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Fifty-first session

VERBATIM RECORD OF THE FIFTEEN HUNDRED AND SEVENTY-SECOND MEETING

Held at Headquarters, New York,
on Wednesday, 23 May 1984, at 10.30 a.m.

President: Mr. RAPIN (France)

Examination of the annual report of the Administering Authority for the year ended 30 September 1983: Trust Territory of the Pacific Islands (continued)

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

EXAMINATION OF THE ANNUAL REPORT OF THE ADMINISTERING AUTHORITY FOR THE YEAR ENDED 30 SEPTEMBER 1983: TRUST TERRITORY OF THE PACIFIC ISLANDS (T/1863; T/L.1240 and Add.1) (continued)

Mr. GRIGUTIS (Union of Soviet Socialist Republics) (interpretation from Russian): Although we asked many questions yesterday, we have a number left to ask today.

First, for a number of years the Trusteeship Council has continued to receive complaints from Micronesians about the danger that might arise from the dumping of radioactive wastes in the Pacific near the Trust Territory and recommendations on the subject were made at the last session. We have also heard about this matter at the current session, and we should like to know the reason for the Micronesians' renewed disquiet in this connection.

Mr. SHERMAN (United States of America): We have responded to this question at many previous sessions. As far as we are aware, neither the United States nor any other country has any plans to create a spent nuclear fuel storage facility in the Pacific. The United States has never had any such plans for the Trust Territory.

In July 1980 the United States and Japan agreed to conduct a two-year joint study of the feasibility of interim spent fuel storage in a location in the Pacific Basin area. That study was intended to assess the feasibility of a storage facility, and in no way prejudged a United States Government decision on whether to construct the facility. Because of changes in policy that took place after the Reagan Administration came to office, that proposal has been shelved. The Trust Territory itself was never considered as a potential facility site.

An environmental impact study on sub-marine disposal is currently being prepared. This study, which was required by United States law, covers all possible options for disposal, both on land and at sea. It has no implication of a United States decision in favour of any particular option. A final environmental impact study should be published soon and will include a statement on the options considered feasible by the Navy. If there is to be any kind of disposal, it is unlikely that it will be outside the United States 200-nautical-mile zone.

(Mr. Sherman, United States)

The United States, like many other countries, is a party to the London Dumping Convention, which establishes international safety standards for the disposal of nuclear wastes in the oceans. It prohibits ocean disposal of all nuclear waste except that which is classified, according to criteria established in the Treaty as low-level waste. In February 1983 the parties to the Convention decided to conduct a study to determine whether a proposal by Kiribati and Nauru to ban all radioactive waste dumping was warranted on scientific or technical grounds. The results of this study are not expected for some time. They will presumably be examined at a meeting scheduled for September 1985.

In addition, the United States Congress has mandated that the United States observe a moratorium on all dumping until 1 January 1985 and that after that date dumping may be carried out only according to very strict criteria, including completion of a thorough radioactive materials disposal impact assessment and approval by both the Senate and the House of Representatives.

In other words, all that is being done is to study the situation and thoroughly examine any kind of environmental impact that such dumping, if it were to be carried out, might have.

To my knowledge, the Government of Japan has no immediate plans to carry out any kind of dumping of low-level waste, although a proposal to do so was made some time ago.

Needless to say, there has been a great deal of concern over the whole matter of the dumping of waste - low-level or any other kind - by all the Governments represented in the South Pacific area. I am sure that these views are being very carefully taken into account by the Governments concerned.

The fact that studies are being conducted to determine what the eventual environmental impact might be presumably gives rise to public expression of these concerns. However, I repeat that we have no plans now and that if plans should ever be made there will be ample opportunity to consider them in the most thorough and scientific manner and to take account of the feelings of all the peoples who might conceivably be affected by such ocean disposal of low-level waste material.

Mr. GRIGUTIS (Union of Soviet Socialist Republics) (interpretation from Russian): I should like clarification on something that may not have been explained before. Will the contaminated soil of Bikini, Enewetak and other atolls be cleaned by the United States authorities to remove the results of the nuclear tests conducted there?

Mr. SHERMAN (United States of America): We were asked last Friday what scientific studies were under way regarding the clean-up of Bikini Atoll and we replied then that the matter was under litigation and we were therefore unable to comment. Enewetak, of course, has already been cleaned.

However, in the interest of attempting to provide as much information as possible to the Trusteeship Council about the Administering Authority's work, we are prepared to give a brief outline of the studies currently being conducted by the United States Government. Obviously, we are unable to comment on the merits of each or on our expectations, since the litigation and these scientific studies are both still under way and their ultimate results are still unknown.

Let me, therefore, preface my explanation of these experiments with the caveat that they are highly technical scientific endeavours and that any explanation I may be able to give will be only the brief explanation of a layman; I am not scientifically qualified to go into the details of the experiments.

The current problem at Bikini Atoll is not one of background radiation. Certain radioactive elements, which are by-products of thermonuclear explosions, are currently in the rooting zone of the soil. The primarily harmful elements are those of caesium and strontium. The experiments under way are aimed at the removal of those elements from the soil or at blocking their uptake by plantlife. One such experiment focuses on the inundation of the soil with large amounts of water in the hope that the harmful elements can be leached from the soil. The second ongoing experiment is that of attempting to block the uptake of those elements into the plants by the use of specialized fertilizers. The third is that of removing the elements through the plants themselves.

