



Trusteeship Council

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Fifty-fourth Session

VERBATIM RECORD OF THE SIXTEEN HUNDRED AND FORTY-THIRD MEETING

Held at Headquarters, New York,
on Monday, 14 December 1987, at 3 p.m.

President: Mr. BIRCH (United Kingdom)

later: Mr. GAUSSOT (France) (Vice-President)

Programme of work

Report of the Secretary-General on Credentials

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

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

Hearing of petitioners

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The meeting was called to order at 3.25 p.m.

PROGRAMME OF WORK

The PRESIDENT: I declare open the resumed fifty-fourth session of the Trusteeship Council.

I should like first of all to welcome back all the members of the Council I see here today; there are many familiar faces.

As members will be aware, it had originally been my intention to hold this resumed session earlier in the year, but important events, in particular the latest referendums in Palau and the United Nations Visiting Missions there during the summer, intervened. Also, the General Assembly has kept us all busy in the past few months. But now that we are here again today, I should like to ask members' understanding for the delay. I trust that we shall be able to conclude our business for the session in as expeditious and fruitful a manner as possible.

I should like now to explain briefly what I propose we should have on our programme for today and for tomorrow. Since between the time we last met and today there have been two Visiting Missions, whose reports are now available to us, I propose - I have taken this up in informal consultations and I gather that it is the general wish of members of the Council - that we should consider at this resumed session the reports of the two Visiting Missions to observe referendums in Palau, and I propose that that should be the first item on our agenda for the present meeting. We will then have an opportunity to discuss the reports of the Visiting Missions.

We shall then consider draft resolutions to take note of the reports of those Visiting Missions, and will then have an opportunity to hear oral petitions; I extend a welcome to petitioners to this session of the Council. I hope that we shall then be able to take up written petitions that will be available to members of the Council, then move to a vote on the draft resolutions taking note of the reports of the Visiting Missions.

(The President)

I proposed that we should consider the reports of the Visiting Missions in that fashion because it seems logical that we should take up those reports now that they are available to us and not leave them over until the next session of the Council, to be held in the middle of next year; I think that by simply leaving those reports unconsidered the Council would not be fulfilling its duty.

I propose finally that we then adopt the report of the fifty-fourth session of the Trusteeship Council to the Security Council.

Mr. LEVCHENKO (Union of Soviet Socialist Republics) (interpretation from Russian): In today's Journal it says that this afternoon the Trusteeship Council will consider and adopt the credentials of delegations to the Trusteeship Council at the eighteenth special session. It may have been some problem with the interpretation, Sir, but I seem to have missed any mention in your introductory remarks of that item.

Also, members may recall that at the Council's last meeting, held in May, the President proposed that the Trusteeship Council should meet in August to adopt the draft report prepared by the Secretariat on the work of the fifty-fourth session. My delegation understood that the Security Council would need to consider that report before it was submitted to the General Assembly. Unfortunately, for reasons beyond my delegation's control, there was no August meeting of the Trusteeship Council to adopt the draft report.

(Mr. Levchenko, USSR)

Now it is proposed that the Council adopt the draft report, a copy of which the Soviet delegation has not received in the official Russian version. Despite all our attempts, through the Council secretariat and through the Director of the Department concerned, Mr. Tanaka, to get a clean copy of the draft report - such as that available to the delegations of the United Kingdom and the United States - such as that available in Russian. It should have been provided so we could study it and be able to make comments on the draft report with a view to the Council's adopting it.

The Soviet delegation has shown flexibility on this matter; we have expressed our concern; we have asked the Council secretariat to provide even a draft translation. We finally managed to get a draft Russian version a few days ago. Unfortunately, the state our copy is in makes it difficult to do any detailed work on it, and has prevented us from preparing any final comments. We must state our dissatisfaction at the manner in which the draft report of the Trusteeship Council was provided to the Soviet delegation.

It has been six months since our last meeting, and yet neither the Council secretariat nor the Department for Special Political Questions, Regional Co-operation, Decolonization and Trusteeship has been able to prepare a report in one of the official languages, Russian, as required by the practice generally followed by the United Nations Secretariat. The situation can only be described as frankly discriminatory to the delegation of the Soviet Union and as an attempt deliberately to place our delegation in an position unequal to that of other, English-speaking, delegations.

The Trusteeship Council may consider and adopt its report on its work during the fifty-fourth session - which essentially ended its work over six months ago, in May - only if the report is submitted to delegations, the Soviet delegation in

(Mr. Levchenko, USSR)

particular, not as a mere draft but in the form of a proper document following the procedures for drafting and issuing official documents of the United Nations.

We would have had no objection if the Secretariat had tried to carry out the tasks entrusted to it by Members of the United Nations and had issued the report of the fifty-fourth session of the Trusteeship Council in all official languages - or at least in Russian - for the Soviet delegation. The Soviet delegation will be unable to consider or adopt the report in any other official language, whether English, French, Chinese or Arabic. I repeat that the delegation of the Soviet Union showed flexibility and understanding, and engaged in constructive co-operation with the Secretariat by agreeing to a preliminary examination of the English version of the Secretariat's draft report. Moreover, even with only the English version at its disposal, my delegation drew the Secretariat's attention to omissions in the report.

We have stated and continue to state that consideration and adoption by the Soviet delegation of the report of the fifty-fourth session of the Trusteeship Council, whose work was completed in May, over six months ago, can take place only when our delegation has studied the text in the official Russian language version.

The Soviet delegation wishes also to inform the representative of the Secretary-General about the lateness of the preparation of the draft report of the fifty-fourth session of the Trusteeship Council to the Security Council; it should have been submitted before the Council was to consider and adopt the report. The Secretary-General should take the urgent measures necessary to issue the report and to prevent a recurrence of this situation.

In addition, we demand that our position be duly reflected in that report.

Mr. President, you have just proposed a programme of work for today and tomorrow. The Soviet delegation would like provisionally to note that the two

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Visiting Missions whose reports we are supposed to consider took place in June and August this year, after the completion of the work of the fifty-fourth session, at which the Council considered the situation in the Trust Territory during the period covered in the report of the Administering Authority; considering these reports now is illogical. In the view of the Soviet delegation it would be more logical to consider those two "blitz" missions to Palau at the fifty-fifth regular session of the Trusteeship Council along with the regular annual report of the Administering Authority for the period October 1986 to September 1987. That period includes the two Visiting Missions to Palau.

Moreover, the Soviet delegation assumes that the Council at its fifty-fourth session, having completed its basic work in May 1987, will have considered all the items on the agenda adopted for that session. At the last meeting in May, which ought logically to have been the final meeting of the session, the Council's report ought to have been adopted. There was an agreement on that, and you, Sir, said that the Trusteeship Council would meet in August.

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The two Visiting Missions to Palau took place after consideration of the items on the agenda of the fifty-fourth session and after the draft report was to have been prepared. The agenda of the fifty-fourth session did not include consideration of the reports of those Visiting Missions. My delegation thinks that those reports cannot and should not be considered at the fifty-fourth session, whose work ended in May. Consideration of the reports of the two Visiting Missions should be included in the preliminary agenda for the fifty-fifth session.

The Soviet delegation cannot accept what we would call illegal attempts by some members of the Trusteeship Council - in particular its President - to insert discussion of those two reports into a meeting of the Council convened for the specific purpose of adopting the report of the fifty-fourth session. We cannot accept an approach that is basically intended to fragment and disorganize the work of the Council, the majority of whose members concur with the policy of the Administering Authority, which is to reduce the Trusteeship Council's work to a consideration of the situation in the Trust Territory of the Pacific Islands and to an uncritical examination of the Administering Authority's desire to impose its will on the peoples of the Trust Territory. But under the Declaration on decolonization and other United Nations decisions, the Council has certain obligations. The purpose of those documents was to eliminate colonialism in all its forms and manifestations as quickly as possible.

Those are some thoughts we had with respect to the President's proposed programme of work.

The PRESIDENT: Before calling on other members who may wish to comment on the draft agenda I proposed, I think I ought to attempt to answer some of the points made by the representative of the Soviet Union.

First, he was correct in reminding me that I should have mentioned that we are to take up an agenda item on the report of the Secretary-General on credentials. I am glad there is at least one point on which we can agree.

The representative of the Soviet Union reminded us that I had intended that we should meet in August to adopt the report of the fifty-fourth session of the Trusteeship Council to the Security Council. That was indeed my intention, as I said in my opening remarks. However, we all know - and I have explained - why that did not happen: there were two pressing Visiting Missions to Palau, and the fact is we were all very busy during that period.

The Secretariat was fully occupied with work connected with the two referendums in Palau and was unable to produce the draft of the report of the fifty-fourth session, which we were to consider. It seemed to me there was no purpose in trying to meet in August if the document we were to consider was not yet completed in draft form. That is the only reason we did not meet in August; there was no ulterior motive whatsoever.

The third point raised by the representative of the Soviet Union was that the Soviet delegation did not receive in sufficient time the Russian draft version of the report of the Trusteeship Council. In the past, in fact, the Council has worked with the English version of the report, and in fact the Soviet delegation, by its own admission, was able to study that English draft. It actually made a large number of suggestions, over a period of several weeks, for improving and increasing the size of the Soviet contribution to the draft report. I find it hard

(The President)

to accept the argument that it was impossible to work on a version that was only in the English language when, in fact, the Soviet delegation took that English text and proposed to the Secretariat a large number of changes and additions to it.

I had planned that we should meet on 2 and 3 December. Following a plea by the head of the Soviet delegation, who said it was not possible for them to complete their work without having the Russian text, I agreed with him that we would delay, at some inconvenience to all the rest of us gathered here, the meetings that had been planned for 2 and 3 December until today, 14 December, so there would be sufficient time for the Soviet delegation to look at the draft Russian text.

