of the Attorney General makes crystal clear, the applicable provision of our Constitution on this issue is article II, section 3. As regards the issue of whether the prohibition against nuclear-power plants applies to such power plants on vessels. The answer is that it does not. It applies only to land-based nuclear-power plants.

Even at this late stage in the approval process in Palau, where the Government has completed its own process and has certified the Compact and transmitted it to the United States, I would not be surprised if some citizens of Palau took the matter to court for clarification. Under our system the decision of the Government is binding until such times as it is reversed by a decision of the court. The court's decision is appealable, and even in the event that the Appellate Division of the court sustains the ruling of the original court, we are confident that the matter will be resolved in favour of the Government. After all, the negotiations last fall were specifically designed to resolve this constitutional issue, and to the credit of the Administering Authority, it finally saw the light and agreed to

(Mr. Salii)

take out those offending positions from the Compact, so that the Compact is now in full conformity with our own Constitution.

Mr. KUTOVOY (Union of Soviet Socialist Republics) (interpretation from Russian): The Soviet delegation has listened with great attention to the statement of the representative of the United States, Ambassador Byrne. We are not surprised that in her comments with regard to the statements of petitioners she gave pride of place to questions connected with the elimination of the consequences of the unprecedented series of experimental nuclear explosions conducted in the 1940s and 1950s by the United States in the Trust Territory of the Pacific Islands. Even at that time, what were the dangerous consequences of massive radiation for the life and health of the people and for the environment became clear not only to specialists but also to broad circles of world opinion.

(Mr. Kutovoy, USSR)

For that very reason, there was a potential threat of radioactive contamination close to the continental United States.

In connection with the events at Bikini and Enewetak, two of the petitioners, Mr. Butler and Mr. Weisgall, mentioned the accident at the Chernobyl nuclear power station. Speaking yesterday on Soviet television, the General Secretary of the Central Committee of the Communist Party of the Soviet Union, Mr. Gorbachev, stressed that we viewed the tragedy as

"another sounding of the tocsin, another grim warning that the nuclear era necessitates a new political thinking and a new policy."

He said a little later:

"We hold that the accident at Chernobyl, like the accidents at United States, British and other atomic power stations, poses to all States very serious problems, which require a responsible attitude."

He put forward concrete proposals, but he stressed - and this relates to the subject we are discussing here that

"it should not be forgotten that in our world, where everything is interrelated, there exist, alongside problems of atoms for peace also problems of atoms for war. This is the main thing now. The accident at Chernobyl showed again what an abyss will open if nuclear war befalls mankind. For inherent in the nuclear arsenals stockpiled are thousands upon thousands of disasters far more horrible than the Chernobyl one".

As the agenda for this session includes, on the proposal of the United States, an item entitled "The future of the Trust Territory of the Pacific Islands", we may legitimately ask what kind of future there will be for Micronesia in the nuclear age. Will it not be converted once again into a testing ground for nuclear explosions and a dumping ground for radioactive waste? Will not the peaceful skies

(Mr. Kutovoy, USSR)

of Micronesia and the waters surrounding the islands be used by aircraft and ships armed with nuclear weapons?

These are very important questions and they arise in connection with the subject we are discussing at this session.

Miss BYRNE (United States of America): All members of the Council will share the concern expressed by the representative of the Soviet Union about the effect of nuclear weapons and explosions on the future of all mankind. The representative of the Soviet Union then related the matter specifically to the area of Micronesia and asked about its future. In response, I should like to read section 314 of the Compact of Free Association applying to the Marshall Islands and the Federated States of Micronesia and section 324 of the Compact of Free Association now under discussion, that relating to Palau. Section 314 (a) reads:

"Unless otherwise agreed, the Government of the United States shall not, in the Marshall Islands or the Federated States of Micronesia:

- (1) test by detonation or dispose of any nuclear weapon, nor test, dispose of, or discharge any toxic chemical or biological weapon; or
- (2) test, dispose of, or discharge any other radioactive, toxic chemical or biological materials in an amount or manner which would be hazardous to public health or safety."

