

UNITED NATIONS TRUSTEESHIP COUNCIL



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Fifty-second Session

VERBATIM RECORD OF THE FIFTEEN HUNDRED AND EIGHTY-SIXTH MEETING

Held at Headquarters, New York,
on Thursday, 16 May 1985, at 3 p.m.

President: Mr. MAXEY (United Kingdom)

Examination of the annual report of the Administering Authority for the year ended 30 September 1984: Trust Territory of the Pacific Islands (continued)

Examination of petitions listed in the annex to the agenda (continued)

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The meeting was called to order at 3.15 p.m.

EXAMINATION OF THE ANNUAL REPORT OF THE ADMINISTERING AUTHORITY FOR THE YEAR ENDED 30 SEPTEMBER 1984: TRUST TERRITORY OF THE PACIFIC ISLANDS (T/1871) (continued)

EXAMINATION OF PETITIONS LISTED IN THE ANNEX TO THE AGENDA (see T/1872/Add.1) (continued)

The PRESIDENT: I now call on Ms. Jovita Nabors of Tinian to make her statement.

Ms. Jovita NABORS: My name is Jovita Nabors. I am a citizen of the Northern Mariana Islands. I was born on Saipan in 1967 and grew up there until I was 13 years of age, when I went to Hawaii for schooling. On Saipan I went to school at Mount Carmel High School.

I have come here to the Trusteeship Council to make a statement regarding my land on the island of Tinian. My mother, Dolores Pangelinan, is one of the indigenous Tinian people. She was born on Yap Island and was moved by the United States Navy from Yap to Tinian after the Second World War. Like other people of Chamorro ancestry living on Yap, she was uprooted from Yap Island and moved to Tinian.

When our Chamorro people were moved to Tinian after the war we were not given ancestral land. Rather, the United States allowed a small homesteading programme. I have land on Tinian because, through my parents, I was able to acquire a small amount of homestead land.

Many of the Tinian people who were returned from Yap had no land. They are landless in their own native islands.

Land to islanders is social security, and if my land on Tinian is taken away by the Commonwealth Government for use by the United States military without being replaced with other land I shall be landless.

Under the Northern Marianas Covenant, there is a 50-year lease on the northern two thirds of Tinian, including my land, to the United States military. But the Northern Marianas Government, acting for the United States military, wants to take my entire land interest - the fee title.

At best I, like other Tinian landowners, am being offered only a lease on other land. That lease for 40 years could run out before I could pass on land to any children I may have.

(Ms. Jovita Nabors)

When I was a girl in school on Saipan, we celebrated United Nations Day every year. It was our biggest holiday of the year. In school we were taught that the United Nations was our greatest protection.

Now I have come here to the Trusteeship Council to ask it for that protection we learned about when I was in school on Saipan.

When I read the Trusteeship Agreement I see that the paramount interest of the sacred trust that the United States agreed to discharge protects me from loss of my lands, but now that loss is exactly what the United States is acting to bring about. It is taking my land without replacing it with other land.

I do not want to believe that trusteeship means that my land can be taken against my will. I would rather believe that I could voluntarily offer my land for use by the United States if I wanted to. But I want to believe that if I do not want to offer it to the United States military, I do not have to.

Our island of Tinian became famous during the Second World War because the atomic bombs that went to Hiroshima and Nagasaki were carried from the United States air base on Tinian. I think it would be much better if we preserved Tinian as a memorial to say, "Never again".

I know that the United States will say our people voted to approve a Tinian military base. But I did not vote for it; I was only seven years old. And now that plebiscite vote, which was a vote to approve a Tinian lease, is being used as an excuse to take away my land and the land of the other Tinian people for ever. I know in my heart that is wrong. I believe it is wrong to build another military base on Tinian. I appeal to the Council today to fulfil its sacred responsibility by requiring that the United States respect the trusteeship and advising it that it has no right to take away our land for ever.

I am very honoured that I have been allowed to speak here today. I hope that I have been able to explain the reasons why I prefer that there be no military base on our island. I hope the Council can understand how important land is to me as a girl who has grown up on small islands where there is very little land.

If members of the Council have any questions, I hope they will allow my father, who is a lawyer, to help me with answering them.

The PRESIDENT: I call now on Mr. Robert Solenberger.

Mr. SOLENBERGER: It is an honour to appear before the Trusteeship Council. I hope that my words will be considered by those determining the conditions under which the Micronesian islanders, among whom I have lived, will

(Mr. Solenberger)

enter a new era of self-determination. My qualifications to speak include several years of university study and teaching on the cultures and peoples of the Pacific Islands, as well as almost two years spent as District Anthropologist in the Mariana Islands, where I functioned as administrator as well as observer, and in research travel throughout the principal administrative centres of the Trust Territory investigating cultural backgrounds of language learning for a course which I gave at the University of Guam. I cannot forbear to mention my last interview, at the end of a session such as this, with one of my mentors on third-world subjects, Mr. H.A. Wieschhoff, then chief anthropologist of the Trusteeship Section, who later went down in the plane with Dag Hammarskjold.