I know that the text they have received - and the same applies to the French delegation, which has been very understanding about the matter - is still a draft text with various corrections to it. But they are all draft texts, in all languages, until they are adopted by the Council, and there is absolutely no question of any deliberate discrimination against any delegation that requires a text in a language other than English. The fact is that we have limited resources in the Secretariat and in the translation services for providing these documents. To say that it has taken the Secretariat six months to produce the report is in one sense true, but the fact is that they do not have the resources to have done it more quickly.

The final point I wish to make relates to the Soviet suggestion that the reports of the Visiting Missions should not be discussed at this resumed fifty-fourth session because they were not on the agenda. We adopt an agenda to suit ourselves. The agenda is for the convenience of the Council in the same way that the rules of procedure are designed to assist our work, not to hinder it. We are the masters of our own procedures and of what we ourselves put on the agenda.

(The President)

It seems to me entirely logical, as we resume this fifty-fourth session, that if there have been two important events in the Territories for which we are responsible we should have an opportunity at this time to consider reports concerning those events. We know that there are many people who are also concerned about the Trust Territory of the Pacific Islands, such as the petitioners, who, I have said, are welcome to be here. Why should they have to wait until some time next May for us to consider what they wish to say?

It seems to me, and it seemed to me in the informal consultations, quite logical that we should consider those reports at our fifty-fourth session, and indeed that we should consider at our resumed session all matters that are outstanding.

So I have to say with great respect to the representative of the Soviet Union that I take grave exception to any suggestion that I am making, to use his words, "illegal attempts" to insert items into the agenda. All I am doing is trying to complete the work of this Council as expeditiously and as sensibly as possible in keeping with our responsibilities. I believe after consulting other members that it would be irresponsible of us to leave these reports sitting with no action taken on them for a further six months.

(The President)

I therefore propose that we should adopt the agenda that I outlined at the beginning of this meeting, so that we can get on with our business today. I hope that a spirit of glasnost will then pervade our deliberations.

Before I formally ask the Council to adopt the agenda that I have proposed, I shall call on any representatives who may wish to comment.

Mr. GAUSSOT (France) (interpretation from French): Mr. President, you alluded to the spirit of understanding shown by the French delegation with regard to the French translation of the Trusteeship Council's report to the Security Council. I would indeed point out that the French delegation did not receive the report in French, in good and due form, but, rather, received a rough draft, most of it handwritten and illegible. My delegation regrets this. It is unsatisfactory and not in conformity with rule 28 of the Trusteeship Council's rules of procedure, under which English and French are working languages of the Council.

Having said that, we shall show flexibility and are prepared to examine the draft report at this session in its English version - on the understanding that my delegation is obliged to reserve its position until it receives the French text. That is why we wish to receive this French text of the draft report, in good and due form, as soon as possible.

In any event, my delegation can without difficulty accept the agenda you have proposed, Mr. President, for this resumed session.

Mr. LEVCHENKO (Union of Soviet Socialist Republics) (interpretation from Russian): We can agree only partly with what you have just proposed, Mr. President. For some reason, you omitted agenda item 2, "Report of the Secretary-General on credentials".

With regard to the Trusteeship Council's report to the Security Council, the Soviet delegation has been waiting for six months to get this draft report in

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Russian. I have before me a copy of the draft report in English. Only two delegations in the Council work in that language.

The English version of the draft report is very clear; the pages are correctly numbered, and so forth. But I have before me a version consisting of 185 pages, with hundreds - even thousands - of editorial corrections of all kinds. It is impossible to read. I would ask any literate person to try to read this.

Furthermore, my delegation should have the opportunity of making comments on the draft report, proposing changes, and so forth. Only after that should the report be approved.

The Soviet delegation is prepared to show this document that we have before us to any objective representative of the Secretariat so that the two versions of the report can be compared.

It has been proposed that we should work only with the English version of the report. The Soviet delegation cannot agree to such a procedure. It insists on receiving the reports in the official Russian language in time, so that it can study them before they are adopted and transmitted to the Security Council. That was my first comment.

My second comment is this: There is discrimination against the Soviet delegation on the part of the secretariat not only in regard to this report but also in regard to the reports of the Visiting Missions which took place in June and August. I can demonstrate to you, Mr. President, and the other members of the Council, as well as to the representative of the Secretary-General, the way in which these reports come out in English as compared with the way they come out in Russian. I now hold up the English version and the French version. But let me show the Council the Russian version. I do not even know what kind of paper this is. I have no idea of how the Chinese, Spanish or Arabic versions look. But I do know how this Russian version looks. This is another example of how the secretariat

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of the Trusteeship Council views its work and the delegations here, especially the Soviet delegation.

Of course, we know how decisions are taken in the Trusteeship Council. There is a mechanical majority. But that does not mean that the Soviet delegation should go on endlessly getting different types of documentation from that provided to other delegations - sometimes even carbon copies which are not legible. This mechanical majority can adopt any decision, but it is the right of the Soviet delegation to see the report in the Russian language and then submit its comments, which can be presented to the relevant parties as our observations on the decisions taken in the Council.

The Soviet delegation does not object to hearing the petitioners. We always have respected the petitioners, because they provide us with additional information which we do not always manage to get from the reports of the Administering Authorities or the Visiting Missions. We are grateful to the petitioners, and we are prepared to hear them at this meeting so that they do not waste their valuable time.

Again in a constructive spirit, the Soviet delegation is prepared to consider written petitions. In this case, thanks to the assistance and the efficiency of the Secretary of the Council, Mr. Abebe, we have received these petitions on time. It is true that we received the latest ones only today, but we have still managed to get these written petitions on time.

My delegation would repeat that we cannot regard as legitimate and fair any violations of the rules of procedure and of existing practice in the United Nations. Hence, we propose that the draft report to the Security Council not be considered until the Soviet delegation receives the official Russian text.

The PRESIDENT: I fear that we are getting involved in a rather undignified and unnecessary procedural wrangle. The fact is that our previous practice has always been to consider the report of the Trusteeship Council to the Security Council in draft form in English. I think that the secretariat has done all it could do to provide a draft in Russian to the Soviet delegation this year, at its request. It is clear that in the view of the Soviet delegation this draft does not come up to standard. I am sure that the secretariat will pass on to the Russian translators the dissatisfaction of the Soviet delegation with the standard of the Russian translation and the presentation of the material. The cover is in fact slightly different but the contents of the report are exactly the same, regardless of whether the language is English, French or Russian.

(The President)

But to return to the question of the languages in which we work, I intend to be guided on this matter by the rules of procedure. This is a working meeting. Rule 28 states: "English and French shall be the working languages of the Trusteeship Council." I therefore propose that we should follow that rule and consider the draft report of the fifty-fourth session to the Security Council in English. I ask the Soviet delegation to do the best they can with the copy they have, if they want to read it in Russian.

In order that we may be able to get on with our business, I now propose that we adopt the agenda that I have suggested, unless I hear any further objection. I call somewhat reluctantly on the representative of the Soviet Union, because there are a large number of people here who actually want to get on with the business of the meeting of the Council, rather than continuing the arguments of what should or should not be on the agenda. With those thoughts in mind, I have pleasure in calling on the representative of the Soviet Union.

Mr. LEVCHENKO (Union of Soviet Socialist Republics) (interpretation from Russian): Over and above the questions that you, Sir, tried to answer as the President of the Trusteeship Council, I had asked a number of questions of the representative of the Secretary-General or of the Secretary of the Trusteeship Council. Thus far we have received no clarification as regards those questions. Should the Soviet delegation repeat everything again from the beginning? We are prepared to do so if it is necessary, but I understand that the secretariat of the Trusteeship Council is very competent, that there are people sitting behind the President who can answer questions.

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My second question, to which I did not receive an answer, was why, more than six months after the completion of the basic work of the Trusteeship Council at its fifty-fourth session, no report has been furnished in Russian, an official language. In this connection, I had to go to the secretariat of the Department of Conference Services to do my own research and to make my own corrections. We were told that the draft report would be made available by the Department of Conference Services so that work could be done on it in the English-language version. However, that was to take place only on 24 November this year. There was a request to do that for a meeting of the Trusteeship Council that was scheduled to take place on 30 November. Naturally, a question arises for the Soviet delegation. What was the reason for this long, six-month delay in the preparation of the draft report by the secretariat? My second question is the following. We note that members of the secretariat do the work during the period of the session. That is what they have done in the past so that a report was ready at the end of the session. That is what has been done throughout the 40 years of the history of the Trusteeship Council. The report has been completed by the end of the session and that is the way in which it should be done now. That is another question which went unanswered. We should like to hear answers from the representative of the Secretary-General regarding the efficiency of the work of the secretariat of the Trusteeship Council.

The PRESIDENT: I really do not want to become involved in an argument between the Soviet delegation and the Secretariat. I have given an explanation: it is an explanation of the limited resources available, the other requirements on the translation sections and the fact that the United Nations is not able to hire as many staff as it wants to do all these tasks. But I am in the hands of the

(The President)

Council on all these matters and I am sitting here really only anxious to expedite our work and to see fair play. I am not attempting to take sides or to do things that are illegal or to obstruct the work of the Council. I resent any suggestion that that might be my role. It seems to me that we are not making any sensible progress on this matter. I did in fact call an informal consultation meeting this morning, which is the normal way of proceeding before we start a session in order to iron out any difficulties. I have spoken at length with members of the Soviet delegation in recent weeks about the handling of this resumed session and I am sorry that the Soviet delegation declined my invitation to talk about these matters informally this morning. I do not think any purpose is being served now in continuing this argument, and I therefore intend, if it is the wish of the Council, to proceed now to the adoption of the agenda that I have proposed.