Section 324 of the Palau Compact reads:

"In the exercise in Palau of its authority and responsibility under this Title, the Government of the United States shall not use, test, store or dispose of nuclear, toxic chemical, gas or biological weapons intended for use in warfare and the Government of Palau assures the Government of the United States that in carrying out its security and defense responsibilities under

(Miss Byrne, United States)

this Title, the Government of the United States has the right to operate nuclear capable or nuclear propelled vessels and aircraft within the jurisdiction of Palau without either confirming or denying the presence or absence of such weapons within the jurisdiction of Palau."

In both sections the United States has eschewed the use of nuclear weapons and the testing or storing of nuclear materials or anything else connected with them.

In those circumstances, I believe that the inhabitants of the four entities of Micronesia are fully protected against the dangers cited by the representative of the Soviet Union, at least so far as is within the power of the United States Government.

Mr. MAXEY (United Kingdom): The representative of the Soviet Union clearly has a different idea from mine of the purpose of questions to the Administering Authority. He prefers questions of the "Have you stopped beating your wife?" variety.

I should like to ask a question about the effects of nuclear radiation. I believe that two petitioners yesterday referred to the removal of the inhabitants of Rongelap by the Greenpeace organization to another island, Mejato. Would the Administering Authority care to comment on the reasons or the justification, as it sees it, for the evacuation of the people of Rongelap? Presumably the reason was fear of radioactive contamination, but why should the evacuation have taken place only now, and what have been its consequences?

Miss BYRNE (United States of America): The people of Rongelap have been evacuated from Rongelap by Greenpeace, a well known anti-nuclear group.

(Miss Byrne, United States)

Rongelap Atoll and the entire northern Marshall Islands were, or might have been, affected by the atmospheric testing programme, and were the subject of a very comprehensive radiological survey in 1978. However, scientific monitoring of both the soil and the vegetation of Rongelap, Utirik, Bikini and Enewetak is a continuing programme and the results are openly published in the scientific literature. None of that information confirms that there is any radiation problem on Rongelap that would warrant the move.

(Miss Byrne, United States)

The fact that the people of Rongelap live there for more than 20 years after the testing programme without any deleterious effect underscores this point.

If the 233 persons who live on Rongelap Island eat only locally grown food - nothing imported from outside - nevertheless their maximum annual dose rate would be rather less than that of people who live on mainland United States in Denver, Colorado.

The United States continuously monitors not only the radiological conditions; it monitors health conditions as well. Quarterly, Brookhaven National Laboratory sends teams of specialists in all areas of medical specialty, including dentistry, endocrinology, gastroenterology, haematology, rheumatology, obstetrics and gynecology, neurology and family practice to Rongelap, Utirik, Ebeye and Majuro. Quite simply stated, there is no new scientific information, either radiologically or medically, that would in any way support a decision to move the people of Rongelap.

We consider it tragic that the people of Rongelap have been victimized by outside forces, without the benefit of available scientific information. But, recognizing the free will of the people of Rongelap, they can move wherever they wish and the United States will continue to provide the radiological and medical monitoring of these people until the implementation of the Compact of Free Association, and thereafter it will follow up in the manner set forth under the provisions of section 177 of the Compact.

Mr. KUTOVOY (Union of Soviet Socialist Republics) (interpretation from Russian): In connection with the not very felicitous point made by Mr. Maxey, I should like to answer with the words of his great compatriot, Shakespeare:

(spoke in English)

"My heart will tell the anger of my heart, or else my heart concealing it will break."

(Mr. Kutovoy, USSR)

(continued in Russian)

For our country, which is a Pacific Power, there is a great problem with regard to how the types of weapons that are now being or will in the future be placed and deployed in the Territory we are now discussing. We think of this because, as has already been pointed out here by Mr. Butler, on 21 February the people of Palau were requested to approve the most recent Compact of Free Association, which would give the Administering Authority

"the right to operate nuclear-capable or nuclear-propelled vessels and aircraft within the jurisdiction of Palau". (T/PV.1603, p. 22)

In this regard we have listened attentively to the statement of the representative of the United States, but we have not received an adequate explanation on this very important point. This is particularly so because in the press, including the American press, we find reports about the future of Micronesia which really worry us - and from this standpoint, too.

Mr. ROCHER (France) (interpretation from French): I refer to the report of the Administering Authority which gives some very interesting information about social protection in the Marianas. My delegation would like to know what are the social welfare systems in parts of the Territory other than the Northern Marianas? Are the different systems mutually compatible? Have facilities been given to workers engaged in other parts of the Territory and to students studying in the Territory or in the United States?