My first encounter with Micronesians consisted of seeing a dozen young Marshallese kneeling in a circle on the grass outside a Navy mess hall on Kwajalein in 1951. What I thought might be some occult ritual turned out to be a noon-day game of dice. On my second visit to the Marshalls, in 1968, I gained a favourable impression of the orientation in process at Laura village by Peace-Corps volunteers, who were the first Americans in Micronesia to converse in the local language and to share the homes of the villagers instead of living in segregated Government housing. My prescription for remedying the notorious slum conditions on the crowded island of Ebeye is that all United States Government employees who must remain at the Kwajalein Atoll be required to live on Ebeye, while the more numerous Marshallese take over the more spacious housing and community facilities on the main island, which ought to be vacated in their favour by the Americans.

The other major goal for Kwajalein ought to be the unrestricted return of the entire atoll lands and lagoon to the Marshallese owners, except for a few civilian facilities such as an airstrip. Many people are sceptical of the value of both the MX missiles being fired at the Kwajalein target range and the so-called star wars facilities as ways of increasing world security. When the islanders were first removed from Bikini and Enewetak in the 1940s they were asked to make this sacrifice for the future peace of the world. World opinion now seems to be turning against atomic devices as a means of securing peace. If indeed Pacific islands are to be used either as targets or for any form of atomic nuclear testing, such activities must be moved completely away from inhabited areas, perhaps to uninhabited islands such as Johnston, Howland, Baker, Canton, Enderbury, Christmas or Fanning. I am glad to learn that whatever political status the Marshall islands eventually assume, they will not be debarred by an espousal provision from suing for full compensation for present and future medical problems. It is important

(Mr. Solenberger)

that Marshallese have free access to physicians of their own choosing who will keep complete clinical records accessible to each patient.

Recent reports of a recurrence of leprosy, or Hansen's disease, in Micronesia surprise me. In 1952 I encountered on Guam groups of Micronesians on their way to their home islands after having being released from the Trust Territory leprosarium on Tinian. Trust Territory officials told me at the time that successful drug therapy was already gradually eliminating this disease and that the leprosarium could probably be closed down within the next few years. If that institution has been closed, it would seem to be a continuing moral obligation of the United States to follow up each known case of Hansen's disease in the Trust Territory - or newly independent area - with adequate treatment sufficient to end the threat of this disease permanently. If this or other diseases such as cholera were known to persist in Micronesia it could have a serious effect on the tourist industry and make it difficult to recruit any United States or United Nations personnel who might still be needed in that region. Especially if parts of Micronesia are to gain anything less than complete control of their own islands under any form of free association, the United States must be prepared to pay for an adequate infrastructure, including health, education and transport.

When I took up my duties in Saipan in 1951 I was shocked to find that there was only one school bus on the island and that there were not nearly enough desks for the children of school age, so that parents were not being encouraged to enter all children in school. Although this shortage was eventually remedied, the overall evaluation of American educational effort from 1944 to the present reveals the only partial appropriateness of this well-intentioned programme. At least for the pre-Peace-Corps period, most stateside American teachers were oriented towards traditional academic educational methods and even young Micronesians trained under them made great use of rote memorization in English. One attempt, in 1968, at bringing Pacific Island culture into the classrooms of the Marianas consisted of translating from English to Chamorro, the native language of the Marianas, a collection of mythological tales collected by an anthropologist in an area of Micronesia hundreds of miles away peopled by supernatural beings entirely unknown to the Roman Catholic children of the Marianas.

On a visit to some of the Palau Islands in 1952, I observed the success, in the administrative centre at Koror, especially, of the work of both Dr. Homer G. Barnett, then Chief Anthropologist of the Trust Territory, and of Dr. William A. Vitarelli, then Superintendent of Schools in the Koror District,

(Mr. Solenberger)

in stimulating Palauans to take responsibility for the planning and execution of their own community, educational and economic institutions. As a schoolboy during the 1930s, I knew William Vitarelli when he was working on a pioneer curriculum integration project funded by the Progressive Education Association, in collaboration with James Michener, later of "South Pacific" fame, involving a combination of manual and linguistic skills. Dr. Vitarelli has written fascinatingly of his partial success, over a long period of years, in attempting to help Palauans and other Micronesians with educational and adult-level projects which gave learning and leadership experience to the islanders by selecting activities of a scale and technological level appropriate to third-world conditions. Other American Trust Territory officials sometimes went to unusual lengths to thwart many of these modest plans, substituting large-scale projects that could only be elaborated by bureaucrats from the United States mainland. It is a serious charge that the United States has attempted to educate Micronesians academically for careers appropriate only to high technology and elaborate bureaucracy, in order to render these people unable to become truly independent and self-sustaining in their own islands. The lack of success of Vitarelli's attempts to orient education in Palau to third-world conditions was shown by my own socio-economic survey on Guam in 1952, according to which the great majority of secondary school students from Palau stated that they hoped to return to their home islands as "lawyers" or bureaucrats, although there was much more need for skilled mechanics.