Mr. LEVCHENKO (Union of Soviet Socialist Republics) (interpretation from Russian): The Soviet delegation will not object to the adoption of the report of the fifty-fourth session: if it receives the official text in the Russian language, it will discuss it, study it and comment upon it. You, Mr. President, and the representative of France made similar statements. As regards the reports of the visiting missions, Sir, as you said they must be published at the same time in one form in all official languages, as required by all the relevant decisions and resolutions of the United Nations, in particular on the basis of those of the Committee on Conferences and General Assembly resolution 36/117 B, which states:

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(spoke in English)

"The General Assembly,

"...

"1. Decides that documents shall be given effective simultaneous distribution in sufficient time in the official and working languages of the organs of the United Nations;".

(continued in Russian)

Therefore, we believe that if the secretariat of the Trusteeship Council managed to publish the reports of the Visiting Missions - which was of particular concern to some members of the Council - it could have found it possible to publish those documents in Russian also.

The PRESIDENT: I have just consulted with the Secretariat. I am afraid that on the time-scale of our meeting - the time we have available today and tomorrow - there is no possibility of having a further version of the draft report of the fifty-fourth session made available in the Russian language. As that is the situation, I should like to ask the representative of the Soviet Union whether he wishes to propose that we should now adjourn this meeting of the Trusteeship Council until a later date? Is that your wish, Sir?

Mr. LEVCHENKO (Union of Soviet Socialist Republics) (interpretation from Russian): I said at the beginning of my statement that the delegation of the Soviet Union at all levels, from the representative of the Soviet Union on down, has tried to co-operate with the secretariat of this Council to see to it that all documents should be submitted in a timely manner in Russian so that we could slide through this meeting. I have already said that we are very much concerned as regards the documents that the Council or the secretariat of the Trusteeship

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Council or certain delegations possess. We consider that they should be issued in all the languages so as to enable members to discuss them. I am talking about the reports of the Visiting Missions that took place considerably later than the end of the Trusteeship Council's session. The Trusteeship Council finished its work on 28 May. One of the Visiting Missions took place on 17 June and the second took place on 20 August and the reports were submitted only two weeks ago.

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These draft reports were published two weeks ago and we believe that they should be published in the official Russian language as well.

The PRESIDENT: I thank the representative of the Soviet Union for repeating a point that I think he had made before. I see, however, that there is no proposal that we adjourn this meeting. So unless I hear further objections, I propose that we adopt the agenda as I described earlier.

I reluctantly call once more on the representative of the Soviet Union.

Mr. LEVCHENKO (Union of Soviet Socialist Republics) (interpretation from Russian): If in order to prepare the draft report in the official Russian language we need to suspend or postpone this meeting, then so be it. But our point is: if the report is available in the official Russian language, then the Trusteeship Council can consider and adopt it.

The PRESIDENT: I am not sure that I quite understand that last point. The fact is that under the rules of procedure the working languages of the Trusteeship Council are French and English. The French delegation have already shown understanding by saying that they are not totally satisfied with the version that they have - which I think is in a similar state to the Russian version - but they are willing to proceed. I take it, then, that, on the basis of the rules of procedure and the comments that I have heard, we are now ready to accept the agenda that I have proposed. If we are not, I will ask that we have a vote on whether we adopt the proposed agenda.

Does the representative of the Soviet Union ask that we should have a vote on the agenda?

Mr. LEVCHENKO (Union of Soviet Socialist Republics) (interpretation from Russian): Our delegation has already said that if we have the documents in the official Russian language, we are prepared to work, and if the basic report which

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we have on the agenda is ready - that is the Secretariat's draft report to the Security Council on the work of the fifty-fourth session - then the Soviet delegation will be prepared to take a very active part in discussing the report and making proposals.

As regards Visiting Missions, this comes under another period covered by the Administering Authority which was clearly set forth at the regular session.

The PRESIDENT: I do not want to spend any more time on this now. I have made a proposal that at this resumed session we should consider the reports of the Visiting Missions and that we should consider, and I hope adopt, the report of the fifty-fourth session to the Security Council and hear the petitioners, many of whom have come a long way to tell us what they think about the affairs of the Trust Territory - not to listen to interminable wrangles about how we proceed.

I therefore propose to put to a vote whether we should adopt the agenda that I have outlined.

The agenda was adopted by 3 votes to 1.

The PRESIDENT: The first item that we should take is the report on credentials, but I am told by the Secretariat that we are not quite ready to do that. So we will take up that item first thing tomorrow morning.

I propose therefore that the first item on our agenda should be the reports of the Visiting Missions and we will now consider and take decisions on the two reports submitted by the Visiting Missions to Palau.

Mr. LEVCHENKO (Union of Soviet Socialist Republics) (interpretation from Russian): You have just told the members of the Council, Sir, that you are prepared to encourage fair play. In the Journal, it just says that there are two agenda items, one the adoption of the credentials and then the adoption of the

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report. When I reminded you of this, you said, "Yes", as I remember. For some reason there has been some delay. If the report of the Secretary-General, which was published on 13 November, is available in all official languages but not ready for consideration, then naturally a question arises which I should ask of the representative of the Council's Secretariat, and that is: why include this report on the agenda if it is not ready for discussion? If these credentials are not available, then how can we discuss them? So which delegations have not submitted their credentials, and why? Why was the report issued if they have not done so?

The Soviet delegation would like to hear a statement by the representative of the Trusteeship Council's Secretariat on this matter. We cannot just jump from one item to another. We have to follow a certain logical sequence on what has been stated and what has been done. If the Secretariat is not ready for this, then perhaps some clarification might be in order.

The PRESIDENT: I am in the hands of the Secretariat in these matters and I shall just take a moment to consult them.

REPORT OF THE SECRETARY-GENERAL ON CREDENTIALS (T/1918)

The PRESIDENT: I am advised by the secretariat that, if members of the Council wish, we can in fact take up the report of the Secretary-General on credentials, and I propose to do that now. It had, in fact been the intention to take it up tomorrow because we have people here who wish to address us, and I had wanted to get on with the business that seemed the most pressing.

I accede to the wish of the delegation of the Soviet Union. The Council will now take up the report of the Secretary-General on credentials for the eighteenth special session (T/1918).

(The President)

As members will recall, in the course of its eighteenth special session on 13 August this year, the Trusteeship Council decided to consider and take a decision on the report on credentials at its resumed fifty-fourth session. The report is now before the Council and appears, as I have said, in document T/1918.

If there are no comments or objections, I shall take it that the Council decides to take note of it.

It was so decided.

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

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

The PRESIDENT: As members of the Council are aware, I was the Chairman of the Visiting Mission to observe the plebiscite in Palau on 30 June this year. I therefore propose to vacate the seat of the President and ask one of the Vice-Presidents to take the Chair and I will move to the seat of the United Kingdom representative, simply for the purpose of presenting the report of the Visiting Mission.*

The PRESIDENT: (interpretation from French): The Council will now consider and take decisions on the two reports submitted by the Visiting Missions to Palau.

First, I call on the Chairman of the Visiting Mission to Observe the Plebiscite in Palau on 30 June this year to introduce the Mission's report.

Mr. BIRCH (United Kingdom): I have the honour, as Chairman of the United Nations Visiting Mission to Observe the Plebiscite on the Compact of Free Association in Palau, which took place in June this year, to introduce the report of the Mission.

Members will recall that following an invitation from the Government of Palau to the Trusteeship Council to send such a Mission the Council met on 26 May 1987 and adopted resolution T/2185/L.4. That resolution authorized the despatch of a mission to observe the plebiscite, specifically the polling arrangements, the casting of votes, the closure of voting, the counting of ballots and the declaration of results.

* Mr. Gaussot (France), Vice-President, took the Chair.

(Mr. Birch, United Kingdom)

The Council also requested the Mission to submit to it a report on its observation of the plebiscite. Document T/1919 is the result of our efforts and I commend it to the Council's attention.

Although I have already attended to this in my letter transmitting our report to the Secretary-General, it would be remiss of me if I did not once again express the Mission's deep appreciation of the full co-operation it received at all times from the Government of Palau and from the Administering Authority. I shall always retain warm memories of the friendly welcome given to us by all the Palauans we met.

When we come to discuss the report in detail I shall of course be ready, as I am sure will those of my colleagues on the Mission who are here, to answer any questions that representatives may wish to raise. For the moment I shall limit myself to a brief summary of the main points of the report.

First of all, the report has received the unanimous support of all members of the Mission, namely, Mr. Raj Singh of Fiji, Mr. Pascal Maubert of France, Mr. Stephen Barampataz of Papua New Guinea - and I am particularly glad to see that he is here with us today and most welcome - and myself from the United Kingdom. I was of course replaced by Miss Helen Taylor for the second half of the Mission's visit because I had to return to New York.

I should like to say how much the Council members of the Mission appreciated the participation of non-member States and how much we valued the contribution made by their representatives, in particular because of their invaluable knowledge and understanding of the region.

Owing to legal complications which led to the postponement of the plebiscite, the Mission had an extended stay in Palau which enabled it to carry out an extensive programme of visits and public and private meetings throughout the

(Mr. Birch, United Kingdom)

islands. Members of the Mission held many lengthy discussions and met with Palauans from a wide political spectrum, including those most opposed to the Compact. The Mission paid particular attention to the political education programme carried out before the plebiscite and came to the conclusion that it had been essentially factual and unbiased and that nothing is for propaganda purposes. The people of Palau understood very well the purpose of the plebiscite and were well aware of the contents of the Compact and its implications for the future.

The political campaign, too, was restrained and peaceful, and both sides had equal access to the media and to public platforms. I should like in particular to draw attention to paragraph 19 of the report, which observes that the nuclear issue, which had been much discussed in international forums, really figured very little - indeed, it was virtually not apparent to us - in the concerns of the Palauan people. In fact, even though we went to many meetings, had public meetings and held long discussions of perhaps an hour or more, it was only when we, the members of the Visiting Mission, asked members of the Palauan public whether the nuclear issue was one of their concerns that they even mentioned it to us.