Miss BYRNE (United States of America): With your permission, Mr. President, I should like to have the High Commissioner respond to that question.

Mrs. McCOY (Special Representative): Welfare programmes as we understand them in the United States do not exist in Micronesia. If the representative of France had social programmes in mind, that part of the question becomes sort of

(Mrs. McCoy, Special Representative)

moot. With regard to the individual social programmes in the individual countries, here again this becomes the constitutional Government's responsibility. I therefore suggest that we ask that question of the individual Governments, because each has its own particular programme.

As far as students are concerned, we have dormitories at the College of Micronesia, located at Ponape, and there are plans to form a new campus there with the new capital structure which will be for all of the Federated States of Micronesia.

There is also free health care for all citizens, if that comes within the purview of the question.

In the meantime, I suggest that we ask the individual Governments to speak on their own governmental control and programmes.

The PRESIDENT (interpretation from French): I call on President Nakayama.

Mr. NAKAYAMA (Special Representative): I am afraid that I do not fully understand the question. However, if it relates to facilities and food provided to students, or to medical programmes, I can say the following.

In the State centres of the Federated States of Micronesia there are free high schools and students are provided dormitories and food free of charge. There are also junior high schools in the outer islands where the Government houses students who come from other islands and are given food and free medical services.

(Mr. Nakayama, Special Representative)

If the question related to welfare programmes in the Northern Marianas, the answer is that the Federated States of Micronesia does not like welfare programmes. Therefore, we do not have such things as food-stamp programmes. We have decided that our people are capable of taking care of themselves. Hence, we have established no such programmes in the Federated States of Micronesia.

Schooling is free from the first grade through high school. Students attending the College of Micronesia system in Ponape and throughout the States are given United States Pell Grants to finish their education.

If any further clarification is desired, I shall attempt to give it.

The PRESIDENT (interpretation from French): Does any other representative of the Trust Territory wish to supplement that answer?

Mrs. McCOY (Special Representative): I should like to be assured by the representative of France that our answer was on the right track.

I would add that some of our social programmes are Federal programmes from the United States that are applied throughout the Trust Territory. This is true, for instance, in regard to the programme for the aging. We have a very active programme throughout the Trust Territory for care of and assistance to the aging. We also have food services, including school lunches and United States Department of Agriculture supplemental food. The school lunches go to the entire Trust Territory, but some of the United States Department of Agriculture supplemental food goes only to special sections of the Trust Territory that need it. Moreover, there are the Justice Department youth programmes.

(Mrs. McCoy, Special Representative)

Now, those are all Federal programmes by which the United States gives assistance. As President Nakayama so aptly pointed out, the individual Governments do not have welfare programmes. They feel that the people can take care of themselves. I believe that the other Micronesian Governments would say the same thing.

If we are on the right track in answering the representative of France, the representatives of the other Micronesian Governments might like to comment also.

Mr. ROCHER (France) (interpretation from French): The answers in fact went beyond what I had hoped for; they were much fuller than I had expected.

In fact, on the basis of a general question my intention was to get to a much more precise question in the social field. I am thinking particularly of the running of the hospitals at Ponape and Yap. Could the Administering Authority give us some information about the financial aspects of running the hospital at Ponape? In regard to the hospital at Yap, the Visiting Mission in July 1985 noted certain difficulties in the supply of medicines. At that time, the difficulties seemed to be having repercussions on the dispensaries in the outlying islands. I should like to know what remedies - if I may so put it - are contemplated for getting round the difficulties.

Miss BYRNE (United States of America): I would request that Mr. Nakayama, President of the Federated States of Micronesia, respond to that question by the representative of France.

Mr. NAKAYAMA (Special Representative): With respect to the hospital at Yap, there was indeed at one time a delay in the shipment of medicine which affected the supplying of medicine to the main hospital and the dispensaries in the outer islands. That problem has since been solved.

(Mr. Nakayama, Special Representative)

Moreover, the Congress of the Federated States of Micronesia has appropriated some money to supplement the budget for the purchase of medicines. The Yap State Legislature has also appropriated some money to supplement that budget. Therefore, there is now an ample supply of medicines for the hospital and the outlying dispensaries.