An outstanding event on Saipan during the 1950s was the annual United Nations Day celebration each 24 October, complete with a parade, coconut husking contest, and crowning of a queen. Is there any place today where the people identify with the United Nations flag as their own? My own Department of Internal (or Native) Affairs had an outstanding float depicting a traditional Saipanese subsistence farm, with specimen crops growing, including rice, which dates from the Stone Age in the Marianas. On the side the banner read "Live well from your farm", in both English and Chamorro. The campaign in the 1940s and 1950s was to get more Marianas Islanders to focus their attention to putting their land - much of it then still covered with Japanese sugar cane for which the refineries had been purposely destroyed by wartime United States bombing - back into cultivation for subsistence crops. This was due to the idealistic efforts of two men, both trained in tropical agriculture at the University of Hawaii, the late Frank L. Brown, Director of Internal Affairs in Saipan District, and the late Ignacio V. Benavente, then

(Mr. Solenberger)

District Agricultural Agent, and later a mayor and judge. Why did Mr. Brown have to use his personal influence with Navy officers to bring in Brahma cattle on the deck of a battleship, and to have the men operating a much-appreciated experimental farm to supply seeds and breeding stock carried on the payroll as "clerk-typists"? Brown helped an enterprising Saipanese obtain machinery for a small-scale coffee roaster, to utilize the coffee groves left growing on the mountain slopes by the Japanese, resulting in flavourful ground coffee. By my next visit to Saipan in 1968, both the sugar cane and the coffee trees had been cut down, with no further attempt at development. Whether we speak of family subsistence farming or of commercial agribusiness, we need to look critically at the extent of American encouragement to Micronesian agriculture and horticulture, as well as to stock raising.

Several years ago it was suggested that mainland Americans often with little knowledge of the tropics, be replaced by officials recruited by the United Nations from somewhat similar third world countries. Of course there should now be a cadre of educated Micronesians capable of taking over. A few such appointments have already been successful. My closing recommendation is that the United Nations as a whole assume an active role in Micronesia, in so far as outside help is still needed.

Mr. BADER (United States of America): I should just like to comment briefly upon the two petitions that we have just heard. In Mr. Solenberger's petition I note that he urges that:

"If indeed Pacific islands are to be used either as targets or for any form of atomic nuclear testing, such activities must be moved completely away from inhabited areas."

And he goes on to list some uninhabited islands.

I wish to assure Mr. Solenberger that there is no intention on the part of the United States to conduct any nuclear detonations in Micronesia. We honour the ban which has been signed on nuclear explosions in the atmosphere. We are a signatory. The last such atomic test in Micronesia was in 1958. Let me just quote for Mr. Solenberger section 314 of the Compact, which I think makes quite clear the United States intentions in this regard:

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

(1) Test by detonation or dispose of any nuclear weapon ..."

(Mr. Bader, United States)

Regarding the other petition that we have just heard from Ms. Nabors, to which it was, of course, impossible to listen without sharing her emotion and appreciating what she had to say, my delegation, of course, welcomes her appearance before the Council. We share many of the goals that she outlined. I do not intend to rebut her statement. I should simply like to clarify the situation on the military lease which she described.

The United States and the Northern Marianas signed the Commonwealth Covenant in 1976. It contained a provision allowing the United States to exercise an option on a lease for lands in Tinian and Saipan for contingency military purposes. The United States chose to exercise that option in January 1983 when we and the Northern Marianas Government entered into a lease to use some 18,000 acres. At the time, we paid the Northern Marianas Government \$33 million for the exercise of that option. The lease runs for 50 years and may be extended for another 50. However, much of the land will be leased back to its occupants at a nominal fee so that they can continue to use it for civilian purposes, primarily agriculture and grazing. This land, I should emphasize, is for joint use. There are no permanent military facilities in this land. There are no permanent military personnel on this land. There is no intention to build a military base on Tinian.

I should like to suggest that if the Council is interested in further clarification concerning the disposition of the \$33 million and the actual status of the land in the Northern Marianas, it might be well at this point to call upon the representative of the Northern Marianas to discuss this matter further.

The PRESIDENT: I call on Mr. Guerrero of the Northern Mariana Islands.

Mr. GUERRERO (Adviser): This matter is in litigation in our local courts at Saipan. Under the circumstances, I am sure that members will appreciate the need for a general and limited response.

We thank the petitioner for her warm and genuine concerns, and in response I would like to provide some background information on our Tinian land programme.

Consent to a lease of Tinian lands to the United States was overwhelmingly approved by the people of the Northern Mariana Islands as a part of the United Nations observed 1975 plebiscite approving the Covenant, our political status agreement with the United States. The Commonwealth Government is fulfilling its agreement under the Covenant to acquire the Tinian land for United States use by pursuing eminent domain proceedings in the Commonwealth courts. Those land acquisitions are made only after the payment of full compensation to the land-owners affected or by offered land exchanges.