As for the polling, the Mission divided into four teams in order to observe the voting as at many polling places as possible. In the Mission's opinion, the poll was conducted in accordance with the regulations for the plebiscite. The Mission saw no evidence of malpractice or attempts to influence voters, who were able to cast their votes in complete secrecy. Members of the Mission were present throughout the counting and tabulation of votes, which, in our view, was conducted efficiently and correctly. We are satisfied, therefore, that the plebiscite was conducted fairly and that results reflected the fully expressed wishes of the people of Palau. The task of observation entrusted to us by the Trusteeship

(Mr. Birch, United Kingdom)

Council was one of great importance and we believe that we carried it out in as rigorous a manner as possible.

Before concluding I should like to express our appreciation to the members of the Secretariat who accompanied the Mission for their invaluable and expert contribution to our task.

The PRESIDENT (interpretation from French): I now ask the Chairman of the United Nations Visiting Mission to observe the plebiscite which took place on 21 August to submit that Mission's report.

Mr. MURRAY (United Kingdom), Chairman, Visiting Mission: I likewise have the honour, as Chairman of the United Nations Visiting Mission to Observe the Plebiscite on the Compact of Free Association in Palau, held in August of this year, to introduce the Mission's report.

Members of the Council will recall that, in response to an invitation from the United States Government to the Trusteeship Council to send such a mission, the Council met in special session on 13 August 1987 and adopted resolution 2187 (S-18). That resolution authorized the dispatch of a Mission to observe the plebiscite, specifically the polling arrangements, the casting of votes, the closure of voting, the counting of ballots and the declaration of results. It also requested the Mission to report to the Trusteeship Council. Document T/1920 is the product of our work and I commend it to the Council's attention.

While I have already mentioned this in our letter transmitting our report to the Secretary-General, I should like once again to express the gratitude felt by the Mission for the full co-operation it received at all times from the Government of Palau and the Administering Authority. Speaking personally, I shall not forget my first involvement in Palauan affairs nor the warm welcome we received from all the Palauans we met.

Once we come to discuss the report I shall be ready, like my colleague Ambassador Birch, to answer any questions that representatives may wish to put, and I am sure the same is true of those of my colleagues on the Mission who may be here today. For the moment I shall limit myself to a brief summary of the main points of the report.

First of all, it is subscribed to unanimously by all members of the Mission, namely, Mr. Joseph Browne of Fiji, Mr. Thierry Terrier of France, Mr. Frank Iki of Papua New Guinea, and myself from the United Kingdom. Like our colleagues on the

(Mr. Murray, Chairman, Visiting Mission)

earlier Mission, the Council members of this Mission very much appreciated the participation of non-member States and valued highly the contribution that their representatives made, in particular because of their considerable knowledge of the region.

The background to the plebiscite is contained in the report. Suffice it to say that, owing to legal uncertainties, the Mission's departure for Palau was postponed until shortly before the polling day. As a result it was not possible for the Mission to assess the nature and effectiveness of the political education programme which had been conducted prior to its arrival or to hold public meetings, as some previous visiting missions had done. None the less, it was our impression that the people were generally well aware of the broad issues involved, particularly the pressing financial problems facing Palau, and that they were - as might have been expected by then - thoroughly familiar with the electoral process.

By dividing into four teams the Mission was able to visit most of the polling places. The stipulations of the rules and regulations for the referendum were, we believe, generally well observed. We saw no evidence of malpractice or of attempts improperly to influence voters, who were able to cast their votes in secret. In the Mission's view, the counting and tabulation of votes was carried out carefully and efficiently. Members of the Mission were present throughout the counting process; the few minor irregularities discovered were quietly resolved.

The Mission was satisfied that the plebiscite was conducted fairly and according to the rules and that the results reflected the freely expressed wish of the Palauan people: in other words, a free and fair act of self-determination by the voters of Palau, with a high turn out and a clear majority for the Compact.

Finally, I should like to note that we were well aware of the political tensions aroused by the important issues at stake. We believe that we fulfilled

(Mr. Murray, Chairman, Visiting Mission)

our mandate from the United Nations in ascertaining that the referendum was carried out fairly, and we are satisfied that we observed a valid act of self-determination in accordance with the objectives of the Trusteeship System as set forth in the Charter.

In conclusion, I should like to thank members of the Secretariat who accompanied the Mission for the great experience and support that they brought to our task.

The PRESIDENT (interpretation from French): I call on the representative of the United Kingdom to present draft resolutions T/L.1263 and T/L.1264, two documents relating to the report of the Visiting Mission to Palau which, I believe, have been circulated to all delegations.

Mr. SMITH (United Kingdom): On behalf of the delegations of the United Kingdom and France, it is my privilege to introduce draft resolutions T/L.1263 and T/L.1264.

As members of the Council can see, they are short and in a format familiar to them from previous resolutions of this kind; hence they require little introduction. Their purpose is merely to take note of the reports of the Visiting Missions that are before us and to express the Council's appreciation for the work carried out by the Missions on behalf of the United Nations. I therefore see no reason why we should not adopt them by consensus.

Miss BYRNE (United States of America): My delegation considers that the reports of the two Visiting Missions to Palau give an informed and accurate picture of the conduct and results of the plebiscites in Palau in June and August 1987. This should surprise no one, since the reports are the products of experienced diplomats whose profession makes them keen observers and whose integrity is manifest. Moreover, they were assisted by a seasoned team from the United Nations Secretariat.

(Miss Byrne, United States)

The reports of the two Missions present similar portraits of the electoral process in Palau, and I believe it would be instructive to take a moment to reflect on these similarities.

First, my delegation notes that, as in the past, the Visiting Missions enjoyed the full co-operation of the Government of Palau. As a result, they were able to visit almost every polling station in the country, some more than once, on polling day. This ease of movement and access to remote locations should persuade even the most sceptical among us that what those Missions saw and reported was what existed. These were no sham elections.

Secondly, both reports state clearly that the voters of Palau knew what they were being asked to decide. Indeed, it would be surprising were it otherwise, since the Compact of Free Association in one form or another had been an important public question in Palau for several years. The people of Palau therefore were making informed choices about their future political status.

Thirdly, both plebiscites were conducted under public laws enacted by the Palauan National Congress and signed by the President of the Republic. This legislation clearly set forth the rules governing conduct of the plebiscites, rules which were acceptable to advocates and opponents of the Compact of Free Association. Both Visiting Missions concluded that the plebiscites were in fact conducted in accordance with the rules established by law.

Fourthly, after ranging the length and breadth of Palau, neither Visiting Mission saw any evidence of malpractice or intimidation during the balloting; afterwards the ballots were counted fairly and carefully.

(Miss Byrne, United States)

Fifthly, on the basis of everything they saw and heard, both Visiting Missions concluded that the plebiscites reflected the freely expressed wishes of the people of Palau. This, in a word, was self-determination in action.

My delegation is not surprised that the Visiting Missions reached the conclusions that they did. We note that previous United Nations Missions reached substantially similar conclusions regarding earlier plebiscites in Palau. What all these reports chronicle is the continuing process of self-determination in a democratic society. Those who, for their own selfish political and strategic reasons, dispute the freely expressed wishes of the people of Palau seem to believe that they know better than the people of Palau what is best for Palau. History is replete with cases of human suffering brought on by those who believed they knew better than the people. My Government, for its part, is convinced that the will of the people expressed by secret ballot is, and always will be, the only answer.

My delegation very much appreciates the work of all who participated in the two Visiting Missions to Palau, and will vote to adopt the reports of these two Missions.

Mr. LEVCHENKO (Union of Soviet Socialist Republic) (interpretation from Russian): We have just heard outstanding presentations of the reports of two Visiting Missions, the Chairmen of both of which were representatives of the United Kingdom. Both reports were brief, but they were substantive in that they dealt with the essence of the matter.

The Soviet delegation welcomes the President's appeal at the beginning of this meeting for glasnost. We propose that we should be consistent to the very end, not only in appeals but in action, and we ask you, Sir, to circulate as official documents of this session the written communications received by the two Visiting

(Mr. Levchenko, USSR)

Missions to Palau, in June and August. That would be the best contribution to the provision of additional information for members of the Council before our discussion of the Council's report. The Soviet delegation would be grateful for that.

Mr. BIRCH (United Kingdom): Perhaps I might explain that in deciding what documents we should attach to our report we selected those that seemed to us to be the most significant and relevant. We received a number of other communications. They are listed in the annex. We did not think it necessary to publish them, because we believed that they added little in essence to what was already in the report.

Furthermore, if it became the practice of Visiting Missions to publish every communication they received, that would delay even further the issuing of the reports and would make for a very expensive and bulky compilation, and we thought it unnecessary.

The PRESIDENT (interpretation from French): Before I call on the representative of the Soviet Union, I wish simply to say that it seems normal to us for each Visiting Mission itself to decide how it prepares its report and the nature of the documents to be annexed to it.

Mr. LEVCHENKO (Union of Soviet Socialist Republics) (interpretation from Russian): We listened carefully to the intervention of the Chairman of the Visiting Mission, Mr. Birch, and we are touched that he explained that we understand what is going on here. Nevertheless, my delegation is grateful to the secretariat of the Trusteeship Council for giving us a photo-copy of the petitions. We have studied them carefully. We feel that they are very serious and

deserve distribution by the Council as official documents at this session. We should be very grateful if that were done.

The PRESIDENT (interpretation from French): I think that the documents involved have already been distributed and that the secretariat is continuing its normal practice in this case.

Mr. LEVCHENKO (Union of Soviet Socialist Republics) (interpretation from Russian): At our request, the secretariat did indeed give us the English versions of those communications. I repeat that the Soviet delegation has studied them and exchanged opinions, and it has concluded that those communications deserve to be distributed as official documents at this session. We ask you, Mr. President, so to decide.

