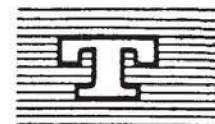


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Fourteenth Special Session

VERBATIM RECORD OF THE FOURTEEN HUNDRED AND EIGHTY-SECOND MEETING

Held at Headquarters, New York,
on Monday, 12 February 1979, at 3 p.m.

Temporary President: Miss HARDEN (United Kingdom)

President: Mr. BROCHENIN (France)

Opening of the fourteenth special session

Adoption of the agenda

Report of the Secretary-General on credentials

Election of the President

Letter dated 29 January 1979 from the Permanent Representative of the United States of America to the United Nations addressed to the Acting President of the Trusteeship Council, inviting the Trusteeship Council to send a visiting mission to the Marshall Islands to observe the constitutional referendum on 1 March 1979

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The meeting was called to order at 3.30 p.m.

OPENING OF THE FOURTEENTH SPECIAL SESSION

The PRESIDENT (Miss Sheila Harden) I declare open the fourteenth special session of the Trusteeship Council. I am acting as the Temporary President in the absence of Mr. Pierre Garrigue-Guyonnaud, who has been posted to Rome. I feel sure he would wish me to express his regret to the Council for not being able to be here today.

Mr. Garrigue-Guyonnaud was a skilful and dedicated President who followed the affairs of the Trust Territory with the closest interest and concern. He always spoke about the people of Micronesia with warmth and affection. Indeed after his last visit to the Trust Territory with the Visiting Mission he told me that he had left a bit of his heart there. I am sure that the members of the Council would wish me to ask the representative of France to convey to Mr. Garrigue-Guyonnaud, on our behalf, the thanks of the Council for his past services as President and our best wishes to him in his new assignment.

I should like to welcome all those who will be participating in this special session of the Trusteeship Council.

I see that the representatives of France, the Soviet Union, the United States and indeed, my own Government are all veterans in trusteeship affairs who need no introduction.

But I should perhaps apologize to our American colleagues for having inadvertently convened this meeting on Lincoln's birthday. However, as the author of the saying that the ballot is better than the bullet, Lincoln would at least have approved our concern to ensure the proper conduct of a referendum.

May I also welcome Mr. Tang, the Under-Secretary-General responsible for Trusteeship Council affairs and decolonization; Mr. Abebe, the Secretary of the Council who is a tower of strength to all of us and all those other members of the Trusteeship Department on whose professional expertise we rely so heavily in the conduct of our work.

(The President)

Before I turn to the business of this special session and the election of a new President, I wish to report on one thing which, as Acting President, I undertook on behalf of the Council since our last regular session.

Representatives will recall that at the Council's last session the President was requested, in the context of the discussion on war and post-war damage claims, to contact the parties concerned in order to ensure that they settled that issue in one way or another in the best interests of the population. That decision is recorded in paragraph 509 of the Trusteeship Council's latest report to the Security Council in document S/12971.

In my capacity as Acting President I called on both Ambassador Abe, the Permanent Representative of Japan, and Ambassador Petree of the United States Mission and explained to them the concern of the Council that that matter should be speedily resolved in the interests of the people of Micronesia. Both parties undertook to report my demarche to their Governments.

I had intended to make this statement at the beginning of our next regular session, but, since this is the last time that I shall be speaking as Acting President, I thought it right to inform the Council that I had undertaken the task laid upon the President, before handing over to the new President, as I shall shortly have the pleasure of doing.

ADOPTION OF THE AGENDA (T/1798)

The PRESIDENT: Are there any comments on the provisional agenda?

Mr. BYATT (United Kingdom): My delegation has no difficulty with the provisional agenda in document T/1798 but there is one additional item that we should like to propose for the agenda. My delegation -- and, I think, others -- wishes at some stage during this session, not necessarily today but before we complete this session, to give some attention to the question of the terms of reference of the regular Visiting Mission to the Trust Territory which the Council decided at its last session to dispatch in 1979.

(Mr. Byatt United Kingdom)

Accordingly, I should like to propose that we add a fifth item to the agenda to be entitled "Terms of reference of the United Nations Visiting Mission to the Trust Territory of the Pacific Islands 1979 (resolution 2166 (XLV))".

The PRESIDENT: Since there are no further comments, and if I hear no objection, I shall consider that the Council agrees to include in the agenda the additional item proposed by the representative of the United Kingdom.

It was so decided.

The PRESIDENT: If I hear no objection, I shall take it that the agenda of the fourteenth special session contained in document T/1798 and including the item just approved, is adopted.

The agenda was adopted.

REPORT OF THE SECRETARY-GENERAL ON CREDENTIALS

The PRESIDENT: I should like to inform members of the Council that the Secretary-General has still not received the credentials of all members of the Council. May I suggest, therefore, that this agenda item be considered at our next meeting? If there are no objections, I shall take it that it is so decided.

It was so decided.

ELECTION OF THE PRESIDENT

The PRESIDENT: As members are aware, the President of the Trusteeship Council for the forty-fifth session, Mr. Pierre Garrigue-Guyonnaud of France, has left New York on another assignment. He is therefore no longer able to act in that capacity. Consequently, in accordance with paragraph 2 of rule 21 of the Council's rules of procedure, the Council will proceed to elect a new President for the unexpired term. This election will be carried out by secret ballot pursuant to rule 41 of the rules of procedure of the Trusteeship Council.

A vote was taken by secret ballot.

Mr. Jean-Claude Brochenin (France) was elected President.