(Mr. Guerrero, Adviser)

The question of what constitutes full compensation and other matters affecting the condemnation - which is authorized by the Commonwealth Constitution - are legal issues at present under the jurisdiction of Commonwealth courts. We are confident that our local courts will reach a disposition of this matter that is fair and equitable to all concerned, including the petitioner.

Two other points are worth mentioning. First, under our agreement with the United States, on expiration of the lease the land reverts to the Commonwealth, and ultimate disposition of these lands is a matter to be decided at some future date.

It has also been a fundamental policy of the Commonwealth Government since its inception that land is the single most important resource for the people of the Northern Mariana Islands and that no islander should be without land. Under the Constitution and laws of the Northern Marianas, land is available to every person of Northern Marianas descent who does not at present own land. In the final analysis, the question of how best to proceed with the Tinian land acquisition programme is an internal matter to be resolved ultimately by the Commonwealth courts and, in our judgement, is not an issue for either the United States or this body to decide.

The PRESIDENT: All the petitioners due to make statements today have already done so. I shall now call on those members of the Council who wish to address questions to the petitioners.

Mr. RAPIN (France) (interpretation from French): I should like first to say that my delegation also listened with great emotion to the petition presented to us this afternoon by Miss Nabors. In view of its very disturbing nature, from the humanitarian point of view, my delegation wishes to assure her that we shall study with great attention the petition that she has submitted to us and examine carefully the response that was immediately given by the representatives of the Administrative Authority. I should like to reserve the right to return to this point at a later stage in our meetings.

But at the moment I should like to limit myself to the petitions that were submitted this morning. It seems to me that there is a great deal to be said and many questions to be asked with respect to those petitions. First, before putting specific questions, I should like to make a general comment, namely, that I willingly recognize the fact that each one of us and each of the petitioners has the right to judge as appropriate or inappropriate the political choices that were made by the populations of the four entities of the Territory at the time when the plebiscites were organized with universal suffrage. These are political judgements

(Mr. Rapin, France)

and the petitioners are free, it seems to me, to present before us those that accord with their own criteria and suit their conscience. I feel there is nothing one could take exception to on this score.

On the other hand, to compare in our Council the political situation that has arisen as a result of the holding of plebiscites in these Territories on the basis of universal suffrage and observed by official missions of our Council - to compare that process and the status that has ensued - with the unacceptable and reprehensible situation in South Africa is, for my delegation, something which runs counter to the truth to such a degree that it can unhesitatingly be described as absurd.

I should like now to go back to those parts of the petitions that were presented by Father Wood and Ms. Roff regarding the future of Palau and, more particularly, the plebiscites that were recently organized, particularly in 1983 and in September 1984. I have a series of questions to ask on the last plebiscite that was held in September 1984.

On several occasions in her statement Ms. Roff said that the voters on Palau were not able, during the month of September last or during the preceding months, to have the advantage of a satisfactory information programme concerning the provisions of the text that was put before them, and in particular of its nuclear provisions. She even said that interpretations incompatible with the text had been presented to the voters.

If on this point, as she stated, a majority of the voters did not understand that the text submitted to them in 1984 contained nuclear provisions quite similar to those of the previous year, how can she, in those circumstances, say that the voters of Palau, in September 1984, rejected for the fifth consecutive time the nuclear provisions of the Compact and that they thereby reaffirmed the anti-nuclear provisions of their Constitution?

I should like to know first whether she can give me any clarification on that point.

The PRESIDENT: I call on Ms. Roff.

Ms. ROFF: Mr. President, could I just ask your indulgence for a moment. During the lunch break several people asked me whether I was called a virago of lies or a farrago of lies. I do not care what I was called. I find them both actionable in United States civil law since I do not find the United Nations to be covered by parliamentary privilege. If those words appear in the United Nations record, I just feel it will be an extreme degradation of the standards of discourse

(Ms. Roff)

in this forum and in the United Nations that have been held to a rather higher standard than that in the 10 years that I have been petitioning here. I would ask your indulgence to strike any such contentious words from the record. If that seems problematical, then I have to put it to you that if I am a virago of lies or a farrago of lies, then it does not matter what I say in answer to these questions.

The PRESIDENT: The expression, as I understand it, was that your statement was a farrago of, and then there followed a series of epithets - misrepresentations and lies. There was no reference, as far as I know, to virago - only to farrago, which I would hesitate to define, but I do not think it is in itself offensive to you personally.

Ms. ROFF: Virago is a noun describing a woman and several people have asked me to define farrago. Farrago means a package of nonsense. It happens to be in the name of the newspaper that was published at the university I went to in Australia. I understand what farrago means. A person who makes a farrago of lies or a virago of lies is a human being who has been insulted. I just have never seen that sort of terminology in United Nations official records before. I would not like to see those words placed on record in reference to me personally or to a minority rights group.