With regard to Ponape, we had originally intended to make the Ponape hospital a referral hospital for the entire Federated States of Micronesia, but we could not do that because of insufficient funding.

The shortage of funds in the hospitals results from the fact that we have to refer many of our patients to hospitals in Hawaii, in cases where our local hospitals are not able to take care of them. Often we run over the budget allocation. Of course, we cannot stop referring the patients, when necessary.

Since the Visiting Mission was in the Territory, we have accumulated a certain sum of money for the running of the hospitals. Our own Congress has appropriated money to supplement the budget allocation for medicine for all the hospitals in the Federated States of Micronesia. This is an annual appropriation. Other legislatures also provide for money for the purchase of medicines.

Mr. KUTOVOY (Union of Soviet Socialist Republics) (interpretation from Russian): Like the delegation of the United Kingdom, we have some questions concerning the distribution of the funds allocated.

First, I would ask the United States delegation whether political considerations play a role - and, if so, what role - in the distribution of funds.

Miss BYRNE (United States of America): I would first request some clarification from the representative of the Soviet Union. Is he referring to economic assistance in general or to funds related only to the issue of the Kwajalein landowners? Precisely what funds is he referring to? I gather that it might be in relation to Kwajalein; but, on the other hand, he has not expressly said that.

Mr. KUTOVOY (Union of Soviet Socialist Republics) (interpretation from Russian): We are interested in the question both in broad terms and in specific terms.

Miss BYRNE (United States of America): With respect to economic assistance in general, all funds are given to the Governments of Micronesia. That is the current system, and indeed it has been in effect for some years now. Rather than being project- or programme-specific, the funds are given to the Governments and they decide how they will be used.

(Miss Byrne, United States)

Concerning the funds relating to the Kwajalein problem, I would like the High Commissioner to elaborate further.

Mrs. McCOY (Special Representative): The question of budget priority has been turned over to the individual constitutional Governments for some time now. This is in concurrence with definite instructions gradually to turn over more and more responsibility to our individual Governments, and it is their budget priority that generally decides where the funds will go. They have known in the past and will know under the Compact how much money they are going to get, and from that they can work out their own theories.

Concerning the Kwajalein money, this has been dealt with, as we explained earlier, in accordance with custom and tradition in the Marshalls. There are three leaders of each group of landowners - the Iroi, the Alap and the Dri-Jerbal. The money that comes into the Marshall Islands is given to those three people in each group and they distribute it.

With your permission, Mr. President, I would like Mr. Ingram of the Marshall Islands to deal more specifically with this, since there seems to be some confusion as to how the Kwajalein money is handled.

Mr. INGRAM (Adviser): With respect to the Kwajalein land payments, there are approximately 40 wetos or land parcels that are affected. Each parcel has a traditional leader called an Iroi, an Alap and a senior Dri-Jerbal. Our Constitution specifically states that the approval of these individuals is necessary and sufficient for disposal of land rights. Under our agreements we provide the funds to these individuals for further distribution to the people of Kwajalein, to the landowners for their particular wetos, in accordance with tradition and custom and also in a fashion consistent with our Constitution,

(Mr. Ingram, Adviser)

providing each individual with sufficient funds to maintain his livelihood. I hope that this answers the question; if it does not, I can expand further.

Miss BYRNE (United States of America): I omitted to answer every aspect of the question posed by the representative of the Soviet Union. I believe I heard him through the interpretation ask whether political considerations were involved in the distribution of funds, which we later clarified to mean all funds. I answer with a categorical no in the sense that he presented the question, but I should like to say that in respect of another aspect the term "political considerations" might be applicable here. Earlier on, funds were rather more tightly controlled by the Administering Authority, but in recognition of the political maturity of the four Governments the money is now turned over to them and they control the budget and how those funds will be used. So in that sense, the answer is yes, but in the sense that I think it was meant by the representative of the Soviet Union, it is no. The basis for United States assistance is the needs, the desires and the goals of the Micronesians.

Mr. KUTOVOY (Union of Soviet Socialist Republics) (interpretation from Russian): We listened carefully to the statement made by the representative of the United States. The question we asked was

(spoke in English)

whether political considerations play a role, and, if so, what are the means of distribution of the funds, grants, or whatever.