The PRESIDENT: Before relinquishing my seat as Acting President, I should like to be the first to offer warmest congratulations to Mr. Jean-Claude Brochenin on his unanimous election as President. His wide experience in United Nations affairs, his first-hand knowledge of the Trust Territory, his clarity of thought and his energy and decisiveness all admirably equip him for the position of President. We are fortunate that our affairs will be in his competent hands for the remainder of this session.

I now invite him to take the Chair.

The PRESIDENT (Mr. Jean-Claude Brochenin) (interpretation from French): I should like to thank the members of the Council for the honour they have paid me in electing me President of the Trusteeship Council. I hope I shall not betray their confidence, and I shall do my best to conduct our debates in the best possible way.

I should like particularly to thank Miss Sheila Harden for her very kind words about me, and above all I should like to thank her for having assumed the tasks of the President during the past few months with the skill with which we are all familiar.

LETTER DATED 29 JANUARY 1979 FROM THE PERMANENT REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE UNITED NATIONS ADDRESSED TO THE ACTING PRESIDENT OF THE TRUSTEESHIP COUNCIL, INVITING THE TRUSTEESHIP COUNCIL TO SEND A VISITING MISSION TO THE MARSHALL ISLANDS TO OBSERVE THE CONSTITUTIONAL REFERENDUM ON 1 MARCH 1979 (T/1796)

MR. COOKS (United States of America): Mr. President, on behalf of my delegation, the United States, the Administering Authority, I also should like to congratulate you on your election as President. You are very familiar with the work of the Trusteeship Council, and I am certain that under your leadership we will be able to proceed in a constructive manner.

My Government requested the convening of this special session of the Council for consideration of the invitation which the United States has extended to the Council to send a visiting mission to the Marshall Islands in the Trust Territory of the Pacific Islands. The mission would observe the referendum which will be held on 1 March on the draft constitution proposed for the Marshall Islands.

(Mr. Cooks, United States)

The United States is proud of the progress that has been made in the attainment of self-government by the inhabitants of the Trust Territory as a result of my country's fulfilment of its obligations under paragraph 1 of Article 6 of the Trusteeship Agreement. It has been my Government's policy to seek the participation of the Trusteeship Council in this process not only through its regular and special sessions, but also through the dispatch of visiting missions to the Territory. In particular, we have invited the Council to send special visiting missions to observe major acts in the attainment of self-government by the people of the Territory.

Thus, in 1975, my Government invited the Council to send a Visiting Mission to the Mariana Islands District to observe the plebiscite on the adoption of the Covenant to Establish a Commonwealth of the Northern Mariana Islands. Last year the Council sent a Visiting Mission to the other six districts of the Territory in order to observe the referendum of 12 July on the adoption of the Constitution of the Federated States of Micronesia. As members of the Council are aware, the results of that referendum, confirmed by the Congress of Micronesia in a joint resolution, determined that the Constitution of the Federated States had been accepted by a majority of those voting in the districts of Ponape, Truk, Yap and Kosrae, while the voters in the districts of the Marshall Islands and Palau did not accept the Constitution.

By the terms of the Congress of Micronesia law governing the Constitution and the referendum therefore, the Constitution of the Federated States will not apply to the Marshall Islands and Palau. It has become necessary for these districts, therefore, to adopt their own constitutions.

On 21 December of last year, the Marshall Islands Constitutional Convention approved a proposed constitution for the Marshalls, and the Speaker of the Marshall Islands legislature, in accordance with law, called for the referendum on the constitution to be held on 1 March. Both the Constitutional Convention and the Speaker of the legislature have requested that the Trusteeship Council observe the referendum. My Government has endorsed their invitation and would warmly welcome the dispatch of a visiting mission to the Marshalls. These invitations are available to Council members in document T/1796.

(Mr. Cooks, United States)

The proposed constitution, the text of which has been provided to members of the Council, sets out in some detail the form of Government that would exist in the Marshalls. It contains a Bill of Rights and would create a Traditional Council, a legislature, an executive branch headed by a president who would be a member of the Nitijela elected by a majority of the members of the Nitijela, and a judiciary. The duties and powers of each are specified.

(Mr. Cooks, United States)

The constitution also contains provisions governing the public service, finance, local government, traditional rights, citizenship and the manner in which the constitution could be amended. It is now up to the Marshallese people themselves to determine whether this constitution meets their desires in the form of government it presents. If adopted, the constitution would become effective on 1 May.

I am confident that other members of the Council share the view of my Government on the desirability of a mission from the Trusteeship Council visiting the Marshall Islands to observe the 1 March referendum. In order that it may have an opportunity to observe the pre-vote educational programme and discussion as well as the actual voting process, we recommend that the mission arrive in the Marshall Islands several days before the referendum date. This visit will be helpful to the Council, I believe, as it carries out its responsibilities. It is for this reason that my Government has endorsed the invitation extended to the Council by the local authorities themselves.

The PRESIDENT (interpretation from French): I thank the representative of the United States for the kind words he addressed to me.

Mr. KHARLAMOV (Union of Soviet Socialist Republics) (interpretation from Russian): Mr. President, may I take this opportunity sincerely to congratulate you upon your election to your very responsible post. I should like to wish you every success in the conduct of the work of this session.

At the very outset we should like to point out that our delegation makes no secret of its negative view of the current special session - a session that has been convened at the request of the Administering Authority - because its purpose has nothing to do with the true interests of the people involved. However, since the Secretary-General did convene this session, we shall participate in its deliberations.