The PRESIDENT: I think the term "a collection" might just as well have been used. I do not think the word itself has any particular pejorative significance.

Ms. ROFF: Well I think that the word "lies" is quite clearly -

The PRESIDENT: That indeed is unmistakable. However, would you like to answer the question put to you by the representative of France?

Ms. ROFF: I am placed in a dilemma because I do not think that responding to the question of the French representative, which is very simple in the text, in fact, would have any validity if I stand accused of telling lies.

The PRESIDENT: It is entirely up to you to decide, but inasmuch as you are a petitioner and the representative of France has asked, as you say, a very straightforward question, I would hope that you could answer it; if not, we can proceed to another question, to you or to somebody else.

Ms. ROFF: It just occurs to me that if the content of this interchange is in the record, then perhaps that will stand.

The representative of France asked if the people of Palau understood themselves to be voting on the nuclear provisions in that 4 September 1984 referendum. We rely on the observations of Vincent McGee, one of our Board

(Ms. Roff)

members, whom we sent specifically to observe the referendum at that time. He reported back - and I quoted him directly in my statement - that there was a direct contradiction between various interpretations by senior Government officials, the President and the Senate.

So we do not really know, and I do not think anybody else knows, what the Palauan people as individuals understood themselves to be voting on when they voted. I think that, given the formulation of the question and the status of the Compact and its subsidiary Agreements at that time, it would be a matter of great interest to constitutional lawyers what it was that they voted on at that point. The situation, in other words, is very confused.

Mr. RAPIN (France) (interpretation from French): I thank Ms. Roff for her reply, which shows that the interpretation of the referendum and the results of the plebiscite of September 1984 must certainly be more complex than appeared from the way in which she presented it this morning in her presentation.

I should like now to go on to a second point. Ms. Roff and Father Wood this morning stressed in sometimes critical terms the absence of an observer mission from the United Nations Trusteeship Council at the plebiscite of September 1984. At the same time, they argued that the text of the Compact of Free Association which was then being presented to the voters was substantially the same as that of the previous year, 1983, in particular with regard to the nuclear provisions.

I should therefore like to ask Ms. Roff what would have been the point, to her mind, of sending an observer mission from the Trusteeship Council.

Ms. ROFF: There would have been no point, which I understand is why the United Nations did not send a mission. The plebiscite of 10 February 1983 is the definitive plebiscite, as far as we are concerned.

Mr. RAPIN (France) (interpretation from French): I understood from Ms. Roff's statement that she was criticizing the absence of a mission from the Trusteeship Council. I am happy to find that that was not the case.

Mr. MORTIMER (United Kingdom): I shall be very brief in my questions to Ms. Roff as the representative of France has already asked many of the questions that I had intended to ask.

I will first make a rather unrelated comment. I am sorry that the Minority Rights Group still finds itself only on the roster of non-governmental organizations despite the best efforts of the United Kingdom delegation, which sought to get them category status. However, this did not prove possible, owing to the opposition of certain delegations, which I need not specify here.

(Mr. Mortimer, United Kingdom)

I have one supplementary to the questions asked by the representative of France: if Ms. Roff feels offended at being told that what she said in this Council was a farrago of lies, does she think that Micronesians would feel offended at being told that what they voted for in plebiscites observed by the United Nations amounted to little more than bantustans?

Ms. ROFF: I do not think anybody has ever tested the degree of offence felt by the people of either the bantustans or Micronesia.

What we are arguing is that when we look into the history of the United Nations and the relevant precedents we find that the arrangements being offered to the people of Micronesia do not amount to independence, self-government or self-determination. They do not meet the criteria that have been established for those conditions.

We look at the category of free association and we know that it has one precedent, and we look closely into that. We find that the circumstances are different and that the arrangements reached for and offered to the people of Micronesia do not involve the potential of United Nations scrutiny or the possibility of sponsorship by the Administering Authority for membership of the United Nations.

We find that the constitutional control over the Territory is inadequate to meet the requirements of free association; that the fiscal control elements, and all the other transfer elements are not sufficiently distinguished from those of the United States Government to amount to free association.

We have followed this subject actively for three years in our office and, in our various boards and chapters throughout the world, and we were very reluctant to arrive at the proposition that what we are talking about here is annexation or homeland status. But we remember very sadly particularly this year, that the only country that abstained on the proposals concerning repudiation of South Africa was the United States. We could give chapter and verse of the parallels. I have tried to be brief by just sketching them. We feel that the purpose of the exercise is not the same, but the methods are the same. The purpose in the one case was clearly racist and the disfranchisement of people on the grounds of race. We are not suggesting that that is the position here. What we feel is the strategy and goal of the United States is effective disfranchisement of certain people, alienation of their lands and removal of the situation from United Nations scrutiny.

(Ms. Roff)

As a non-governmental organization we simply look at the standards of international law concerning 70 independent States and 30 solutions short of independence, and we find one direct parallel. That is what we suggest to the Council in our documentation.