(continued in Russian)

The answer to that question as given by the United States representative was no. At the same time, the High Commissioner stated that funds were being transferred increasingly to the local representatives of the authorities in Micronesia. I think I have correctly understood that, and Ambassador Maxey

(Mr. Kutovoy, USSR)

is nodding in agreement. Perhaps he is satisfied with the explanations provided, but the Soviet delegation is not, because there is a second stage in the distribution of funds relating to the local authorities. Perhaps we could hear their answers as to the way the funds are distributed by them, whether political considerations play a role and, if so, what it is, in the distribution of funds. In asking that question the Soviet delegation did not refer only to the problem of the distribution of funds in connection with Kwajalein. We asked the question in broad terms and in specific terms. Therefore we should like to hear additional explanations on that score from the United States delegation, and this might be of interest to the delegation of the United Kingdom as well.

Miss BYRNE (United States of America): The High Commissioner has spoken and I have spoken. Since the question is being presented concerning the local level, I suggest that it might be as well to call upon the heads of the four Micronesian delegations.

The PRESIDENT (interpretation from French): I am willing to call on the representatives of the four entities of the Territory in the order in which they express a desire to speak. I call on Mr. Ingram.

Mr. INGRAM (Adviser): With respect to the Marshall Islands, funds go to individuals for compensation of loss or injury due to the nuclear testing programme or to individuals because of the use of their lands by the United States Government. Those distributions are not made on a political basis at all. Those funds go to people on the basis of either need or their right to land payments. All other funds that go to the Government of the Marshall Islands are distributed in accordance with appropriations voted by our legislature, that is, our Nitijela, and of course all decisions by our legislature are political in nature.

The PRESIDENT (interpretation from French): I call on President Salii of Palau.

Mr. SALII (Special Representative): By the terms of the Constitution of the Republic of Palau, all revenues, in particular revenues deriving from outside sources, must go through the national Treasury. They are expended annually through the passage of an annual budget approved by the National Congress. The National Congress is a political body elected on the basis of state representation and representation of the entire population. We have a bicameral Congress. All decisions, including decisions on the distribution of funds, are based on political considerations.

If the question relates to funds coming from the United States to Palau, either at this point or after the Compact for Palau comes into effect, the same process will apply. The funds will go through the national Treasury and appropriations will then be made by the National Congress in accordance with the particular politics of the day. In other words, it depends on who is in the National Congress at any given time, on current issues, on the platforms on which the delegates or senators ran and on the commitments they made to their constituents. It is all decided by political considerations within Palau.

Mr. KUTOVOY (Union of Soviet Socialist Republics) (interpretation from Russian): I do not know how other delegations feel, but as far as my delegation is concerned, in the light of the explanations we have heard from the representative of the United States and the subsequent speakers, a question arises. On the one hand we have heard a very clear reply to our specific question whether political considerations play a role, and if so what role, in the distribution of funds. That reply was no. On the other hand we have heard that political considerations do indeed play a role. I think it would be of interest to all delegations if the United States delegation could clarify or explain this.

Miss BYRNE (United States of America): I wish, of course, to respond to the question and the comment of the representative of the USSR, but I would suggest that the Council first hear from the remaining heads of the Micronesian delegations.

The PRESIDENT (interpretation from French): Very well, I will call on President Nakayama of the Federated States of Micronesia.

Mr. NAKAYAMA (Special Representative): With respect to the funds that the Federated States of Micronesia receives from the United States, the Congress of Micronesia authorizes distribution in amounts previously agreed among the states and the national Government. The respective state legislatures then allocate the funds in their states in accordance with the needs of their people and with their state economic plans.

The PRESIDENT (interpretation from French): I call on Mr. Tenorio of the Northern Mariana Islands.

Mr. TENORIO (Special Representative): With regard to the Northern Mariana Islands, we receive a portion of our funds from the United States Congress through its annual appropriation. Those funds are then given to the Executive Branch, which in turn transfers the money to the Legislative Branch for appropriation. We also have local funds collected through various schemes of taxation. Those funds are combined with funds from the outside in an annual appropriations bill, which is then adopted by the legislature. Distribution is then made to the various Government departments in accordance with their needs.