The PRESIDENT (interpretation from French): The communications in question were addressed by their authors to the Visiting Missions. It is not desirable to give them undue status. Petitioners may address communications to the Trusteeship Council, and in such an event the Council takes due note of them. I repeat that here they are letters addressed to the Visiting Missions.

Time is moving on. The petitioners are here, and I think that the Soviet delegation and others attach great importance to them and would like them to present their petitions this afternoon, as planned. So it is not desirable for this debate to go on too long. However, as the Soviet representative wishes to speak again I now call on him.

Mr. LEVCHENKO (Union of Soviet Socialist Republics) (interpretation from Russian): Thank you for your clarification, Mr. President. However, the Visiting Mission is not an independent enterprise; it is a child of the Trusteeship Council and subordinate to the Council. It has presented its report to the Council, and in its report it says that it received communications. They were not addressed only

(Mr. Levchenko, USSR)

to the Visiting Mission; there was also a proclamation and Executive Order No. 57. There was a letter from Ms. Susan Quass. There was also a letter from Mr. Ibedul Yutaka M. Gibbons, and there were other communications. These are all documents directly related to a study of the situation in the Trust Territory, and in the area of Palau in particular. In discussing the report of the Visiting Mission without having these documents the Council will be deprived of a significant amount of information. That would be harmful to our work. That is why the Soviet delegation has proposed, and insists, that the documents be distributed as official documents of the Trusteeship Council.

The PRESIDENT (interpretation from French): The communications involved were distributed in photocopy form. They are available for consultation by members of the Council in the Secretariat. That is expressly indicated in the report.

Mr. BIRCH (United Kingdom): As these documents are concerned with the reports issued by the Mission which I chaired, and as I know the representative of the Soviet Union believes very strongly in the rules of procedure of the Trusteeship Council, I would like to refer him to rule 84, paragraph 2, which reads:

"The visiting mission shall decide which of the communications it receives are intended for its own information and which of these are petitions to be transmitted to the Secretary-General."

In this case, in accordance with the rules of procedure, we decided that these documents were addressed to us and that, by listing them here and making them available through the files of the Secretariat, this was giving them sufficient prominence.

The PRESIDENT (interpretation from French): I hope that that information will now allow us to close this debate.

Mr. LEVCHENKO (Union of Soviet Socialist Republics) (interpretation from Russian): The Soviet delegation feels that these documents are of such great significance that the members of the Trusteeship Council should read them and express opinions on them. We intend to do that in due course. In addition, however, all the Members of the United Nations receiving this report should also receive these petitions as official documents. For that reason we are proposing that they be issued as official documents of this session of the Trusteeship Council, which is considering the report of the Visiting Mission to the Territory.

The PRESIDENT (interpretation from French): I note that the proposal of the representative of the Soviet Union is not relevant, for the rules of procedure of the Trusteeship Council, in particular rule 84, are very clear on this matter. Does the representative of the Soviet Union wish to make an official proposal and oblige the Trusteeship Council to vote on it?

Mr. LEVCHENKO (Union of Soviet Socialist Republics) (interpretation from Russian): It was not the intention of the Soviet Union to make an official proposal to be put to a vote, as has been clear from the outset of this session. We proposed that the Council postpone its consideration of the report, but that was not an official proposal. However, we would hope that the members of the Trusteeship Council would demonstrate wisdom and respect the Soviet Union's request, and that the Council will issue these communications as official documents.

The President informed us at the beginning of this session that Council members were the masters of their own house, and therefore I am making a proposal that we decide to issue these communications as official documents, acting as masters in our own house.

Mr. PRESIDENT (interpretation from French): It is not my impression that the proposal of the representative of the Soviet Union necessarily meets with the approval of other delegations. Having said that, I would ask to hear their views on this matter. The representative of the United Kingdom has already recalled that the Visiting Mission did not deem it useful to publish these documents in its report. Consequently, one delegation does not share the view of the Soviet representative. Do other delegations wish to express an opinion with regard to his proposal?

Mr. GUINHUT (France) (interpretation from French): My delegation feels in general that it is necessary to hew as closely as possible to the rules of procedure of the Trusteeship Council. For that reason I would agree with the statement made by the representative of the United Kingdom. Moreover, with reference to an earlier Visiting Mission we found that this procedure was quite wise.

Miss BYRNE (United States of America): The delegation of the United States believes that the rules of procedure of the Trusteeship Council are very well considered, well drafted and quite clear. We believe that we should continue

(Miss Byrne, United States)

to abide by them. I would also like to state that we believe that the authority of the Visiting Mission should be upheld.

Mr. LEVCHENKO (Union of Soviet Socialist Republics) (interpretation from Russian): We have now taken a tour d'horizon, as we say. It is one thing to call for glasnost and quite another thing to decide to practise it and to give clarity and transparency to those communications and petitions, which reveal the true situation in the Territory to which the Visiting Mission was sent. The Soviet delegation would therefore like to express its dissatisfaction with this course of events. The Administering Authority and other members of the Council have nothing to fear from the release of those communications. They contain positive things about the Administering Authority as well as criticisms of it, and the United Nations and our Council would only gain by the publication of those documents. The Soviet delegation would ask that a decision be made to publish them.

The PRESIDENT (interpretation from French): Delegations have given their views on this question, and the situation seems clear to me. The rules of procedure of the Trusteeship Council are clear. The Visiting Mission is perfectly free to decide which of the communications it received should be included or left out of its report or the annexes to it. I think it is useless to continue this debate. I do not think that the Soviet proposal can be agreed to, in the light of the rules of procedure on the one hand and, on the other hand, on the basis of the reactions of other delegations.

Mr. GUINHUT (France) (interpretation from French): In the light of the comments of our Soviet colleague, my delegation would simply like to propose that we hear the petitions as soon as possible.

The PRESIDENT (interpretation from French): Indeed, the Council is wasting its time. If all delegations are really interested in hearing the oral statements of petitioners we must allow them sufficient time to make them.

(The President)

I would hope, therefore, that we can proceed with our work and hear oral statements by petitioners, rather than continuing with this debate.

If all delegations agree, I would suggest that the President resume the Chair before we continue.*

* The President resumed the Chair.

HEARING OF PETITIONERS

The PRESIDENT: The Trusteeship Council will now move on to the hearing of petitioners, and I apologize to them for having kept them waiting.

The Council has received six requests for hearings, T/PET.10/670 to 675, from Miss Else Hammerich, Miss Cathy Chapman, Miss Sue Rabbitt Roff, Mr. Stephen Collett, Mr. Roger S. Clark and Miss Sara Rios. If I hear no objections, I shall take it that members agree to hear the petitioners.

It was so decided.

The PRESIDENT: I invite Miss Else Hammerich, Miss Chapman, Mr. Collett, Mr. Clark and Miss Roff to take their places at the petitioners' table.

At the invitation of the President, Miss Else Hammerich, Miss Cathy Chapman, Miss Sue Rabbitt Roff, Miss Sara Rios, Mr. Stephen Collett and Mr. Roger S. Clark took places at the petitioners' table.

The PRESIDENT: I would ask petitioners, in the interests of time, to try to restrict their remarks to no more than 15 minutes. If it seems to me that you are going beyond 15 minutes, I shall give a polite warning and ask that remarks be drawn to a close. I invite Miss Hammerich to make her statement.

Miss HAMMERICH: I thank the Council for this opportunity to testify to the observations I made when I visited Palau as a member of the International Independent Observers Team to the referendum of 30 June 1987.

I should like to say something about the European public and Palau. A year ago there were hardly any journalists or organizations that knew about the conflict in Palau. Today, awareness and knowledge are widespread, as is concern. The public is increasingly worried about the role of the United Nations, to which we all belong and for which we all feel responsible. In the case of Palau, does the United Nations live up to its responsibilities? Does the United Nations live up to

(Miss Hammerich)

its own high ideals of decolonization, disarmament and the independence of nations? And does the United Nations take its own standards of free and fair elections seriously enough? Those are questions many people ask when they read or hear about events in Palau. The awareness and the critical questioning are increasing.

However, my statement today will concern only the question of free and fair elections. I shall not argue either for or against the Compact of Free Association, for that is not my business. But it is my business to estimate the level of fairness in the electoral process and to suggest amendments to the conditions of the electoral process. I shall also deal with events after the 30 June plebiscite, and that is because it is impossible to understand the essence of the plebiscite without taking those later events into account.

In December 1986 and June 1987 I was in Palau as an observer. The task of our group was to observe and to contribute to a process in which the people of Palau could express their will freely and without coercion. We were not to suggest how the voters should choose: only to observe, and that we did.

We met with a wide range of Palauans, both proponents and opponents of the Compact of Free Association. We were in fact invited by the Palauan legislature, in Public Law No. 2-27, which reads:

"Any independent international observing team, in addition to the United Nations observing team, shall be allowed to observe the referendum."

Our scope of observation was wider than that of the United Nations Visiting Missions, which observed "specifically the polling arrangements, the casting of votes, the closure of voting," and so on. We were aware of other important circumstances: political education, the changes since the last referendum, the possibility of pressures, and the whole atmosphere surrounding the plebiscite.

(Miss Hammerich)

Our presence was also needed because the United Nations Trusteeship Council and its Visiting Mission could hardly be said to be absolutely impartial, having recommended

"that the process of approval of the Compact of Free Association for Palau be completed at the earliest possible date."

Furthermore, the United Nations Visiting Mission had drawn a conclusion about the December referendum, with which I strongly disagree. It stated:

"It is the view of the members of the Mission that the people of Palau were able to vote freely and in accordance with their wishes."

The need for our observing and reporting was expressed to us many times in Palau, and very strongly by Moses Uludong, a senator and Governor of the State of Ngchesar. He said:

"Your presence is the only chance of the outside world knowing what is going on here. You are the only ones who witness what is being done to us."