Mr. MORTIMER (United Kingdom): We could certainly pursue this ad nauseam, and I certainly do not wish to do that, but raising the question of basic standards of international law, as Ms. Roff did, leads me to ask another question. In her petition she urges "the Trusteeship Council to insist on reformulation of the Compact of Free Association to ensure that it meets the basic standards of international law and practice for the termination of a Trust Territory that is non-contiguous to the United States and peopled by a different ethnic group". (T/PV.1586)

Try as I might over the lunch hour, I have not been able to understand what that means. It seems to me that what Ms. Roff is saying here is that standards of international law vary depending, first, on one's race and, second, on whether one has the fortune, or misfortune, to have a border with the United States. Perhaps Ms. Roff could explain this a little more.

Ms. ROFF: I am very tempted to say that they do. The phrase "non-contiguous to the United States and peopled by a different ethnic group" refers to United Nations resolutions on Puerto Rico, which is another anomalous proposition in the history of decolonization practice over the last 40 years, a subject I hope we are not going to get into now.

What I am trying to say is that we are looking at the body of practice and precedent of international law on this subject and ticking off one column against the other, depending on whether these arrangements meet those practices and precedents, which we, as people who take as our mandate the Universal Declaration of Human Rights, are perfectly entitled to do. We find that they fall short.

We come here not really in the hope that anything drastic will happen after 40 years. We come here to ask the Council to look at the incidental shortcomings and insist on certain remedies, so that the result will not look as bad to our children as it does to us today, on 16 May 1985.

Mr. RAPIN (France) (interpretation from French): In her statement, Ms. Roff stressed that one of the options before the people of Palau after the two plebiscites of 1983 and 1984 was to reconcile

"their constitutional provisions to comply with the mandate of the Palauan electorate for free association with the United States." (T/PV.1585)

(Mr. Rapin, France)

In other words, one of the two options was to modify the Constitution. From this, Ms. Roff concluded that if such a formula were adopted the Government of Palau would not have been master of its own Constitution and accordingly, if I understood her correctly, that its exercise of full sovereignty would have been impaired. My question to Ms. Roff is: does she not consider that the ability to modify one's own Constitution is, on the contrary, an attribute of the sovereignty of a people and a State?

Ms. ROFF: I understand that this is the nub of the question in Palau. But the issue is how do you view five bites at the same cherry? As I said in this Chamber last year, the Scottish people had one plebiscite and the result was accepted by both sides even though work had started on building a new Parliament building in Edinburgh. The people of Quebec had their plebiscite, and the result was accepted. We could go on.

It is a question of the democratic right of expression of opinion through voting, and the willingness or unwillingness of other institutions or Powers to accept that opinion. The issue is one of double jeopardy; quadruple jeopardy; quintuple jeopardy. In no other situation, I suggest, except for that of the Transkei, will we find repeated demands that people express themselves on the same substantive issue time and time again because their answer is unacceptable.

The issue of constitutional amendment is one of an attempt to bypass the will of the people, expressed five times. In Palau we find a very intriguing situation, where the people return to power officials who are pro-Compact; the present President of the Republic is very pro-Compact. But the people of Palau have been given, have accepted, and have gone on stating, their right to elect those officials to make certain arrangements with the United States which must be referred back to the people for ratification. The one mandate they have not given their elected representative is the right to accept nuclear substances in their territory.

That is the dilemma of President Remeliik, and the dilemma of the Administering Authority.

Mr. RAPIN (France) (interpretation from French): I am not convinced by Ms. Roff's answer. I do not think that one can say, on the basis of the material she has presented that anyone is trying to circumvent anything. The basic situation, which is one of a conflict between a country's Constitution and certain international commitments that country might enter into, is one that arises very often in many other countries which exercise full international sovereignty.

(Mr. Rapin, France)

There is a provision in the Constitution of my country, the Fifth Republic, in France, which explicitly states that when the French authorities conclude an international agreement containing provisions which run counter to the Constitution they have the possibility of requesting modification of the provisions of the Constitution. This is very topical at the moment in France with regard to an additional protocol to the European human rights convention concerning the death penalty. It is possible that the French Government will submit to the French Parliament a request for modification of the Constitution on this point.

Therefore, I do not think it can be said, in terms of international law, that if the authorities of Palau, freely elected and chosen by the people of Palau, were to decide - which, I would point out, they have not yet done - to modify the Constitution, this was imposed on them from outside or in any way limited in the exercise of their sovereignty.

Ms. ROFF: Constitutional amendments in Palau, as in most countries, require referendums. It is not the responsibility or the right of the elected Administration to make constitutional amendments; they can organize them and propose them, but then they have to be ratified by the people.

Secondly, I would, in all seriousness, ask any member of the Council to cite another case of repeated plebiscite on the same proposition. I should like to cite the Australian example because I grew up in Australia: we have had 90 referendums in 84 years of federal government, and I cannot think of any situation in which the same questions have been repeated.