We have been conducting these experiments for some time and we have received some encouraging primary results. We would like to keep the Council fully informed should positive results and legal constraints permit us to do so. We will therefore undertake to make such reports as soon as these experiments have been completed and the litigation currently in United States courts has been decided.

Mr. GRIGUTIS (Union of Soviet Socialist Republics) (interpretation from Russian): My next question refers to the recommendations of the fiftieth session of the Trusteeship Council and to the way in which those recommendations are reflected in the report of the Administering Authority.

(Mr. Grigutis, USSR)

At the fiftieth session there was discussion of the return to the Micronesians of lands used by the Administering Authority. It was not clear to me from my reading of the 1983 report whether or not this is taking place. The report states that practically all the land in the Trust Territory is now under the control of the local authorities. How much land, in which parts of Micronesia, has not yet been returned by the Administering Authority to the local authorities in the Trust Territory?

Mrs. McCOY (Special Representative): In the Federated States of Micronesia and in the Marshalls all lands have been returned to the local Governments. All public lands within the Republic of Palau have now been transferred to the Palau Public Land Authority, as required by Palau Public Law 5-8-10, with the exception of land currently being used for the construction of capital improvement projects. As the projects are completed they will be transferred to the Republic of Palau.

Mr. GRIGUTIS (Union of Soviet Socialist Republics) (interpretation from Russian): A supplementary question arises in this connection. What is the precise quantity and location of land which the Administering Authority will retain for itself under the Compact and subsidiary agreements, and for how long will it be retained?

Mrs. McCOY (Special Representative): The only lands that the Trust Territory Government has at the moment are those in Palau on which we are involved in building the very infrastructure that Palau wants and needs and that the Administering Authority wants in order that they may be as well equipped as possible. As those capital improvement projects are finished, the lands are turned over to the Government of Palau.

Mr. GRIGUTIS (Union of Soviet Socialist Republics) (interpretation from Russian): I wish to turn now to the question of claims lodged against the Administering Authority. How many such claims are still awaiting decisions by United States courts, and for what total amount?

Mr. SHERMAN (United States of America): There are two generic types of war claims, which is what I presume the Soviet representative is referring to. The first is the so-called Title I war claims, which are those relating to the period of hostilities. In addition to the \$10 million for Title I claims authorized under the Micronesian Claims Act of 1971, the United States Congress also authorized, in

(Mr. Sherman, United States)

Public Law 95-134 of 15 October 1977, funds to satisfy all adjudicated claims and final awards made by the Micronesian Claims Commission. The total adjudicated amounts for Title I war claims is \$34 million. Funding under this Congressional authorization is contingent, according to the law, upon the Japanese Government's first making a contribution to the Trust Territory Government of one half the outstanding amount. The official policy of the Government of Japan, as I understand it, is that the 1969 agreement between Japan and the United States, together with an exchange of diplomatic notes in which the United States confirmed that all claims against Japan were fully and finally discharged, absolves the Japanese Government of any further responsibility for these claims.

Irrespective of these claims, however, and desirous of improving its relations with the newly emerging Micronesian entities, the Government of Japan has concluded Government-to-Government aid agreements with Palau, the Marshalls and the Federated States of Micronesia. These aid agreements, many of which are in the area of fisheries development, now provide several million dollars worth of aid annually to the three Governments.

With respect to Title II war claims, which are those relating to the period following the cessation of hostilities, United States Public Law 95-134 of 15 October 1977 authorized the appropriation of sums necessary for the full payment of Title II claims, and a total of \$32.6 million has been paid by the United States in settlement of all adjudicated Title II claims.

There are of course still in litigation claims for radiation damage, which have been referred to in previous discussions here. The number of cases pending against the Trust Territory in present litigation is approximately 50. These are all in active trial status and therefore we cannot comment about the validity of those claims. They are primarily suits stemming from many years of operations.

Mr. GRIGUTIS (Union of Soviet Socialist Republics) (interpretation from Russian): In 1982 the United States Congress appropriated money for the lease of land in the Mariana Islands and in January 1983 an agreement was concluded for this rental. We should like to know precisely which lands were covered by this rental in the Marianas. What are the dimensions of the land and how much rent is being paid?

Mr. SHERMAN (United States of America): In January 1983 the United States exercised its option, after authorization and appropriation of the necessary funds by Congress, and we and the Northern Marianas Government entered into a lease for some 18,000 acres of land on Tinian and Saipan for contingency military purposes - contingency, I repeat.

The lease runs for 50 years and may be extended for another 50 years. Much of the land, however, will be leased back to its owners at a nominal fee so that they can continue to use it for civilian purposes, primarily agricultural. The cost of this lease is approximately \$US 32 million, which is of course paid by the appropriated funds from the United States Government.