Last year in the Trust Territory of the Pacific Islands serious events occurred, events that will doubtless be discussed at the forthcoming regular session of the Council. The Soviet delegation will express itself clearly and precisely on those events and their aftermath. However, one event is worthy of mention at this time, since it has a direct bearing upon the matter raised at this special session by the representative of the Administering Authority. We have in

mind the constitutional referendum of July 1978. In the course of that referendum a majority of Micronesians expressed their approval of the draft constitution of the Federated States of Micronesia. I repeat: the majority of the Micronesians favoured the draft constitution of the Federated States of Micronesia. Once again a genuine aspiration to the preservation of the territorial integrity and freedom of the State has been confirmed.

Thus the statement of the representative of the Administering Authority about the absence in the territory of any sentiment in favour of territorial unity has once again convincingly been shown to be unfounded. Separatists and their helpers suffered a decisive defeat during the course of the July referendum. Pressure, bribery - nothing was of any avail to impede the voting. That was reported not only in the local press but also in petitions addressed to the Micronesian Congress. None the less, as can be seen from the statement of the representative of the Administering Authority and from the documents that have been submitted to the Trusteeship Council, the United States has disregarded the results of that referendum and has, as usual, endeavoured to explain them in its own interests, in such a way as to further the fragmentation of Micronesia and to impose different kinds of status on its component parts.

As a result the Administering Authority has undermined its own credibility. Just two and a half years ago, in this very hall, the representative of the United States stated that:

"... it is United States policy to encourage the peoples of the Marshall Islands and the Caroline Islands to reach agreement on a constitutional framework which will enable them to maintain unity within a single political unit following termination of the Trusteeship Agreement. We continue to work towards that goal." (T/PV.1450, p. 58)

That was stated not long ago. Now, as is clear to all, such statements have been forgotten. They are once more shifting the blame for the further fragmentation of the Territory on to the people of Micronesia. The Administering Authority can hardly expect us to agree with such a view.

Nor do the legal arguments that the Administering Authority is using in an attempt to conceal the facts ring true. The truth is that they imposed upon the Micronesian Congress conditions for the referendum that were favourable for the United States, conditions that would encourage separatism in those very islands that are of particular strategic importance for the Administering Authority.

At the forty-fifth session of the Trusteeship Council Micronesians voiced their disagreement with the conditions imposed on them for the referendum. That was one of the reasons why the Soviet delegation did not participate in the Visiting Mission to observe the constitutional referendum. None the less, as we warned at that time, the Administering Authority is beginning a new round of plans vis-à-vis Micronesia, plans which contravene the purposes of the Trusteeship Council as stipulated in the United Nations Charter. The so-called draft constitution for the Marshall Islands and the hasty preparation of separate referenda for the Marshall Islands and Palau at a time when the Trusteeship Council has not yet considered the report of the Visiting Mission or assessed the results of the July referendum - all attest to the intention of the Administering Authority to step up the process of fragmenting the Territory and annexing it piecemeal.

Here also we clearly see the intention of the Administering Authority to name a date for the termination of the trusteeship, which, incidentally, as the Micronesians have repeatedly been told, has not been agreed upon with the Congress of Micronesia. In August of last year the Permanent Representative of the Soviet Union stated:

"In accordance with the principle of 'divide and rule', 7 the United States is flagrantly violating the unity and territorial integrity of Micronesia, seeking to dismember and annex it. A special status is being foisted on integral parts of Micronesia under the cover of political union in regard to one part of the Territory and so-called free association in regard to the remaining parts. These actions by the United States are in flagrant violation of the Declaration on the Granting of Independence to Colonial Countries and Peoples and of numerous decisions by the United Nations unequivocally condemning any attempts at partial or complete disruption of the national unity and territorial integrity of colonial Territories."

(A/AC.109/PV.116, p. 3)

(Mr. Kharlamov, USSR)

It is fully apparent that this assessment of the policy of the Administering Authority made in our statement is fully applicable to this new activity of the United States with regard to the Marshall Islands. In consistency with our position in favour of the preservation of the territorial integrity and unity of Micronesia and in favour of self-determination and independence for that people, the Soviet delegation believes that the Marshall Islands referendum is an illegal act which is in contravention of the United Nations Charter and the Trusteeship Agreement and it is opposed to the sending of a visiting mission to those islands to supervise and observe the referendum. For those reasons we shall not be in a position to participate in such a visiting mission.

In conclusion, I should like once again to repeat our consistent position that the question of the fate of Micronesia is inseparably part of the problem of decolonization. It should not and cannot be left to the Administering Authority to decide arbitrarily. Let me recall that in accordance with the United Nations Charter, any change in the status of a strategic Trust Territory must be made only through a decision of the Security Council and any other decision has no legal or binding force.

The PRESIDENT (interpretation from French): I thank the representative of the USSR for the kind words he addressed to me.

Mr. BYATT (United Kingdom): A short while ago the Council discharged the obligation imposed upon it by rule 21 of its rules of procedure to elect a new president

"in the event that the President for any reason is no longer able to act in that capacity ...".

I am sure that there are a number of reasons why from time to time presidents may be unable to act in a particular capacity. In Mr. Garrigue-Guyonnaud's case the reason for incapacity is that he is now living in Rome and, in the circumstances, my delegation feels that sympathy is due not so much to him as to the Council itself, since it has lost in mid-term the services of a president who devoted very great care and paid close attention to the affairs of the Council. We are, however, very fortunate, Mr. President, that you were available

(Mr. Byatt, United Kingdom)

to step into his place and, having co-operated with you for many months now over Trusteeship Council affairs, I have no doubt whatever that the business of the Council will be conducted for the remainder of this year as efficiently in every way as it was under the guidance of your predecessor.