I should like to say something about the time between the December and the June referendums. What happened during that time? After the December referendum the Palau legislature naturally demanded renegotiations because the Compact had been rejected. But that was refused by the United States, with the result that exactly the same document that had been rejected in December was put to the vote in June. The habit of being forced to vote several times on the same unrenegotiated document is extremely unusual in international society, and an abuse of the most democratic of all instruments, the referendum.

I do not know how to explain how revolting it seems to anybody who believes in a democratic process to let a people vote on a proposal for their future and, when the people reject that proposal, to deny them the right to renegotiate, thereby

(Miss Hammerich)

forcing them to vote again on the very same proposal. As one Palauan, Congressman Surangel Whipps, told me in June:

"We are just repeating. Everything is the same as in December, except that the economic coercion has escalated."

How did it escalate? During the spring of 1987 Government wages were withheld, making employees accept 32 hours' pay for 40 hours' work per week, a 20 per cent reduction. Water was shut off at night and so was electrical power. Hospital services were cut, especially the feeding programme, and various factors indicate that the intention was to pressure voters to accept the Compact.

When the cuts in paychecks were introduced, President Salii stated, according to the Palau Gazette of 20 January 1987:

"... the failure of the voters to approve the Compact has left the Republic in a grave financial crisis. This financial crisis will have a significant impact on the lives of all the people."

The law on the referendum, Public Law 2-27, states:

"If the referendum results in the approval of the Compact ... then all funds which have been withheld from the paychecks...shall be paid in full to such employees by no later than 30 days following the certification of such approval of the Compact."

The Government claimed that great amounts of money could be saved by cutting off power, but the House of Delegates made calculations that showed that little, if any, money could be saved. As to water shut-offs, they soon seemed totally unnecessary or ridiculous, the rain pouring down and water containers overflowing, causing great expenditures in road repair.

(Miss Hammerich)

So the conclusion must be that the aim of these measures was to pressure people for a "yes". This is a clear escalation in economic coercion. In the 2 December referendum the people were told that poverty could be the consequence of not accepting the Compact. Before the 30 June referendum it was shown to the people how poverty would feel.

This feeling of being pressured was expressed to us several times - for instance, at the public hearing we held we were told: "In this way they tell us that there is no more money if we do not get the Compact, but if we accept it everything will be OK".

In December there was a very great pro campaign by the proponents of the Compact. They used radio and television and so forth. This was completely changed in June: very few meetings, no signs, very little radio and television propaganda, no gauntlets at the polling places, no "vote yes" flags on the Government cars, and so forth. The "no" campaign was like the last time - modest and rather quiet.

But why had the Government and the pro-Compact people changed the strategy so dramatically? Many people we talked with said: "They are using new techniques, they are playing under the table, they are working underground, they are working in secrecy, they are creating fear". And I did observe a lot more fear than last time, more hesitation about speaking up, more careful secret contacts, more reluctance to state names when describing irregularities. When asked what kind of secret pressures there were, the same features were mentioned to us again and again: the economic pressures, bribes and the beginnings of terror against the opponents of the Compact.

We heard many stories about bribing, but that is a difficult thing to prove. We do know of several named individuals who were offered money from the Government

(Miss Hammerich)

or from pro-Compact people. Among them was a named woman elder of high clan and high integrity who was offered \$15,000 if she would change sides and influence her clan to do the same. I have more examples in the written statement that I shall submit to the Council subsequently.

As in December 1986, this referendum was not an operation directly run by the United States. It seemed to be Palauans fighting Palauans. The Americans seemed invisible. But one does not have to dig very deeply to discover their interference. Besides the overall problem - the United States opposition to the nuclear-free Constitution and its land provisions - I have already mentioned the heavy impact of their message of "no renegotiation" and the propaganda by delegations from the United States Administration and Congress prior to the referendum. But it is also very interesting to observe what the Americans abstained from doing.

In the case of the counterfeit money and the role of the Government, the FBI was asked by the Palau Senate to intervene and clear up matters, as it had the jurisdiction to do. That has not happened, and yet the request was made in March 1987. Likewise, Palau has a very serious drug problem, marijuana being grown and hard drugs being smuggled and sold. United States legislation allows the United States to make raids in order to stop drugs. This has not happened, even though a request was made by the Senate.

Likewise, there were the numerous accusations - more than eight court suits against the President - of misspending of funds and economic criminality. The United States did not act in regard to these destabilizing factors. One high Palauan official said bitterly: "Why don't they come and investigate? Why do they close their eyes to the drug mess, the counterfeit money, the misspending of funds?"

(Miss Hammerich)

Because they don't want to hurt a hair on the Government's head. Because they silently approve the destabilizing. Because they accept any method to get this Compact through".

The technical arrangements, the secrecy of the ballot and the tabulation seemed, from what we were able to observe, to be conducted in a corrupt manner. But, in comparison to the December referendum, I must conclude that the possibilities for the voters to make a free choice in July 1987 were scarcer. I build this conclusion on observation of: the impact of the United States "no renegotiation" pressure - and it was really pressure; the interference of United States delegations prior to the referendum; the economic coercion, especially the cutting of wages, water and power shut-offs and cuts in hospital services; and the fear-creating impact of destabilizing factors such as bribing, counterfeit money, physical intimidation, unfair sanctions against opponents, incidents of violence.

In addition to that, the main factors are: the overall threat that only approval of the Compact can create tolerable standards of living; the total dependence on United States aid - the United States not having fulfilled its obligation, under the Trusteeship Agreement, to create "economic advancement and self-sufficiency"; and the lack of alternative economic plans for Palau.

In telling you all this, my point is that it is perfectly possible to conduct a technically correct plebiscite and yet put the voters into an extremely unfree and unfair situation of choosing. On referendum day, an emergency regulation was issued, rumours of which had been whispered about for several days. It prescribes a furlough - a lay-off without pay - for employees, due to the financial crisis. This measure affected some 900 out of 1,300 employees. On referendum day, many people thought this measure was a last-minute threat. But others began to see the

(Miss Hammerich)

outline of a whole new strategy by the Government, carefully prepared prior to the referendum.

They found that the Government had abandoned the strategy of obtaining the 75 per cent needed to crush the Constitution. That was why the pro-Compact campaign was so low-key this time. The psychology was to isolate the defenders of the Constitution and to make them unpopular, and to make the 75 per cent rule unpopular.

Already while I was in Palau, I heard many proponents of the Compact talking about the lack of democracy in the 75 per cent provision, although it was adopted by 92 per cent in 1979. So, on referendum day, many people said that the next step of the Government might be to have another referendum to amend the Constitution, taking out the rule that only 75 per cent can override the nuclear ban - although such a referendum would possibly be illegal.

These worries and these forecasts later proved to be right. The ground was already prepared with destabilization, intimidation, financial drama and the anger of the public employees, carefully directed towards the opponents of the Compact.

After the referendum, a furlough committee emerged to direct the actions and the anger of the furloughed workers. This committee was led by Joel Toribiong, a special assistant to the President. The anger of the furloughed workers was turned not towards the President, who had withheld their salaries, but towards the opponents of the Compact in its present form.

(Miss Hammerich)

The workers were directed to camp out on the grounds of the OEK. As the pro-Constitution legislators tried to enter or leave their offices, the violent demonstrators threatened them, showing them weapons and explosives.

For many weeks the House was not able to meet and work in the OEK. Pro-constitutionalists were simply and violently prevented from entering their work place. And the President did nothing to remove that violent group. The President did not send in the police to restore law and order. The police were there, but did not intervene. This is very serious. To let a violent group prevent the parliament's work is a very serious attack on democracy. And as a parliamentarian I would seriously doubt any decisions or laws passed in such circumstances.

There were many cases of threats and violence against pro-constitutionalist legislators and others. The High Chief of Koror requested that a United Nations peace-keeping mission be sent to Palau, but in vain. Under these extreme conditions of terror, the OEK passed a law concerning a referendum - which took place on 4 August - without public discussions and in an atmosphere of escalating terror and fear.

Some days before the referendum, a lawsuit was filed by Roman Bedor on behalf of several citizens challenging the legality of the upcoming referendum. So when the referendum took place on 4 August, nobody knew whether it was legal or not. But in spite of all the legal and moral uncertainties, another plebiscite on the Compact was held on 21 August. The United Nations Visiting Mission was present. But had the voters of Palau truly and legally approved the Compact? That was the question to which only the Palauan Supreme Court could give an answer. International legal opinion was that the case challenging the legality of the process was a strong one. The fear and the violence in Palau now escalated to such a degree that the Chief Justice had to move his family from one house to another, and he resigned from the case.

(Miss Hammerich)

Palau's High Chief, citing fear of civil unrest, made a deal with President Salii, and the court suit was withdrawn. But some days later a group of women elders marched into the Court and reinstated the case. These highly respected and determined women really represented a challenge to those forces in Palau which were willing to ignore all democratic principles. So the day before they were supposed to appear in court several things happened. In quick succession late at night, the power was shut off, a bomb was thrown at the home of Gabriela Ngirmang, the lead woman plaintiff; another fire-bomb went off, and the father of Roman Bedor, both well known pro-constitutionalists, was shot and fatally wounded. The next day the women withdrew the court case "under duress and with tears". To the last minute, they were threatened by 200 to 300 demonstrators dressed in a semi-military way, standing inside and outside the courtroom. In his dismissal order, presiding Judge Hefner said:

"There are indications in the record and in the proceedings that the dismissal signed by the plaintiffs may not be voluntary."

He spoke of intimidation and of the use of violence.

As regards the June referendum, I had to conclude that the voters were put into an extremely unfree situation. But since then the situation has changed radically. The electoral process can no longer be judged in terms of more or less freedom and fairness. The question is now much more crucial: Were the last two referendums legal or illegal?