Mr. GRIGUTIS (Union of Soviet Socialist Republics) (interpretation from Russian): I have another question for the representative of the Administering Authority. How is one to account for the changes that have occurred in United States policy, with the submission of the Compact for certain parts only of the Trust Territory without Palau? In the conclusions reached by the Council and the United States Administration it was indicated that the whole Compact for all four component parts of the Trust Territory would be submitted to Congress for approval all at the same time. What is the reason for the alteration in the declared United States policy in this matter?

Mr. SHERMAN (United States of America): I think the answer to that question is a relatively simple one. We have successfully concluded negotiation of the Compact so far with only two of the territories - that is, the Federated States of Micronesia and the Marshall Islands.

The Republic of Palau, for reasons internal to Palau, has not yet been able to work out incompatibilities between the Compact as previously negotiated and submitted to plebiscite in the islands and its Constitution. The Government of Palau continues to wrestle with this.

However, the other entities have indeed concluded these negotiations and it was considered in the interests of all concerned to submit them to the Congress for its necessary approval.

At such time as Palau concludes its negotiations with us on this or an alternative status, if that is the desire, we shall be prepared to take the matter immediately to the United States Congress. Presumably, having gone through the process with the Federated States of Micronesia and with the Marshall Islands, it would be an easier process to go through and things could be rapidly concluded.

(Mr. Sherman, United States)

This is the domestic phase of this process has nothing to do with coming to the United Nations Trusteeship Council and Security Council for termination of the trust.

When the Northern Mariana Islands decided to enter into a commonwealth arrangement with the United States, that was acted upon separately, so I do not think this is a major deviation from United States policy.

Mr. GRIGUTIS (Union of Soviet Socialist Republics) (interpretation from Russian): In his statement Mr. Sherman referred to the submission of the trusteeship agreement and to the United States having said that the administration of those islands would contribute both to the maintenance of international peace and security as well as to the advancement of the peoples of the Trust Territory. We should be interested to hear how the representative of the Administering Authority explains the persistent silence of the Administering Authority, in its annual reports to the Council, on the subject of the contribution it has made throughout its trusteeship to the maintenance of peace and security in the area.

Mr. SHERMAN (United States of America): I am really at a loss to respond to that question. Is there an assertion that peace and security have not been maintained in the area?

Mr. GRIGUTIS (Union of Soviet Socialist Republics) (interpretation from Russian): I would like to know specifically what measures have been taken by the Administering Authority to maintain international peace and security in the area. Hardly anything is said about this question in the annual report of the Administering Authority to the Council.

Mr. SHERMAN (United States of America): The United States has been the Administering Authority in the Trust Territory for well over 30 years, almost 40, as a matter of fact. We have concentrated our efforts on trying to promote the economic development of the area, to lead the local governments into self-administration, self-confidence and the development of contacts in relations with other countries. I think the best example of the contribution to international peace and security that I can come up with is that the peoples themselves have evolved strikingly towards political maturity through regular democratic elections and the establishment of their own local governments to the point at which they are prepared to enter into a relationship of free association with the United States, or a commonwealth relationship, as in the case of the

(Mr. Sherman, United States)

Northern Marianas. This has been a stable, non-violent process. There has been no political turmoil on the island. There has been economic development. A good deal of nation-building has been going on, and this in itself is a large contribution to international peace and security. The High Commissioner may also wish to comment on this question.

Mrs. McCOY (Special Representative): I would refer the Trusteeship Council to the annual report, part IV, entitled "International peace and security: maintenance of law and order". It is quite comprehensive in scope. As a member of my delegation pointed out, the economic well-being and stability of the region speak for themselves. I would refer the Soviet delegation to a study of that particular part of the annual report.

Mr. GRIGUTIS (Union of Soviet Socialist Republics) (interpretation from Russian): I thank the High Commissioner for the clarification. We shall try to look again at the pages to which she referred.

Much has been said, both in the report and by the speakers, about the state of well-being created in the territories, but when cholera and other infectious diseases, which have been eradicated even in underdeveloped countries, are rampant, what kind of prosperity or well-being can one talk about in the Trust Territory? In report after report, reference is made to these infectious diseases. We now learn that cholera has been evident in the territory for the second year running. Why is that so? What is the root cause of it?

Mr. SHERMAN (United States of America): Let me first address the general subject of cholera, which continues to persist in Truk. Cholera is endemic within Micronesia and will quite possibly continue to recur during the next decade. Both the Administering Authority and the local governments - the national government of the Federated States of Micronesia and the government of Truk State - are co-operating to eliminate a potential recurrence by strengthening existing health services, expanding health facilities, providing training for health personnel, conducting a health education programme throughout Micronesia, and implementing a rural sanitation programme throughout the State of Truk.

I think cholera is similarly endemic in many other areas of the world, in less developed countries. Regrettably, despite the noble efforts of the World Health Organization (WHO), and other health organizations, it has not been wiped out, any

(Mr. Sherman, United States)

more than anthrax has been wiped out in the Soviet Union. I recall an epidemic some years ago in the town of Sverdlovsk.

There are always problems in regard to health control. It was a matter of international rejoicing when smallpox was finally brought under control, but only within recent years. It has been under control in the United States, and I think also in the Trust Territories, for considerably longer than that.