Turning to the particular point on the agenda: my delegation considers that the Council should accept the invitation of the Administering Authority and should send a mission to observe the constitutional referendum which is to take place in the Marshall Islands on 1 March. Since the people of the Marshall Islands voted against the draft constitution for a Federated States of Micronesia which was submitted to them and to the other districts in a referendum observed by this Council in July last year, the people of Micronesia will now have to take a decision about what other constitutional arrangements they wish to make for their future self-government.

Whatever view the Council may take as to the wisdom of the decision which was taken last July in the Marshall Islands, is not really relevant to the point and does not in our view absolve the Council from concerning itself with subsequent stages of constitutional development.

My delegation has always argued that it is for the people of Micronesia themselves to decide what form they wish their future government to take. We believe also - and this is the point before the Council today - that it is the duty of the Trusteeship Council in discharging the task allotted to it under the Charter to satisfy itself that all acts of self-determination by peoples under trusteeship are fairly and properly carried out. For that reason we believe that the Council certainly ought to take up the present invitation and send a visiting mission to observe the referendum. My delegation will be ready to make available one of its members to serve as a member of the proposed visiting mission should the Council decide to send it.

The PRESIDENT (interpretation from French): I thank the representative of the United Kingdom for the very kind words he addressed to me and I shall not fail to convey to Mr. Garrigue-Guyonnaud the sentiments he expressed concerning him.

Mr. DUQUE (France) (interpretation from French): May I, on behalf of the French delegation, first join in the congratulations extended to you, Mr. President, on your election. We are all aware of the personal qualifications and experience you have gained here in the Council. You were therefore peculiarly fitted to follow in the footsteps of Mr. Pierre Garrigue-Guyonnaud and to preside over our work.

May I now make some brief observations on the letter transmitted to our Council by the Permanent Representative of the United States. In the relevant document the United States representative forwards to the Council an invitation sent by the President of the Marshall Islands Nitijela to witness the constitutional referendum which will take place in those islands on 1 March. That document also contains Resolution No. 10 which was adopted by the Marshall Islands Constitutional Convention.

From a reading of that resolution I observe that the Constitutional Convention has highlighted two items: the first is that the ongoing constitutional process in the islands marks a significant milestone in the evolution of the islands; and the second item stressed in that resolution is that in taking a decision, through this referendum, on the draft constitution submitted to it, the Marshall Islands population is exercising its right to self-determination.

We scarcely need to remind anyone of the importance France attaches to the right to self-determination. That is why, in our view, the Council should reply favourably to the invitation extended to it, namely, by sending a visiting observer mission on the occasion of that referendum.

In this connexion I now wish to submit to the members of the Council a draft resolution which has been circulated as document T/L.1213. This draft resolution, which I believe all members have before them, in essence again proposes provisions that the Trusteeship Council has already adopted in the past in similar circumstances when it wished to send an observer mission to Micronesia.

In operative paragraph 1 of the draft resolution the Council would decide to send a visiting mission to the Marshall Islands to begin on 22 February 1979. In operative paragraph 2 of the draft resolution it would address itself to the composition of the visiting mission. That composition was the subject of consultation among Trusteeship Council members and it was understood that

(Mr. Duque, France)

the mission would be composed of two members, one representing the United Kingdom and the other France.

Operative paragraph 3 defines more precisely what task those observers would be given by the Council. In operative paragraph 4, as has become customary in these matters, the Council would further direct the observers to take advantage of their mission to the Islands to obtain, as far as possible at first-hand, information concerning political, economic and social situations prevailing there.

Finally, in operative paragraph 5, as is usually the case, the Council would request the visiting mission to submit a report to it and, in operative paragraph 6, it would request the Secretary-General to provide the necessary aid to the visiting mission.

In this connexion, may I take this opportunity to thank the members of the Secretariat for their work and for the devotion they have displayed in facilitating the Council's task.

That concludes my submission of the draft resolution. May I just add that I hope the Council will see fit to endorse it.

The PRESIDENT (interpretation from French): I thank the representative of France for the spirit of camaraderie he showed in congratulating me.

Mr. KHARLAMOV (Union of Soviet Socialist Republics) (interpretation from Russian): With regard to the matter under discussion and the statement made by my colleague from the United Kingdom, I should like to ask him whether he recognizes the fact that a majority of the population last year voted in favour of the constitution for the entire Trust Territory rather than for individual component parts of Micronesia. Secondly, since he said that the July referendum is not relevant to the question under discussion, I should like some clarification as to what is and what is not relevant in these matters. Thirdly, does he recognize the fact that changing the situation in a Trust Territory, especially the Trust Territory of the Pacific Islands, is something which only the Security Council can do, in accordance with the provisions of the Charter? That is what is involved here - changing the situation of a specific part of the Territory of the Pacific Islands.

Fourthly, and this has a bearing on what my colleague from France said: the draft resolution has been so conveniently prepared that it even lists the States that would send representatives as part of the visiting mission. But I should not proceed in such haste. After all, we are meeting today for the first time with regard to this matter, and it might be more courteous to leave blanks in the draft resolution and to decide at this meeting which countries should form part of the visiting mission. That was something which took me somewhat by surprise.

Mr. BYATT (United Kingdom): The representative of the Soviet Union has put some questions to me.