So the most important thing for the United Nations to do is to clarify the question whether the two last referendums were legal or not, according to the Palau Constitution. If it is shown that the two referendums were illegal, then the Compact is not approved in Palau, and a new decision will have to be taken. In that case, the United States should be urged to renegotiate, respecting the referendum in Palau of 30 June.

(Miss Hammerich)

I cannot see how a free and fair election could take place in Palau without a renegotiation resulting in a new proposal of a Compact that fully respects the Palauan Constitution. But there is one other condition. The creation of free and fair elections concerning the Compact requires that the political decision should not be connected with the economic concern of the people of Palau. Economic threats and coercions of any kind must be eliminated. It is neither free nor fair to force a people to choose between protection of their land and a decent standard of living.

I shall leave with the Council documentation concerning all I have said here.

The PRESIDENT: I thank Miss Hammerich for her petition. My intention is that if any members of the Council would like to ask questions of petitioners, we shall take those questions immediately after the petitioner has spoken.

Mr. SMITH (United Kingdom): My delegation listened with considerable interest to Miss Hammerich's petition. I should like to address one or two questions concerning the mandate of an international observer mission. I have before me the report of the previous international observer mission of which Miss Hammerich was also a member, in which, among other things, the guidelines for such missions are quoted. I should like to read out the guidelines. These are:

"To ensure that an independent, impartial and objective report evaluating the electoral process in a particular country is prepared;

"To encourage participation in the electoral process by undertaking to report any significant manipulation of the electoral process and/or to assist in ensuring the integrity of the electoral process".

(Mr. Smith, United Kingdom)

I should like, in particular, to emphasize the words "an independent, impartial and objective report".

It seems to me that what we have just heard from Miss Hammerich is indeed a report on the latest Visiting Mission. But it seems to me that the activities of that observer mission fall short of the standards laid down in the guidelines which I have just read out. I should like to draw Miss Hammerich's attention to an article which appeared in the Pacific Daily News on 23 June this year in which she and a colleague, Miss or Mrs. Elizabeth Bendix, are quoted as describing the referendum as "sheer absurdity".

(Mr. Smith, United Kingdom)

She then goes on to describe the voting taking place in Palau as:

"incompatible with all democratic principles which would hardly be accepted in any country calling itself a democracy", and so forth.

I should like to ask Miss Hammerich how she reconciles such statements - which to my delegation appear extremely partisan and to reveal a prejudice towards opposition to the Compact - with the requirement to act in an independent, impartial and objective way.

Miss HAMMERICH: I totally uphold what I was quoted as saying in that paper, because our aim was to see if the elections were free and fair, but we did not look only at the technical arrangements. We also looked at what had happened before, at the whole atmosphere and the situation of the voters - their ability to vote freely - and one of the worst things we found was that the voters were going to vote on exactly the same document that they had rejected in December. There had been a democratic process in December and the Compact had been rejected. We do not blame the authorities of Palau in this case: We blame the Administering Authority of the United States because they were so arrogant that they did not even want to renegotiate a compact that the people of Palau had rejected. So this has nothing to do with being partial or impartial. It is just a question of putting the voters in a totally impossible situation.

Mr. SMITH (United Kingdom): It is indeed true, as Miss Hammerich says, that the voters of Palau were voting on the same document on which they had voted in December. However, it seems to me that to argue that such a procedure is inappropriate is to see the vote outside the overall context in which it was taking place, and certainly it seemed to my delegation that the situation had

(Mr. Smith, United Kingdom)

changed considerably - particularly the economic situation - between the December vote and the vote in June.

Returning just briefly to the question of impartiality or otherwise, it still seems to my delegation that the members of the International Observer Mission were seeking to influence the outcome of the vote which was taking place. I should like to contrast that with a further article which appears in the same edition of the Pacific Daily News - on the same page, in fact - where in the first line a representative of the United Nations Visiting Mission, in fact, Mr. Raj Singh, of Fiji, is quoted as follows:

"We are not here to tell you people what to do. It is for the people of Palau and the Government of Palau to decide what they want."

It seems to my delegation that Miss Hammerich was there precisely to tell the people of Palau what to do and to try to influence the choice that the people of Palau would make.

Mr. CHERNY (Union of Soviet Socialist Republics) (interpretation from Russian): I should like to thank Miss Hammerich for finding the time and opportunity to come to New York and give the statement we all just heard. I have some questions to ask of her, and in so doing my delegation assumes that Miss Hammerich was there personally and knows the situation in Palau.

In her introduction she pointed out that there is a lot of information and talk about the fact that there are conflicts in Palau. For example, I get the impression, on the basis of the materials which our delegation has, that in this particular case we are talking primarily about the situation with regard to the Constitution of Palau and the non-nuclear status of the Territory. But as the

(Mr. Chernyy, USSR)

President, Mr. Birch, told us today, during contacts with the Palau electorate, they did not raise the non-nuclear question. That being so, one might conclude that the people of Palau are not very interested in this question of the non-nuclear status of Palau. Then, what is the essence of the conflict mentioned by Miss Hammerich? Why is it necessary to resort to an atmosphere of fear to vote for a Compact? As we know, the Compact provides for economic assistance to be given to the Territory. What is so bad about economic assistance? Why is it necessary to resort to fear for the people of Palau to vote? That is the first question.

The second question concerns the events in Palau. Perhaps Miss Hammerich can point out to us whether during the political campaign preceding the plebiscite proposals were made to the electorate and whether there were options as to the political status, other than that of a Compact of Free Association. Did the electorate during this political campaign reject other options, and was the bulletin which was issued later just about a Compact? Could she explain that situation to us?

Miss HAMMERICH: First, in response to the representative of the United Kingdom who was a member of the United Nations Visiting Mission, and who quoted the Pacific Daily News to the effect that they had not come to Palau in order to interfere with or tell people how to vote - I think that was exactly the same expression we used when we had our public hearing, and I have to explain to the Council that I think it is perfectly possible to act correctly, as we did - we did not tell one person how to vote - while at the same time having one's own attitude on the whole problem. I am sure that the representatives of France and the United Kingdom sometimes have their own attitudes on questions but are able to act correctly anyway.

(Miss Hammerich)

As to the representative of the Soviet delegation, he asked whether there were other options available during the campaign. I heard some people speak of independence, but there were not so many. There may have been a few more in June than in December but it was only a minority of the people who spoke of independence. The overall attitude was that there were only two possibilities: one was to choose the Compact, and in so doing have the necessary fundings, money, social welfare, and so forth. If one did not choose the Compact, then one would be poor. That is the overall impression, which was very much underlined by the fact that the Government had cut down on wages, power, electricity, water and hospital services, to show the people how it was to become poor if they did not accept the Compact.

(Miss Hammerich)

Nevertheless I think it was impossible to have the last 25 per cent of the voters vote for the Compact. No matter what was done, no matter what was said, there was a core of people who had these principles about the land rights, about the nuclear questions, about the sovereignty of their country and other things and who did not want the Compact, and it was impossible to make them surrender in normal ways. Something stronger had to be used before these people would surrender, and even when the situation was full of violence in the air they did not surrender. So in fact you had to do a thing as automatic as to amend the Constitution that was adopted by 92 per cent in 1979. It is a very dramatic thing to adopt a Constitution. It was not legal either, I think, to do it in that way, but in order to create an atmosphere where people accepted and would vote for a plebiscite to amend the Constitution you had to use fear and terror. That was necessary because many people in Palau are steadfast in their belief in principles and the Constitution.

Mr. GAUSSOT (France) (interpretation from French): I simply would like to raise a point concerning the statement made by Miss Hammerich. She was surprised, in her first response to the representative of the United Kingdom, that the Palauan population could be called upon to vote in June on an agreement it had rejected in December. I do not quite understand what Miss Hammerich meant by that. To my knowledge, in December more than two thirds of Palau approved the Compact of Free Association with the United States. How can we talk about rejection when more two thirds of the population approved the text? I do not really understand that.

Mr. CHERNYI (Union of Soviet Socialist Republics) (interpretation from Russian): My delegation would like once again to thank Miss Hammerich for

(Mr. Chernyy, USSR)

answering our questions and to ask whether she has any additional information about our Mission that she could give us.

Miss HAMMERICH: The representative of France said that he did not understand my surprise and dislike of the situation in which a people was forced to vote twice on the same document; he said that the Compact of Free Association was adopted by two thirds in June. But according to the Palau Constitution, it was not adopted; it was rejected, because adoption demands, as is very well known, 75 per cent.

The history of the 75 per cent requirement is very interesting because the fathers and mothers of the Palau Constitution originally wanted the nuclear ban to be eternal - for all time. But the United States did not like these nuclear provisions and opposed them. There were negotiations and Palauans made a compromise that if at some time it was very important to have nuclear weapons in Palau and if 75 per cent of the voters voted in favour, they could admit it. That is how it came about. They wanted it to be total, comprehensive and eternal and they arrived at a compromise of 75 per cent.

Also I should like to ask the representative of France: how would it be in France if somebody proposed a new plan for France, for example, leaving the Economic Commission for Europe (ECE), or some thing like that, and then there was a referendum and the French population voted "no" to that proposal, and then the authorities had them vote on exactly the same proposal after half a year? What kind of situation would that create in France? In Denmark it would not create a revolution because we do not have revolutions. But, if we did, it would cause one.

In conclusion, I think it is very important to see what is going to happen now, and that the United Nations should clarify whether these referendums are legal. I think that that is very important. And that means that, if the court

(Miss Hammerich)

case is reinstated, then it is very important to see to the security of the plaintiffs because of all the threats against them. That is something the United Nations might at least look into.