Malaria is a problem throughout the world which people are labouring valiantly to control, but disease is disease, and one can go a long way with sanitation, but some things are extremely resistant.

We are doing our best to control the problem of cholera within the Trust Territory, and we hope to have positive results in the future.

The High Commissioner may also wish to comment on this problem.

Mrs. McCOY (Special Representative): As we reported in our statement to the Council last year, cholera has indeed been a problem. Cholera will undoubtedly continue to be a problem because, as the representative of the United States pointed out, it is endemic to that area and probably to a large part of the Trust Territory. The main causes are usually related to sanitation and water. So it is good to be able to report that for the water systems in Truk alone, the current funding is \$6,828,000. Much of this is going into water systems, water catchments on the outer islands and on the main island of Moen.

For the sewer projects which, of course, are also important as far as the control of cholera is concerned, the current funding stands at \$12,415,000. That includes the installation of toilets and new water systems, water catchments, on the outer islands, where we are using a lot of solar power to run the pumps to bring the water to the surface.

The work has been done by Truk State and the Federated States of Micronesia, with the help of the United States, the Environmental Protection Agency (EPA), and the other people who have contributed. A great deal of thanks goes to the World Health Organization (WHO), which has stood by and helped us with all of these projects.

The situation has gradually reached the point where it is no longer even considered to be an epidemic. The last report we received indicated that there had been two cases in March and one in April. Throughout all of 1983, according to the last cabled information we had from the Governor, there were 249 confirmed cases

(Mrs. McCoy, Special Representative)

throughout all of Truk. So the situation is gradually being brought under control. The rural sanitation programme is under way. The water systems on all of the islands are nearing completion, as are all the toilet hook-ups in Moen itself. So a great deal of attention has been given to this problem. It is regrettable that there should be even one case, but even in our own State of Louisiana in the United States, cholera sometimes occurs.

I do not know whether Mr. Amaraich, the Secretary of External Affairs of the Federated States of Micronesia, would care to add to what I have said or not.

Mr. AMARAICH (Special Representative): I do not have much to add other than to confirm that the efforts made in the Trust Territory have resulted in the reduction of the number of cases recently, as reported by the High Commissioner. It is obviously a situation in which the Federated States of Micronesia is going to need all the assistance it can get from the United States Government and other organizations. We ourselves are taking measures to prevent the spread of the disease to other States by imposing restrictions on travel or requiring certain health procedures people must follow before entering the other four States within the Federation.

Mr. GRIGUTIS (Union of Soviet Socialist Republics) (interpretation from Russian): The Soviet delegation would still like to have information about the implementation by the Administering Authority of the provisions of the Charter of the United Nations and other international instruments protecting human rights and prohibiting racial discrimination. We have heard at this session that certain reproaches have been levelled against the Administering Authority and that the local inhabitants suffer from a certain downgrading in such areas as wages. I wonder if the representative of the Administering Authority could shed some light on this matter?

Mr. SHERMAN (United States of America): I do not think that there have been any cases of racial discrimination in the Trust Territory. I do not know of any so-called human rights violations that have taken place over the years of the United States administration there.

There is a case involving alleged discrimination with respect to wages, and that case, like others I have mentioned, is currently under litigation. I am not, therefore, able to comment on it at this time. When the litigation has been concluded we will be most happy to make a report to the Council on the facts proved in that case.

Mr. GRIGUTIS (Union of Soviet Socialist Republics) (interpretation from Russian): Appendix A of the Administering Authority's report contains a list of publications, brochures and books, studies, a bibliography and lists of dissertations on the situation in the Trust Territory of the Pacific Islands. All of the publications listed relate to the past, even to the distant past, ending in the 1970s. Have there not been any more recent books and studies on this question, over the past five years, let us say?

Mrs. McCOY (Special Representative): There are several books in that listing that date from 1983. 1983 would be as up to date as we could be.

Mr. MARGETSON (United Kingdom): Earlier on I asked some questions of the Administering Authority. I should now like to ask a few additional questions, some of which have arisen as a result of evidence presented by petitioners since then and some as a result of the questioning of the Administering Authority by other members of the Council.

I would like first to refer to the question of statistics, which was raised by the representative of France. I fully support the idea that the Administering Authority should produce what I would call the vital statistics as listed in that United Nations document to which the representative of France referred. These would really be of enormous help, and I would echo what the French representative stated, namely, that this would not - or should not - in any way duplicate the existing statistics, which are included as an appendix to the report, but these other vitally important statistics would be enormously helpful in addition.

That brings me to the point of my question, which concerns population. I cannot imagine that there is anything more important for every conceivable sort of governmental work than having an accurate count of population. A question was asked in this connection by the French representative. I myself was unable to find the population of the Federated States of Micronesia. Perhaps I did not search long enough, but I would be grateful if the Administering Authority can tell me what the current population of the Federated States of Micronesia is and where that statistic might be found in the report?

The PRESIDENT (interpretation from French): Before I call upon the representative of the Administering Authority to reply to the question concerning statistics raised by the representative of the United Kingdom, I gather from the statements we have heard that this is a point on which I believe a consensus is emerging. I think the Council will have to return to this when it adopts its conclusions and recommendations.