Mr. RAPIN (France) (interpretation from French): I am not a specialist in international law, but purely on the basis of general culture and information I think I can say, in reply to Ms. Roff that in Switzerland, the question of women's suffrage has been submitted to the population in referendums at least seven or eight times, and the reply has always been the same: "No". Many of us hope that they will continue asking the question until a different answer is finally obtained.

Mr. BADER (United States of America): I know that in Ms. Roff's statement she referred to - and I trust I am quoting her correctly - the peculiar situation in which the people of Palau keep returning to power a President who is pro-Compact, or words to that effect. I wonder, in view of the fact that we have a representative of the Government of Palau here, if it might not be appropriate to call upon the representative of Palau, Vice-President Oiterong, to see if he has any comments upon what we have been hearing.

The PRESIDENT: I call on Mr. Oiterong.

Mr. OITERONG (Special Representative): I do not intend to rebut or discuss at length at this point, for I reserve the right perhaps to put something in writing later on, since the petitioners' comments and deliberations were so long that I need time and the texts of the petitioners' statements this morning. However, I want to say this: I am grateful for those people who seem to know more than I do about the things that happen in Palau and I appreciate their attempt perhaps to rescue Palau from drowning, or something to that effect.

I think we should appreciate the fact that the decision made is the decision of the people. It is not that President Remeliik is pro-Contact or that I am for the Compact. We brought the issue to the people and explained it to the people, and the people were the ones who made the ultimate decision. They went to the polls and expressed themselves.

I think the people really knew what they wanted. I do not think it was the intention of my Government to try to deceive the people. That was never the intention of my Government. We did try to explain the issue to the people.

And as regards the question of how many plebiscites have been held, Palau is perhaps the only small country where five or six plebiscites have been held in the space of a year or two. I think this is a democratic method. Many people want to do this. The administration wants to make sure that the people understand, and really would not feel ashamed or apologetic about the number of plebiscites we have had. I think that in the plebiscites we have had, the people have expressed the same desires.

I just want to say the following as regards our position. No one pushed us. It was our feeling that the time had come for us to look forward to some kind of status, and this is a step we have decided to take.

I appreciate the concern of the petitioners and their help. I think perhaps they should come more often to Palau and try to work with us rather than reading newspapers or doing research by themselves, thus not really getting into the core of the situation.

I would be willing to submit my further comments in writing at a later date.

The PRESIDENT: I should like to suspend the questioning of petitioners quite soon. Would I be right if I do so, in assuming that members of the Council would like to have another opportunity tomorrow of putting questions to the petitioners? I am not entirely clear about the position; I do not want to ask the petitioners to come back tomorrow, if it is not quite sure that we shall want to address more questions to them.

Mr. MORTIMER (United Kingdom): As I said, I have just two further questions to ask, and I shall be happy to ask them now or tomorrow morning. It is all the same to me, and I am entirely in the hands of my colleagues.

The PRESIDENT: What is the position of the Soviet delegation? Will it want an opportunity tomorrow to ask questions?

Mr. BEREZOVSKY (Union of Soviet Socialist Republics) (interpretation from Russian): We listened very carefully to the statements made today by the petitioners. In principle, we have no questions because these statements were extremely clear. Frankly, I find it difficult right now to see how we could have questions, even at a later stage, such as tomorrow.

I think that if other delegations have any questions tomorrow - or if, indeed, our delegation should have any - we should take the opportunity to ask them, if such questions should arise. But we have listened very carefully to the statements made today and we have no questions on them at the moment.

The causes of these petitioners, who are defending the interests of the Micronesian people, have our sympathy and our support. In principle, I agree here with the representative of France, who said that the petitioners have expressed their opinion and that that opinion should be heard with the appropriate degree of attention and seriousness, without any lecturing in this regard being directed at them.

The only thing the Soviet delegation might have to add is certain comments and, of course, questions to the Administering Authority in connection with these statements, because in this case we consider that many questions arise in regard to these statements and we shall have to put them to the Administering Authority. We shall of course do this at the appropriate time.

The PRESIDENT: It would appear, then, that we can complete our questioning of the petitioners this afternoon.

Mr. MORTIMER (United Kingdom): I entirely agree with my Soviet colleague as to the need to question the Administering Authority, and of course we shall do that on a later occasion.

I have two questions, one for Father Wood and one for Mr. Solenberger.

My question to Father Wood follows on, really, from the discussion we have had about the merits or demerits of the plebiscites in Palau. He says, in talking about the various plebiscites, that the Coalition

"found the refusal of the United States Government to honour the wishes of the Palauan people to keep nuclear substances out of their territory ... to be a painful disregard of democratic procedure" (T/PV.1585)

(Mr. Mortimer, United Kingdom)

I fail to see what democratic procedures have been disregarded here. It seems to me that there have been five plebiscites; both the Palauan Government and the United States have gone through the necessary democratic hoops. As far as I can tell at the moment, no wishes of the Palauans have been ignored. Indeed, although one might describe the process of having plebiscites as boring, they are certainly not in disregard of democratic procedure.