Mr. GAUSSOT (interpretation from French): I do not quite understand Miss Hammerich's comparison of a hypothetical referendum in France on leaving the ECE and the situation in Palau. All Governments in democratic countries can organize a referendum on the same subject. I think the British voted twice on joining the ECE and nobody said that that was an undemocratic procedure - just to refer to the procedure Miss Hammerich mentioned. Also when an agreement is approved by a majority that is not sufficient under the Constitution, one cannot say that it was rejected: it was merely approved by an insufficient majority. In that case, when the majority reached is quite close to that needed it seems quite natural for a Government to raise the question again in the hope that changes in the minds of people over a period of months might make it possible to reach the required majority. In any case, the insufficient majority which is not the large one required still cannot be identified with a rejection.

Miss Hammerich withdrew.

The PRESIDENT: I now call on Miss Roff to address us. My intention is that we should adjourn the meeting at 6 o'clock, but as you take your seat I would like to recall that the last time you addressed us it was only for a moment or two, and the reason, I believe, is that you were expecting a child. I am sure that we are all very happy to see you back here in your present condition and in fact to have seen and occasionally to have heard your child. We extend to you our warm congratulations and best wishes. I would now like you to present your petition as briefly as you can manage.

Miss ROFF (Minority Rights Group): Thank you for the opportunity to bring the concerns of Minority Rights Group, a non-governmental organization in consultative status with the United Nations Economic and Social Council, to the Council in connection with the termination of the Trust Territory of the Pacific Islands.

As the last Trust Territory to be decolonized and the only strategic Trust Territory to date, the termination process for the Trust Territory of the Pacific Islands will be scrutinized with particular care. It would be a sad comment on the Trusteeship Council if future observers concluded that the process for termination of Trust Territories within the context of resolutions 1514 (XV), 1241 (XIII) and 35/118 had been evaded rather than fulfilled. Moreover, in so far as a strategic trust is a special category, it would be invidious if it were to be subsequently realized that the administering Power had succeeded in a virtual "termination by default" through de facto unilateral termination.

In earlier statements we reported that not one legal writer on this issue - including the legal writings of staff members of the Office of Micronesian Status Negotiations - has ever argued that the Trusteeship Agreement for the Pacific Islands could be terminated by action in the Trusteeship Council alone. All agree that the Security Council must speak on termination in this case - that is one of the unique characteristics of the strategic trusteeship. It is only the representatives of the administering Power in this Chamber who have ever argued otherwise.

The United States judicial understanding of the status of the Trusteeship Agreement in relation to the Compact of Free Association is articulated by Kenneth R. Harkins, Senior Judge in the United States Claims Court, in his Memorandum of Decision in Tomaki Juda et al. v. the U.S., No. 172-81L, filed

(Miss Roff)

10 November 1987. I propose to read out the following paragraphs of that Memorandum of Decision for the record:

"All parties agree that the political status of free association that is recognized in the Compact Act, and the guardian-ward relationship of inhabitants of a Trust Territory under auspices of the United Nations, are incompatible and mutually exclusive ...

"...

"Defendant" [that is, the United States] "contends the President, in terminating the Trusteeship Agreement, has the option to rely upon UNTC resolution No. 2183 as the basis for a unilateral declaration that the Trusteeship Agreement may be terminated without action by the UNSC. Defendant further contends that exercise of this option is not subject to judicial review. Defendant fails to recognize that the Trusteeship Agreement and the Compact are two separate documents that involve different parties and raise differing legal issues. The Trusteeship Agreement is between the United States and the United Nations Security Council; the Compact is between the United States and the Republic of the Marshall Islands. Trusteeship termination and Compact implementation are two separate issues.

"...

"A proper interpretation of the relevant documents requires the conclusion that the Trusteeship Agreement may not be terminated formally until the Security Council has acted. Article 83 (1) of the Charter specifically delegates to the Security Council authority to exercise 'All functions of the United Nations relating to strategic areas'. The phrase 'including any alteration or amendment' when given its obvious meaning encompasses termination of the entire agreement.

(Miss Roff)

"Representatives of the United States, since 1947 and until 4 March 1986, consistently have acknowledged an obligation to seek United Nations Security Council approval of termination of the Trusteeship Agreement. In 1947 the United States representative to the Security Council, when the terms of the Trusteeship Agreement were being negotiated, argued that the 'draft trusteeship agreement is in the nature of a bilateral contract between the United States on the one hand and the Security Council on the other'. With respect to the effort to include language in Article 15 which would have given the Security Council a role in a termination, the United States representative stated that the responsibilities of the Security Council are defined in the Charter, and that 'no amendment or termination can take place without approval of the Security Council'.

"On 17 November 1985, with respect to the Covenant to establish a Commonwealth of the Northern Mariana Islands, the Assistant Secretary of State for Congressional Relations advised the Chairman of the Senate Foreign Relations Committee:

'The United States recognizes that it is obligated to seek Security Council approval of termination of the Trusteeship Agreement. The United States accordingly intends to seek and expects to obtain Security Council approval. The United States does not anticipate that the Security Council would deny or ignore the mandate it shares with the Administering Authority to elicit and respect the freely expressed wishes of the people for self-determination. If for any reason the Security Council's concurrence were withheld, we would have to face that question at that time.'

(Miss Roff)

"In connection with consideration of the Compact of Free Association, the Committee on Foreign Affairs, House of Representatives, submitted questions to the State Department. In response to an inquiry on whether the United Nations must 'approve the Compact and agree to termination of the Trusteeship Agreement', the State Department answered: 'It is the intention of the United States to take up the question of termination of the Trusteeship Agreement at the appropriate time with the Trusteeship Council and the Security Council.'

"In this litigation," [that is, the case in which this judgement was rendered] "defendant" [the United States of America] "consistently has taken the position that the Security Council approval was needed for termination of the Trusteeship Agreement. Defendant's 23 December 1985 motion to suspend the pretrial proceedings stated:

'The United States takes the position that the effective date of the Compact should be the date of termination of the United Nations Trusteeship. The United States plans to represent the Compact to the United Nations Security Council in March 1986 and fully expects termination of the trusteeship to occur by 30 April 1986.'

"Defendant's 4 March 1986 motion to dismiss included this statement:

'The United States is preparing to take up the question of termination of the Trusteeship Agreement with the Trusteeship Council and the Security Council of the United Nations. The United States takes the position that the effective date of the Compact should be the date of termination of the Trusteeship.'

(Miss Roff)

"Defendant would enlarge the role of the United Nations Trusteeship Council in United Nations procedures applicable to termination of Trusteeship Agreements. Defendant contends Security Council Resolution No. 70, 7 March 1949, delegated to the United Nations Trusteeship Council authority to exercise all of the United Nations functions relevant to the political, economic, social and educational advancement of the inhabitants of the strategic Trust Territory. This argument assumes that after the UNTC has reported to the UNSC that the United States Charter obligations have been discharged, and has made its finding that it is appropriate for the Trusteeship Agreement to be terminated, Resolution No. 70 renders further action by the Security Council unnecessary.

"Resolution No. 70 authorized the United Nations Trusteeship Council to exercise, on behalf of the United Nations Security Council, the powers conferred in United Nations Charter Articles 87 and 88 applicable to non-strategic trusteeships that are supervised by the General Assembly. The powers conferred in Articles 87 and 88, however, involve only routine day-to-day functions. They authorize the United Nations Trusteeship Council to formulate questionnaires to the inhabitants and Administering Authority of the Trust Territories to consider reports by the Administering Authority, to accept petitions and to examine them in consultation with the Administering Authority, to provide for periodic visits to the respective Trust Territories and such like actions. Resolution No. 70 does no more than implement the provisions of Article 83 (3), which authorizes the Security Council to avail itself of the assistance of the Trusteeship Council. Resolution No. 70 did not alter the fundamental responsibility of the Security Council for all functions of the United Nations as to strategic trusts. The United States

(Miss Roff)

representative to the Security Council argued that action under Resolution No. 70 did not in any way prejudice the Security Council's 'full and ultimate responsibility for all functions of the United Nations relating to strategic trusteeships, or deprive it of its jurisdiction to take such further action as it deems appropriate'.

"For the non-strategic trusts supervised by the General Assembly, the role of the United Nations Trusteeship Council has been to provide a report and a recommendation to the General Assembly concerning the political, economic, social and educational advancement of the inhabitants of the Trust Territory. The procedure has been a report and recommendation from the United Nations Trusteeship Council, followed by a decision of the General Assembly.

(Miss Roff)

"Ten non-strategic trusteeships have been terminated. In each case, the General Assembly, not the United Nations Trusteeship Council, has passed a resolution specifically declaring that the trusteeship agreement involved 'shall cease to be in force'. It may be that action by the General Assembly, after the United Nations Trusteeship Council recommendation, has been pro forma. Neither the United Nations Trusteeship Council nor the General Assembly, however, has ever construed the Charter to permit the United Nations Trusteeship Council to perform the functions of the General Assembly as to termination of a non-strategic trusteeship agreement".

The references for this are in the photocopies of my statement. It continues:

"Under the United Nations Charter, the role of the Security Council under Charter Article 83(1) with respect to strategic trusts is the same as the role of the General Assembly under Article 85(1) with respect to non-strategic trusts. By analogy, approval of the Security Council should be required to effect a termination of the only strategic trusteeship agreement."

I have taken the Council's time to read that out because it is such a clarifying statement by a judge of the United States Court of Claims. I hope the Council will find it as useful as we have in analysing the situation.

The PRESIDENT: Does any member of the Council wish to put a question to Miss Roff? As there are no questions, I thank you, Miss Roff, for your petition.

Miss Roff withdrew.

The PRESIDENT: I propose to adjourn shortly until 10 a.m. tomorrow. I apologize to those petitioners who came expecting to speak for our having run out of time. They will have observed the reason. I hope that we shall continue in the same order as I gave. That means that if possible at 10 a.m. we shall hear

(The President)

Ms. Chapman and then Mr. Collet and Professor Clark. There will then be one further petitioner.

The meeting rose at 6.05 p.m.