Mr. SHERMAN (United States of America): Indeed, Mr. President, I perceive a consensus, as you do. We take the point very seriously indeed and will bend every effort to develop the kind of statistics that the representatives of France and of the United Kingdom have mentioned with such cogency.

With respect to the population figures, I will ask Mr. McPhetres of my delegation to respond to that question if I may.

Mr. MCPHETRES (Adviser): In last year's annual report we published the complete 1980 census of the Trust Territory, which included the population of all parts of the Territory. I would like to defer to the representative of the Federated States for any additional figures, but I believe that the population of the Federated States of Micronesia now is approximately 82,285.

Mr. AMARAICH (Special Representative): The compilation of accurate statistics has been one of the problems that we have had to face during the initial coming into being of the constitutional Government. Our figures differ slightly from those given by the Administering Authority. According to my own notes, we have a total population of 85,285.

Mrs. MCCOY (Special Representative): We are grateful to the United Nations Development Programme (UNDP) for having sent out one of their trained statisticians, who was in the Trust Territory for upwards of a year. He had a training school at the University of Hawaii to which statisticians from the various Governments went for training and he put on a series of training sessions within the Federated States of Micronesia.

There is a growing awareness, as Mr. Amaraich said, of the need for good statistics before you can really get your economic house in order. We certainly are working at it and we appreciate the help that the Council has given us. We welcome the use of the United Nations guide as far as statistics are concerned.

Mr. MARGETSON (United Kingdom): I promise not to ask any more questions about statistics, but would merely comment that the population statistics for the Northern Mariana Islands are to be found on page 45, for Palau on page 92 and for the Marshall Islands on page 95 at the end of the report. It was the absence of one entity that I noted.

I would like to raise a point which came to my mind when listening to one of the petitioners. I commented at the time when he was talking about the lack of an independent and therefore, presumably, objective scientific investigation into radiation in the Marshall Islands, that he was making rather serious charges.

(Mr. Margetson, United Kingdom)

Indeed, I suggested that he might even - though I hoped inadvertently - be impugning the scientific integrity of scientists who had been working in this field.

Could the Administering Authority tell us what medical and scientific investigations into radiation in the Marshall Islands have taken place over the years, in what countries these investigations originated and whether there is any substance in the thought that perhaps the conclusions resulting from these investigations were not objective.

Mr. SHERMAN (United States of America): I welcome the opportunity to comment further on the statements - I think the very misleading and tendentious statements - made by the petitioner in question. I was struck by the fact that, although he spoke with seeming authority on matters involving medical practice and other such issues, which would seem to require scientific training in nuclear physics and radiation problems, he adduced no credentials that would have made him an expert in any of these matters. His allegations were that, somehow or other, distinguished scientific institutions such as Brookhaven or Livermore Laboratories or the Atomic Energy Commission and its successors were engaged in some sort of conspiracy because they are, in his words, pro-nuclear-weapons forces and were, therefore, doctoring data to prevent what he called independent surveys. He went on to refer to the great body of radiation information that comes from the surveys of the people who were subjected to the bombing of Hiroshima and Nagasaki at the end of the Second World War.

I would point out that those data have been compiled through studies conducted jointly by Japan and the United States in two different organizations, the Atomic Bomb Casualty Commission, which was later replaced by the Radiation Effects Research Facility. That joint effort of the United States and Japanese scientists produced what is probably one of the most complete compilations of data on this kind of thing that exists in the world. It is highly objective, was certainly jointly done, has been published in both languages, and includes the results of autopsies and follow-up over a 40-year period of people who were exposed to radiation at that time - a follow-up that continues to this very day.

Statements were made that of the 14 atolls that were considered to have been affected by fall-out in the Northern Marshall Islands only two atolls have been given any kind of medical care or follow-up. This statement indicates a total lack of understanding or a direct misstatement of the facts. All of the northern

(Mr. Sherman, United States)

hemisphere, indeed, can be said to have been covered by fall-out from atmospheric testing carried out by the United States, France, the Soviet Union and China. The amount of fall-out, although measurable, is not concentrated, except in certain geographical areas in predictable proximity to the test site.

The United States, utilizing these data, conducted a comprehensive radiological assessment in the Marshall Islands that included both background and terrestrial dose assessments. This dose assessment confirmed our belief regarding the areas of concentration. There were no areas where radioactive concentrations were larger than we had suspected. Quite simply, areas closer to the test sites contained more radiation and areas further removed contained less.

In addition, we have not received any information about areas where effects are unknown.

To assert that the United States has provided health care to individuals only of the two atolls affected by radiation is equally preposterous. The United States has provided health care to all of the people of Micronesia and continues to do so as an obligation under the Trusteeship Agreement. In addition, separate specialized health care has been made available to the four affected Northern Marshall Island atolls and is provided free of charge to any individual from anywhere in the Marshall Islands claiming radiation exposure.