With regard to the first question, I am aware that the majority of the population of the Trust Territory as a whole voted in favour of the draft constitution in the referendum of July last year. However, the constitution itself and the public laws providing for its adoption that were adopted by the Congress of Micronesia specified that the votes were to be counted district by district and that only those districts which voted in favour of the constitution were to be deemed to have ratified it. If a district did not support the draft constitution in the referendum, then, under the law adopted by the Congress of Micronesia, the constitution would not come into effect for that district. My delegation understands that it is for that reason that the need to consider alternative constitutional arrangements for the Marshall Islands arises.

(Mr. Byatt, United Kingdom)

Secondly, either I did not make myself altogether clear or the representative of the Soviet Union misunderstood me. I had not meant to imply that the referendum of 12 July last year was irrelevant. What I had in mind when I made a comment on that point was that a number of delegations in the Trusteeship Council, including my own, have from time to time expressed the view in the Council that it would be desirable that the unity of Micronesia should be maintained. The point I sought to make was that whether that view persisted or not was not relevant to the decision before us, namely whether we should observe a referendum on 1 March.

Thirdly, with regard to the competence of the Trusteeship Council and the Security Council, I am well aware of the position which we discussed at the last session of the Trusteeship Council. Although this is a point for the Administering Authority's consideration rather than that of the United Kingdom delegation, there is no immediate intention of changing the status of Micronesia or the status of any of the districts. What is affected by the referenda which took place last year and those which will take place this year is the constitutional and governmental arrangements within particular districts, but the status of the Trust Territory as a whole will remain that of a Trust Territory until a decision is taken by the competent organ of the United Nations that it should be changed.

Mr. DUQUE (France) (interpretation from French): I should like merely to comment on the statement made by the representative of the Soviet Union.

The French delegation does not feel that it was discourteous in introducing this draft resolution at this stage. Indeed, the text of the draft resolution was the subject of consultations with the members of the Council, as I said in my brief statement when I introduced it, and there was no objection, or at least so we understood, to the draft's being introduced in the Council this afternoon in its present form.

Having said that, I must point out that this is only a draft resolution and subject to amendments and modifications. If other members of the Trusteeship Council wish to take part in this mission, that would of course introduce a new factor which the Council would have to take into consideration.

The PRESIDENT (interpretation from French): Since the representative of France during his statement introduced a draft resolution, the Secretary of the Council has expressed the wish to make a statement with regard to the financial implications, and I now call on him.

Mr. ABLBE (Secretary of the Council): In accordance with rule 65 of the rules of procedure of the Trusteeship Council, I should like to report that, should the Council adopt draft resolution T/L.1213, which proposes to send a visiting mission to the Marshall Islands, Trust Territory of the Pacific Islands, in 1979, its financial implications would be as follows. On the assumption that that mission would be composed of two representatives and four staff members, and that its duration would not exceed three weeks, the total estimated expenditure would amount to \$20,000. The total amount of the resources available for the programme of work of the Trusteeship Council in 1979 is \$49,300.

The PRESIDENT (interpretation from French): It is my understanding that the Council would prefer to vote on the draft resolution before us at a meeting whose date will be determined later. If I hear no objection, I shall take it that the members of the Council agree to vote on the draft resolution at that next meeting.

It was so decided.

The PRESIDENT (interpretation from French): With regard to the point raised by the representative of the United Kingdom relating to a redefinition of the mandate of the United Nations Visiting Mission in the Trust Territory of the Pacific Islands, I take it that the members of the Council also agree that it can be discussed at a later meeting.

If I hear no objections, I shall now adjourn the meeting. The Council will meet again at a date that will be determined in consultation with the members and announced in the Journal.

The meeting rose at 4.20 p.m.

United Nations

Press Release

Office of Public Information
Press Section
United Nations, New York

Background Release



TR/2141
12 February 1979

TRUSTEESHIP COUNCIL TO CONSIDER UNITED STATES REQUEST FOR VISITING MISSION
TO OBSERVE CONSTITUTIONAL REFERENDUM IN MARSHALL ISLANDS

Fourteenth Special Session to Take Up Invitation Today

The Trusteeship Council meets in special session at 3 p.m. today to consider an invitation by the United States Government requesting the Council to send a visiting mission to the Marshall Islands, Trust Territory of the Pacific Islands, to observe a constitutional referendum. The referendum is scheduled for 1 March.

The Marshall Islands is one of the three archipelagos -- the Marshalls, the Carolines and the Marianas -- that form the Trust Territory of the Pacific Islands, also known as Micronesia.

The invitation is contained in a letter, dated 29 January, addressed to the acting President of the Council from the Permanent Representative of the United States to the United Nations, Andrew Young (document T/1796).

The letter points out that on 21 December 1978, the Constitutional Convention of the Marshall Islands had adopted a draft constitution for the Marshall Islands.

On 4 January 1979, the letter continues, the President and Secretary of the Constitutional Convention had informed the Marshall Islands Nitijela (legislature) and the Administering Authority (the United States) that the constitution was ready for submission to the people of the Marshall Islands in a referendum. On 18 January, the Speaker of the Marshall Islands Nitijela issued a proclamation calling for the constitutional referendum on 1 March.

The letter goes on to say that the United States expects that the visiting mission would remain in the Marshall Islands for a period sufficiently long to enable it to observe the campaign, the polling and the counting of votes. The United States was prepared to assist in arranging an itinerary for the mission which would enable it to observe the referendum throughout the district.