Miss BYRNE (United States of America): The representative of the Soviet Union sees a distinction, or even a contradiction, between the answers given by the heads of the Micronesian delegations and those given by me. I think he is quite correct in seeing a distinction, but not when he sees a contradiction.

(Miss Byrne, United States)

We are talking about two quite different matters. The economic assistance from the United States to the Micronesian States is not given on the basis of political considerations - I maintain my categoric "No" of my earlier answer. Currently, the assistance is part of the annual appropriation process and discussions with the Micronesians, and the amounts are given, as I said earlier, based on the needs, desires and goals of the Micronesians. With regard to the Compact, the amounts in the Compact have been the result - and I am speaking, of course, of the future - of diplomatic negotiations between two sovereign entities, that is, one will be sovereign and one is sovereign at this point. Economic considerations have been taken into account.

Now, once those funds are transferred to the Micronesians, they determine how they will be used, and they determine how they will be used according to their own, democratic processes. As they have pointed out, elected officials may sometimes be motivated by political considerations. Elections are political. Politics is fundamental to a democracy. These four States are clearly democracies.

So there is a distinction, but there is no contradiction. The point is that once those funds are transferred to the four sovereign entities of Micronesia they determine how they are used.

Mr. KUTOVOY (Union of Soviet Socialist Republics) (interpretation from Russian): I am very sorry that perhaps in the eyes of the American delegation I seem to be a professional heckler, but I would nevertheless like to clarify a few points in connection with that same problem that have come to the mind of the United Kingdom representative and that exist in the minds of the Soviet delegation as well, that is, whether or not political considerations play some role in the distribution of funds on a national level among the local representatives.

We have not received sufficient explanation in that regard, although the statement of the representative of the American delegation indicated, and we heard

(Mr. Kutovoy, USSR)

from the representative of Palau, that political considerations do play a certain role. Could we perhaps ask him to elaborate further on the idea he expressed?

Mr. SALII (Special Representative): I appreciate the opportunity to address the question further. In my earlier remarks I addressed the issue in the narrow sense of the distribution in Palau, and I was addressing a basic tenet of our system, that such questions are decided by persons who are elected by the people to represent them in the legislature. These are politicians in the sense that they compromise among themselves and distribute funds according to decisions made on the basis of compromise.

On the broader question of whether political considerations are taken into account, I think I should perhaps have referred to the political process. With respect to funds coming from the United States, those are earmarked for specific, broad purposes. Funds are earmarked for medical programmes, for education programmes, for the building of airports, and they are given in those broad categories. The Government of Palau is not authorized to deviate from those purposes for which such funds are given by the Government of the United States. Under the Compact of Free Association, the funds for Palau are given in categories, and the Government of Palau is obligated to remain within those broad categories.

I may have misunderstood the question of the representative of the Soviet Union when I spoke in the narrow political sense as we understand it in our system. I was also making a distinction as to what the Executive branch of our Government can and cannot do. Even with the powers given to the President of the Republic, he cannot appropriate funds in the way he sees fit. He must defer to the National Congress, because in our political process the funds must be appropriated by the National Congress before they can be expended by the President. Thus, both considerations are taken into account. However, I may have misled the representative somewhat, and I hope that that has now been corrected.

Mr. KUTOVOY (Union of Soviet Socialist Republics) (interpretation from Russian): The explanations we have just heard do, of course, help us better to understand. Nevertheless, we do have a few small doubts. In particular, in view of the delicate political situation now prevailing in the island, as mentioned by the representative who just spoke, we should like to ask him: Does the attitude of a certain group of people - with regard to the Compact or towards the policy of the United States - play a role in the distribution of funds?

Mr. SALII (Special Representative): I infer that the question is asking whether the attitude of certain governmental officials in Palau is reflected in Government decisions as to the distribution of funds. My answer is that all considerations must be taken into account. Every time a particular fund is up for distribution by the National Congress, everyone has an opportunity to appeal to the Congress for his share of the funds or to influence the Congress in the distribution of such funds.

Mr. KUTOVOY (Union of Soviet Socialist Republics) (interpretation from Russian): Those explanations bring us even closer to an answer, but we have still not reached our goal. Perhaps, in view of the lateness of the hour, we might reserve our right to return to this subject when we resume our work this afternoon.

The meeting rose at 1.05 p.m.