Let me comment about the individuals providing the specialized health care. Brookhaven Laboratories is operated by a consortium of universities combined under the title of Associated Universities, Inc. The principal of the Brookhaven medical programme is a staff physician; the balance of the specialists who administer health care come from independent institutions, universities and hospitals across the United States and are not employees of the United States Government. These dedicated professionals volunteer to assist the Brookhaven programmes and do so at great personal and professional sacrifice.

The Brookhaven doctors have done a great deal more than mere radiation treatment. For example, the most recent visit by the Brookhaven team was a pediatric visit.

All medical and scientific findings conducted by Brookhaven and by Lawrence Livermore Laboratories are published in all available scientific journals. The various petitioners would not have the facts and data they espoused, albeit misstated, were it not for the United States policy of total non-classification of these important scientific studies.

(Mr. Sherman, United States)

The scientific and medical studies conducted have been the subject of many instances of international independent review. Let me cite two examples: In 1978 the attorney for the people of Enewetak retained a panel of three scientists to review the dose assessments for Enewetak and to develop an independent risk assessment. This study was reported to the people of Enewetak in September 1979 at Ujelang. Those three scientists were given total and free access to all data that the United States possessed regarding radiation, as well as free access to government scientists at Lawrence Livermore Laboratories and Brookhaven. The report was published in open literature. Two years later, the people of the Bikini through their counsel, retained an independent scientific group to review all government information regarding Bikini and to advise the people whether the information as reported by the United States Government was valid.

Both independent groups found that the United States Government's work was scientifically sound and objective. No fault was found with the method, conclusions or recommendations. Both reports contain the published conclusion that the Atomic Energy Commission's work was carefully done and accurately reported.

Allegations have been made that the United States has further attempted to deny access to the Northern Marshalls by foreign physicians. The incident which the petitioner spoke of - involving Japanese physicians, I believe - was another example of misstatement of fact. In the late 1970s the High Commissioner authorized a visit by certain purported Japanese physicians. When these purported physicians arrived on Majuro, it was discovered that they were not physicians but newspaper reporters who had falsified their credentials. They were expelled not because of any profession but because they had falsified their credentials to gain entry.

There are no examples where the United States has ever refused bona fide medical teams of any nationality permission to visit the Marshall Islands. The petitioner named two independent medical teams that had gained entry. Members of the world press, including Japanese television and a recent British Broadcasting Corporation news team, have also recently visited Rongelap and Utirik. The Administering Authority provides information and assistance to those members of the world press.

(Mr. Sherman, United States)

To assist the citizens of the Marshall Islands to understand radiation and its effects, a bilingual book was published in 1982. This book was personally delivered to every populated atoll contained in the Marshall Islands radiological survey, as well as to various members of the Government and the Marshall Islands legislature, and lawyers for the various groups. Accompanying this team were two skilled interpreters, a physician in private practice and a scientist specializing in soil radiation. The team explained all aspects of the book, which it delivered at public meetings. The various island populations read and discussed the report privately and then the United States group returned for a second question-and-answer session.

Copies of this bilingual radiation report designed for the education of the people will be made available to the Trusteeship Council. The report has been available to the public and special interest groups for some time.

In conclusion, the Administering Authority has taken seriously its responsibility not only to the radiation-affected atolls but to all people of the Marshall Islands.

Mr. DeBrum wishes to make some further comments on this subject.

Mr. DeBRUM (Special Representative): As I have said, I am not a scientist. I was, however, privileged to be appointed by my Government as one of the officials of the Government accompanying the doctors and scientists of the Department of Energy who visited the Northern Marshall Islands to explain to the people the results of the radiological survey and of their scientific analysis. I can say that during the meetings the people of the Northern Marshall Islands actively participated by asking questions and were interested in the exchange of views and in hearing scientific explanations of the radiological survey conducted by the United States.

One of the foremost translators in the Marshall Islands - Mrs. Elden Buck, the wife of a missionary - was hired as an independent translator, apart from the Government translator, to ensure that the translation of the explanations of the scientific community was as accurate as possible.

I can say that whatever could have been done to ensure that the explanations of the scientific group were understood at those meetings was done.

Mr. MARGETSON (United Kingdom): I am very grateful indeed for those answers to my questions, which I think throw a quite extraordinarily different light on the subject than we have hitherto had. As a result of those answers, I find myself very surprised at the quality of some of the information being given to this Council by some of our petitioners.

A particularly telling point was the case of the so-called Japanese physicians. Until I heard the answer by the Administering Authority just now, I was naturally under the impression, from the evidence given by the petitioner, that these were genuine Japanese doctors. Hence, I was rather sympathetic to what the petitioner said. I am no longer sympathetic, on that particular point.

I should like to turn now to the vexed question of the dumping of hazardous nuclear waste, which was raised by Mr. Guerrero of the Northern Marianas. This is a subject with which over the years the Council has been concerned, and I should like to know what the facts are now. Is there any evidence that dumping of hazardous nuclear waste is going on and has gone on over the past year? If so, what countries are responsible for this? I would be most grateful to have the facts instead of listening to rather vague charges on this matter.

Mr. SHERMAN (United States of America): I think the answer I gave to a question by the representative of the Soviet Union when perhaps the representative of the United Kingdom had not yet entered the chamber dealt with that. I would say in summary that we have no knowledge of any dumping of nuclear waste by any country in the area of the Trust Territory, or of any plans for such dumping.