(more)

The request for a special session -- the Council's fourteenth -- is contained in a letter from Mr. Young, also dated 29 January, addressed to the Secretary-General (document T/1797).

The Trust Territory of the Pacific Islands is the only remaining Territory still under the International Trusteeship System, out of the 11 original Trust Territories. The United States, which administers the Territory in accordance with a Trusteeship Agreement approved by the Security Council in 1947, has set 1981 as a target date for termination of the Agreement and full self-government for Micronesia.

Last June, following its latest annual consideration of the situation in the Territory, the Trusteeship Council recalled its previously expressed conviction that the political unity of the Caroline Islands and the Marshall Islands should if possible be maintained, but it recognized that the Micronesian people themselves must ultimately decide on their political relations with each other.

The Council noted with satisfaction that the Congress of Micronesia had decided in favour of unity within the framework of a constitution of the Federated States of Micronesia, but noted also that the districts of Palau and the Marshall Islands had expressed the wish that the question of their political status should be negotiated separately with the United States.

The Marshall Islands and Palau, in a referendum held on 12 July 1978, voted to reject the constitution of the Federated States of Micronesia. Both districts then proceeded to call their own internal constitutional conventions and it is the completed Marshall Islands constitution that is to be submitted for a referendum on 1 March.

The Council has sent a number of regular and special visiting missions to the Territory. The most recent of these observed the constitutional referendum last July. The latest in the series of missions sent periodically to assess conditions throughout the Territory is scheduled to go later this year. The next regular session of the Trusteeship Council is scheduled to take place in May.

The special session beginning this afternoon is expected to last for only a few days.

The Trusteeship Council is composed of the five permanent members of the Security Council: China, France, the Soviet Union, the United Kingdom and the United States. China has not participated in recent years.

The President of the Council in 1978 was Pierre Garrigue-Guyonnaud (France). Its Vice-President was Sheila Harden (United Kingdom).

The provisional agenda of the Council for its special session is contained in document T/1798.

United Nations

Press Release

Department of Public Information
Press Section
United Nations, New York



Trusteeship Council
Fourteenth Special Session
1482nd Meeting (PM)

TR/2142
12 February 1979

TRUSTEESHIP COUNCIL RECEIVES PROPOSAL TO SEND MISSION TO OBSERVE
CONSTITUTIONAL REFERENDUM IN MARSHALL ISLANDS

The Trusteeship Council would decide to send a visiting mission to the Marshall Islands, a Trust Territory of the Pacific Islands, beginning on 22 February to observe a constitutional referendum scheduled for 1 March, under a draft resolution introduced in the Council this afternoon.

The draft resolution (document T/L.1213) was submitted by France as the Council began a special session to consider an invitation by the United States Government requesting the Council to send a visiting mission to observe the referendum. The draft would have the Council direct the mission to observe the referendum, including the campaign and polling arrangements, the casting of votes, the closure of voting, the counting of ballots and the declaration of results.

In addition, the Council: would decide that the mission should be composed of a representative from the United Kingdom and a representative from France; would direct the mission to "obtain first-hand information concerning political, economic and social developments in the Marshall Islands", and would request the mission to submit to the Council a report on its observations of the referendum containing conclusions and recommendations.

Statements in this regard were made by the representatives of the United States, the Soviet Union, the United Kingdom and France. The representative of the Soviet Union said he believed that the Marshall Islands referendum was "an illegal act" and he was opposed to the sending of a mission to observe that referendum. The representatives of the United States, the United Kingdom and France supported the dispatch of the mission.

The Council Secretary, Girma Abebe, said that based on the assumption that the visiting mission would be composed of two delegations and four staff members and would remain no longer than three weeks, an extra \$20,000 would be required beyond the total amount of resources available to the Council for its 1979 programme.

Also this afternoon, the Council elected by secret ballot Jean-Claude Brochenin (France) as its President. The former President, Pierre Garrigue-Guyonnaud (France), whose term would have expired at the end of the year has left New York for another assignment.

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For information media - not an official record

In addition, the Council adopted its provisional agenda (document T/1798), which includes the following items: report of the Secretary-General on credentials; letter dated 29 January from the Permanent Representative of the United States to the United Nations addressed to the acting President of the Trusteeship Council, inviting the Council to send a visiting mission to the Marshall Islands to observe the constitutional referendum on 1 March (document T/1796); and the terms of reference of the regular visiting mission which the Council has decided to send to the Trust Territory of the Pacific Islands later this year. (This latter item was added at the suggestion of the United Kingdom).

Regarding the report of the Secretary-General on credentials, the acting President, Sheila Harden (United Kingdom), said that the Secretary-General had not received the credentials of all Council members and that this item would be considered at the next meeting.

Finally this afternoon, the acting President recalled that at the last session, held from 15 May to 8 June 1978, the President of the Council had requested that claims regarding post-war damages in Micronesia should be settled. As acting President, Ms. Herden said, she had spoken to the Permanent Representative of Japan and a United States ambassador regarding this matter and had expressed the concern of the Council that it be speedily resolved.

No date has been set for the next meeting of the Council to act on the draft resolution presented today.

Background on Referendum

The Marshall Islands is one of the three archipelagos -- the Marshalls, the Carolines and the Marianas -- that form the Trust Territory of the Pacific Islands, also known as Micronesia.

The upcoming referendum in the Marshall Islands is being held to vote on the draft constitution proposed for the Marshalls, which was approved by the Marshall Islands Constitutional Convention on 21 December 1978.