I wonder whether Father Wood would care to comment on that.

The PRESIDENT: I understand that Father Wood in fact could not be here this afternoon, but Ms. Elizabeth Bounds and the Reverend Edwin Luidens are here to represent the Focus on Micronesia Coalition. Would either of them like to respond to the question of the United Kingdom representative?

Mr. LUIDENS: Father Wood is unable to be with us because this is a holy day for him and he has obligations at his church. I too regret that he is not here. I have been associated with him since the formation of the Micronesian Coalition - I am on the steering committee - and I am happy to comment.

It has been the opinion of those of us related to the Micronesian Coalition that the people of Palau expressed themselves clearly in the way that has been referred to on several occasions during these hearings. The holding of plebiscites time after time in different forms - in order, it would seem, to achieve a different result at a later plebiscite than that which has already been agreed and shown to be the will of the people in earlier plebiscites - is, we believe, a process that itself does not show respect for the right of the people to express themselves once clearly, but seems to be forcing an issue which has already been clarified in previous plebiscites.

The Council has heard references from several of the petitioners to the fact that at least one - indeed, several, plebiscites - clearly expressed the will of the Palauan people not to allow nuclear or other polluting devices in their area.

It is the opinion of the Micronesian Coalition that the people have expressed themselves clearly and that to continue to press for further statements is to deny the democratic procedures that have been used already.

Mr. MORTIMER (United Kingdom): I am not sure that entirely answers the question that I asked, but I shall be happy to leave it at that. The answer only underlines the fact that what we have seen in Palau is a sort of excruciating, slavish adherence to democratic procedures rather than the ignoring of those procedures. May I make the rather obvious point that people are entitled to change their minds, and because one plebiscite may result in a particular outcome that does not mean that subsequent plebiscites will confirm the original one.

(Mr. Mortimer, United Kingdom)

I have just one question on Mr. Solenberger's interesting petition. He says that the United States

"has attempted to educate Micronesians academically for careers appropriate only to high technology and elaborate bureaucracy, in order to render these people unable to become truly independent and self-sustaining in their own islands".

Could I ask whether Mr. Solenberger really believes that there is incompatibility between independence and educating people in high technology?

The PRESIDENT: I call on Mr. Solenberger.

Mr. SOLENBERGER: I think there is a kind of high technology which is appropriate in small-scale societies. In making these remarks I am depending on what I have read in the writings not only of William Vitarelli, whom I mentioned in my statement, but of other people. It is my own observation too that of course everyone needs academic education and practical education. This is true in all countries. But I would say that, not always in every situation, but over the long period since 1944, there has probably been too much emphasis on book learning.

This is something that has been said about educational systems years ago within what used to be the British Empire: that many young people would go through university and wish to have a job in the civil service, when they could otherwise have been employed more constructively in some of the third-world countries.

I do not think this mistake is going on everywhere, or all the time. I have of course been out of touch with the details of the Trust Territory's educational system in recent years. Manifestly, I am depending on memory of things many of which went on years ago. There may have been a great improvement in the practical side of education, but Vitarelli's statements are very definite about the times when he proposed something, which was apparently purposefully frustrated by people who insisted on conventional and academic type education rather than something that would relate to and even make use of the life experience of people in island areas such as Palau where he did most of his work.

Mr. MORTIMER (United Kingdom): I do not necessary disagree with Mr. Vitarelli's basic thesis; it is merely that I think it is overstated in this petition. I think there is always a very difficult path to hoe between agricultural development and making that quantum leap into high technology, into an industrial manufacturing base. It is always very difficult for any developing territory to do that. We, as the administering Power for 10 dependencies, know exactly the problems that are faced here. When there is a very small population, a very limited land mass, it is, I would say, romantic and unrealistic to expect

(Mr. Mortimer, United Kingdom)

large numbers of the work force to be engaged in traditional labour to labour-intensive pursuits such as agriculture, when at the same time an effort is being made to step up to a more high-technology level. It seems to me that it is not surprising that a small Territory such as Micronesia would actually go for high-technology industries, for tourism, because they are high-value-added and employ relatively small numbers of people compared to the benefits in terms of financial return.

The PRESIDENT: That completes the questioning of petitioners.

Members of the Council individually have from time to time thanked petitioners. On behalf of the Council as a whole I should now like to thank all the petitioners who have appeared today and yesterday for their statements and their answers to questions. I assure them that their submissions will be fully taken into account when the Council prepares its annual report to the Security Council.

The petitioners withdrew.

ORGANIZATION OF WORK

The PRESIDENT: Since we have completed the hearing of petitioners, I propose not to call a meeting tomorrow, unless members of the Council wish me to do so. We have already agreed that we should not meet on Monday. That means that our next meeting will be at 10.30 a.m. on Tuesday, 21 May. The intervening time will give the three other members of the Council ample time in which to prepare their questions for the Administering Authority.

The meeting rose at 4.30 p.m.