Mr. MORTIMER (United Kingdom): In connection with the the last question by Ambassador Margetson, since the charge about nuclear dumping was made by the representative of the Northern Marianas Government, I wonder whether he would like to attempt to answer it, Mr. President.

Mr. GUERRERO (Adviser): The statement by our delegation is basically that we are opposed to any type of nuclear dumping anywhere in the Pacific Ocean. We know that the Administering Authority has no plans to store or dump any nuclear substances in the Pacific. We are concerned primarily about the Japanese Government. We are not too sure where it stands.

Mr. MORTIMER (United Kingdom): This is a very important subject, especially as we approach the termination of the trusteeship, and it is an issue that comes up, as my Ambassador has said, from year to year; the same complaints are brought to this Council about nuclear dumping. Of course we are all opposed in

(Mr. Mortimer, United Kingdom)

principle to the idea of nuclear dumping, but the issue before this Council is whether there is actual evidence that such dumping is taking place. May I take it from the answer given by the representative of the Northern Marianas that there is in fact no such hard evidence before us?

Mr. GUERRERO (Adviser): We do not know. The biggest concern of our Government is the dumping of nuclear waste outside the 200-mile nautical zone, that the Administering Authority, as well as the Government of Japan, is a party to the London Dumping Convention. That is our concern, but I honestly do not know whether there is any evidence that any dumping is being done at this time.

Mr. MORTIMER (United Kingdom): Many of my questions relate to the Northern Marianas, since I think it was evident to many of us in the Council that it was the Northern Marianas delegation that had voiced the most criticism in this regard. One particular point that Mr. Guerrero mentioned concerned the fact that their commonwealth status appeared to prevent their seeking aid from third countries or third parties. At the same time, he claimed that United States assistance for capital infrastructure projects was insufficient. Could the Administering Authority comment on this?

Mr. SHERMAN (United States of America): The United States Government's relations with the Northern Marianas in commonwealth association are, of course, governed by the provisions of the Covenant of Commonwealth Association, which was voted on and chosen by the people of the Northern Mariana Islands. Representatives of the Northern Marianas have gone to the Congress and requested additional assistance, but of course that has to be voted upon by the Congress. I really have no further comment, but perhaps Mr. Guerrero has something further to say on this subject.

Mr. GUERRERO (Adviser): I believe that what Senator Herman Guerrero said in his statement is basically that we have received aid and financial assistance from the United States Government, and our Government is doing everything possible with those financial resources as well as with our locally generated revenue to improve the infrastructure that has been in existence since soon after the war and has deteriorated over the years. I do not want to give the impression that we are dissatisfied with the assistance we are receiving. I believe that what Senator Guerrero was trying to say was that improving the infrastructure costs a sizeable sum of money. The Northern Marianas Government just does not have the

(Mr. Guerrero, Adviser)

funds, but we are looking at alternatives, such as industrial bonds, which could finance some of these capital improvement projects, and we are asking at the same time for additional assistance from the United States Government.

Mr. MORTIMER (United Kingdom): I have a question on a purely factual point. Is it true that under commonwealth status, the status now enjoyed by the Northern Marianas, it cannot turn to third parties or international institutions for further aid? This is a main point that Mr. Guerrero was, I think, making, that if they did not receive the money from Congress they were not allowed to apply to third parties or third institutions for the money. Can the Administering Authority confirm this?

Mr. SHERMAN (United States of America): Indeed that is true, just as states of the United States do not conduct their foreign affairs independently of the United States Government. The United States continues, naturally, to consult with the Commonwealth of the Northern Mariana Islands on matters of foreign affairs. But, because of the relationship that has been entered into, we believe the United States Government should be the sole primary source of assistance to the Government of the Northern Mariana Islands.

Mr. MORTIMER (United Kingdom): I hope the Administering Authority will bear with me if I raise once again the other vexed question of war claims. I think it is important because we are approaching termination of the trusteeship, yet for the past three or four years the question of war claims has come up in its old guise, namely, that a certain amount of money has been appropriated by Congress, but it is contingent upon the Japanese Government's meeting its half share. I am aware that the Administering Authority dealt with this question in answer to a question from my Soviet colleague earlier. I am still not entirely clear how it is one actually gets out of this dilemma. It appears to me that there is a large amount of money on offer, but it has not been released because in the view of the United States half that financial appropriation has not come from the Japanese Government and the money that has been given is in fact described as aid money. I would hate to think that we would approach termination of the trusteeship without this exceedingly important, emotive and financial issue being solved. I wonder whether the Administering Authority could assure us that steps will be taken to solve this problem before termination is before this Council?