The proposed constitution sets out the form of government which would exist in the Marshall Islands. It contains a bill of rights, as well as provisions on a legislature (Nitijela), an executive branch and a judiciary. If adopted, the constitution would become effective on 1 May.

In a referendum on the adoption of a Constitution for the Federated States of Micronesia, held on 12 July 1978 in the six districts of the Trust Territory, the Constitution was accepted by the districts of Ponape, Truk, Yap and Kosrae. The districts of the Marshall Islands and of Palau, in the Carolines, did not accept the Territory-wide Constitution and called for internal consultations. (In April 1976, the former Mariana Islands District separated administratively from the Government of the Trust Territory.)

Last June, the Council recalled its previously expressed conviction that the political unity of the Caroline Islands and the Marshall Islands should if

possible be maintained, but it recognized that the Micronesian people must ultimately decide on their political relations with each other.

The Council noted with satisfaction that the Congress of Micronesia had decided in favour of unity within the framework of a constitution of the Federated States of Micronesia, but noted also that the districts of Palau and the Marshall Islands had expressed the wish that the question of their political status should be negotiated separately with the United States.

The Trust Territory of the Pacific Islands is the only remaining Territory still under the International Trusteeship System, out of the 11 original Trust Territories. The United States, which administers the Territory in accordance with a Trusteeship Agreement approved by the Security Council in 1947, has set 1981 as a target date for termination of the Agreement and full self-government for Micronesia.

The Trusteeship Council is composed of the five permanent members of the Security Council: China, France, the Soviet Union, the United Kingdom and the United States. China has not participated in recent years.

(For further background see Press Release TR/2142, issued today.)

Statements Made

STONE COOKS (United States) told the Trusteeship Council today that his Government was proud of the progress that had been made in the attainment of self-government by the inhabitants of the Trust Territory. It had been United States policy to seek the Council's participation in that process not only through its regular and special sessions, but also through the dispatch of visiting missions to the Territory. In particular, the United States had invited the Council to send special missions to observe major acts in the attainment of self-government by the people of the Territory.

Thus, he noted, in 1975, the United States had invited the Council to send a Mission to the Marianna Islands District to observe the plebiscite on the adoption of the Covenant to Establish a Commonwealth of the Northern Marianna Islands. Last Year the Council had sent a mission to the six other districts of the Territory in order to observe the 12 July referendum on adoption of the Constitution of the Federated States of Micronesia.

Recalling that the voters in the Marshall Islands and Palau had not accepted the constitution, he said that by the terms of the Congress of Micronesia law governing the Constitution and the referendum, the Constitution of the Federated States would not apply to those two districts which must therefore, adopt their own constitutions.

On 21 December of last year, he continued, the Marshall Islands Constitutional Convention had approved a proposed Constitution for the Marshalls, and the Speaker of the Marshall Islands legislature had called for the referendum on the Constitution to be held on 1 March. Both the Constitutional Convention and the Speaker of the legislature had requested

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that the Trusteeship Council observe the referendum. His Government had endorsed their invitation and would welcome the dispatch of a visiting mission to the Marshalls.

The proposed Constitution, he said, set out in some detail the form of government which would exist in the Marshalls. It contained a Bill of Rights and would create a Traditional Council (Council of Iroij), a Legislature (Nitijela), an executive branch headed by a President who would be a member of the Nitijela elected by a majority of members of the Nitijela, and a judiciary. Duties and powers of each were specified.

It was now up to the Marshallese people to determine whether the Constitution met their desires as a form of government, he stated. If adopted, the Constitution would become effective on 1 May.

In order to have an opportunity to observe the pre-vote educational programme and discussion as well as the actual voting process, he recommended that the mission arrive in the Marshall Islands several days before the referendum date.

MIKHAIL A. KHARLAMOV (Soviet Union) said he would not conceal his delegation's negative view of the current special session, because its purpose had nothing to do with the true interests of the people involved.

Last year in the Trust Territory, serious events had occurred, he continued. Referring to the July 1978 constitutional referendum, he said the majority of Micronesians had favoured the Constitution of the Federated States of Micronesia. "The separatists and their helpers" had suffered a decisive defeat in that referendum.

The United States, however, had disregarded the results of the referendum and had furthered the fragmentation of Micronesia, he said. Just two and a half years ago, the United States had declared that its policy was to help the inhabitants of Micronesia to obtain political unity. Yet since then there had only been further fragmentation, which was blamed on the Micronesians. The islands were of strategic importance to the Administering Authority, he observed.

He said the so-called draft constitution for the Marshall Islands and the one which would later be put to a referendum in Palau attested to the intention of the Administering Authority to fragment and annex the Territory. The actions of the United States were in flagrant contravention of the General Assembly's 1960 Declaration on the Granting of Independence to Colonial Countries and Peoples.

He believed that the Marshall Islands referendum was "an illegal act" and he was opposed to the sending of a visiting mission to the islands to observe that referendum. Consequently, he stated, his country could not participate in the mission.

Any change in the status of such a Territory should be brought about only by decision of the Security Council, he concluded.

ROBIN BYATT (United Kingdom) said the Council should accept the invitation of the Administering Authority and should send a visiting mission to observe the 1 March referendum. It was for the people of Micronesia themselves to decide what form their government should take. It was the duty of the Council to see that all acts of self-determination were fairly carried out, and for that reason the Council should send a mission.

RICARDO DUQUE (France) said his country attached great importance to the right of self-determination. That was why the Council should send a visiting mission to observe the referendum.