Mr. SHERMAN (United States of America): It is indeed a difficult question. The problem is that the United States Government is bound by legislation enacted by the Congress of the United States which stipulated that until the Japanese Government was willing to put up half the designated amount the United States Government would not appropriate its half of that amount. The Japanese Government has not accepted that the United States Congress can legislate actions by the Japanese Government. Although it has been willing to provide ex gratia aid, it is still unwilling to accept the authority of the United States Congress, or any foreign authority, to, in essence, appropriate money for the Government of Japan. I do not wish to appear to be speaking for the Government of Japan on this issue; I am simply stating my understanding of its position. The legislation none the less remains on the books and the United States Government is constrained to abide by it. It is a problem that I am sure appropriate committees of the Congress are aware of and I hope that it can be resolved, certainly prior to termination of the trust. However, it is not in the power of the executive branch of the United States Government to decide on this matter; it is in the hands of the legislative branch.

Mr. MORTIMER (United Kingdom): I think we all agree that this is a very important issue that does require looking at. It seems to be difficult for this Council to accept that a sum of money, \$24 million, has been appropriated but cannot be paid effectively because of a technicality, and I hope that before we come to termination this issue will be successfully tackled in the interests of all concerned.

I have one more question, which is related to a major theme of our discussions in the Council this time, and that is the question of Palau. It is a subject on which petitioners have spoken a great deal. The thrust of many petitions has been to accuse the United States of insensitivity and domination by forcing upon the Palauans a Compact of Free Association that is manifestly not compatible with their Constitution. On the other hand, we have heard from Mr. Zeder and Mr. Sherman that talks have been going on with the Palauan authorities to resolve the differences in a mutually acceptable way, which seems to go against this theme that somehow the United States is simply forcing an unacceptable form of legislation upon the Palauans.

(Mr. Mortimer, United Kingdom)

I wonder, especially since this is my last question, whether we could have a definitive statement from the Administering Authority on the status of its negotiations with the Government of Palau to which Mr. Sherman and Mr. Zeder referred in the opening statement to this Council?

Mr. SHERMAN (United States of America): Representatives of my Government and of the Government of Palau have met several times during 1983 and 1984 and are now meeting in Washington in an effort to resolve the issues which have prevented the Government of Palau from approving the Compact of Free Association. These discussions are continuing and we believe they will have a mutually acceptable outcome. My Government strongly believes that the Compact or the governing document of any future political status must be approved by the people and Government of Palau in accordance with Palau's own processes. The discussions with Palau are intended to result in just such an outcome. We do not believe it would really be appropriate or useful to go into detail on the talks, which are now continuing, but we wish to assure the Council that both sides are pursuing a solution with full and serious intent and that there may be some result in the near future. We intend to keep Council members informed whenever there are significant developments in the negotiations. I think that is about all I can say at the present time.

I should like to take this opportunity to respond in somewhat more detail to a question that was raised yesterday about the means that might be available to the Federated States of Micronesia or the Marshall Islands as freely associated States operating under the terms of the Compact of Free Association to resolve any disputes that may arise with the United States. This question was posed by a member of the Soviet delegation yesterday.

In general, under the terms of the Compact, political and economic issues in dispute must be the subject of bilateral discussion on a Government-to-Government basis and ultimately, in the absence of resolution, they must be referred to arbitration. This mechanism for arbitration is defined in Title Four of the Compact, as I mentioned in a previous Council session. Defence matters in dispute are considered by joint committees composed of representatives of the United States Government and of the Federated States of Micronesia or of the Marshall Islands.

(Mr. Sherman, United States)

The Compact in its present form provides that in most circumstances the Governments of the United States, the Federated States of Micronesia, and the Marshall Islands shall be immune from the jurisdiction of the courts of the others. None the less - I say this in response to a question posed by the representative of the Soviet Union - the Federated States of Micronesia and the Marshall Islands, as freely associated States, will have the opportunity to seek relief in United States courts under the following circumstances: if the Government of the Federated States of Micronesia or the Marshall Islands wishes to bring actions on environmental protection matters before United States District Courts in Hawaii or the District of Columbia (sect. 162); if the Government of the Federated States of Micronesia or the Marshall Islands wishes to bring action in connection with commercial activities of the United States Government, and in cases of personal injury, death or property damage or loss (sect. 174 (d)); or, last, if the Government of the Federated States of Micronesia or the Marshall Islands seeks enforcement through the United States Court of Claims of the full faith and credit pledge of the United States for payments of stipulated Compact grant funding (sect. 236).

There is one other question to which we undertook to give a further answer. The representative of the Northern Mariana Islands would like to discuss the employment figures for which the representative of the Soviet Union asked yesterday.

Mr. GUERRERO (Adviser): I believe that yesterday the speaker who answered the question of unemployment rates in the Northern Marianas inadvertently gave the wrong percentage. Unemployment in the Northern Marianas is only 8 per cent, a figure which also includes housewives not in outside work.

In the Northern Marianas it is not a question of there being no jobs. There are many job vacancies, but sometimes certain skills or vocations are required. That is one reason for the unemployment. Our Government is doing something about it, especially in the schools and the Northern Marianas College, by producing curriculums that are more relevant to the needs of the Commonwealth, such as the vocational and occupational programmes that we require.

The PRESIDENT (interpretation from French): If there are no other questions, I shall take it that we have now completed our consideration of the report involving questions. I warmly thank the representative of the Administering Authority, the High Commissioner and the representatives of the Governments involved for their co-operation. We have found their contribution to our work most helpful.

The meeting rose at 12.35 p.m.