He then introduced the draft resolution on this issue.

Mr. KHARLAMOV (Soviet Union) asked the representative of the United Kingdom if he recognized the fact that the majority of the Micronesian population last year had voted in favour of a Constitution for the entire Trust Territory. Did that representative agree that changing the status of the Territory was a matter that only the Security Council could decide?

Mr. BYATT (United Kingdom), responding, said he was aware that the majority of the population had voted in favour of the Constitution last July. However, the law specified that only those districts which had voted in favour of the Constitution had ratified it; those that had not were not bound by it.

He was aware of the competence of the Trusteeship Council and the Security Council, he added. But there was no immediate intention to change the status of Micronesia or any of its districts.

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UNITED NATIONS
TRUSTEESHIP
COUNCIL



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ENGLISH

Fourteenth Special Session

VERBATIM RECORD OF THE FOURTEEN HUNDRED AND EIGHTY-THIRD MEETING

Held at Headquarters, New York,
on Thursday, 15 February 1979, at 3 p.m.

President: Mr. BROCHENIN (France)

Report of the Secretary-General on credentials

Letter dated 29 January 1979 from the Permanent Representative of the United States of America to the United Nations, addressed to the Acting President of the Trusteeship Council, inviting the Trusteeship Council to send a visiting mission to the Marshall Islands to observe the constitutional referendum on 1 March 1979

Terms of reference of the United Nations Visiting Mission to the Trust Territory of the Pacific Islands, 1979

Closure of the fourteenth special session

This record is subject to correction.

Corrections should be submitted in one of the working languages, preferably in the same language as the text to which they refer. They should be set forth in a memorandum and also, if possible, incorporated in a copy of the record. They should be sent within one week of the date of this document to the Chief, Official Records Editing Section, Department of Conference Services, room A-3550.

Any corrections to the record of this meeting and of other meetings will be issued in a corrigendum.

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

REPORT OF THE SECRETARY-GENERAL ON CREDENTIALS (T/1799) (continued)

The PRESIDENT (interpretation from French): I should like to draw the attention of the Trusteeship Council to the report of the Secretary-General on credentials, contained in document T/1799.

As it appears that no member wishes to comment on that report, I propose that the Council decide to take note of it.

It was so decided.

LETTER DATED 29 JANUARY 1979 FROM THE PERMANENT REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE UNITED NATIONS, ADDRESSED TO THE ACTING PRESIDENT OF THE TRUSTEESHIP COUNCIL, INVITING THE TRUSTEESHIP COUNCIL TO SEND A VISITING MISSION TO THE MARSHALL ISLANDS TO OBSERVE THE CONSTITUTIONAL REFERENDUM ON 1 MARCH 1979 (T/1796) (continued)

The PRESIDENT (interpretation from French): As agreed at our meeting last Monday, the Trusteeship Council will now consider and take a decision on the draft resolution contained in document T/L.1213, with regard to the arrangements for the dispatch of a visiting mission to observe the constitutional referendum in the Marshall Islands on 1 March 1979.

I draw members' attention to the fact that the draft resolution was introduced by the representative of France at the Council's meeting last Monday.

As there appear to be no comments on or objections to the draft resolution in document T/L.1213, I now put it to the vote.

The draft resolution was adopted by 3 votes to 1.

The PRESIDENT (interpretation from French): Members will note that by the resolution just adopted the Trusteeship Council has decided, inter alia, that the Visiting Mission should be composed of representatives of France and the United Kingdom. Following past practice, I suggest that the Council decide that the names to be submitted by the two Governments be approved automatically as soon as they are received.

If there are no comments, I shall take it that members agree to that suggestion.

It was so decided.

Mr. COOKS (United States of America): My delegation would like to make a brief statement which in a sense is in right of reply to some of the statements made at the last meeting of the Trusteeship Council with regard to actions and intentions of the Administering Authority.

The United States delegation feels obliged to respond to several of the statements made by the representative of the Soviet Union at the last meeting of this special session. We regret that once again an effort has been made to distort both the facts of the situation and the intentions of my own Government concerning the Trust Territory. This is true despite the efforts of my Government to keep the Council fully informed of developments in the Territory and to encourage, through visiting missions to the Territory, full participation by members of the Council in the steps taken by the inhabitants of the Territory towards self-government. The Soviet representatives presumed to speak authoritatively about conditions in the Territory, yet they have declined to participate in Missions to the Territory since 1973.

I shall be more precise. We were told that the majority of voters in the Territory voted in favour of the Constitution of the Federated States of Micronesia in July 1978, but that the United States had denied the results of the referendum and attempted to explain them in its own interest. No one can deny that a majority of the voters in the Territory voted in favour of the Constitution. However, neither can one ignore the terms which governed that referendum as set forth by the Congress of Micronesia itself. Congress of Micronesia Public Law 6-61 of 1975 specifically stated:

(Mr. Cooks, United States)

"The Constitution shall be deemed to have been ratified and approved by the people of Micronesia if it is approved by a majority of the districts of the Trust Territory existing at the date of the referendum, provided, however, that the Constitution shall not take effect in any such district if it is disapproved by a majority of those voting in the referendum in that district."

Thus it was the duly elected representatives of the Territory themselves who determined the rules of the referendum, not the United States as Administering Authority.

In addition, my delegation was puzzled to hear allegations that threats or pressures were used during the July referendum. We frankly do not know to what the Soviet delegation was referring by those remarks.

I should also reiterate that my Government has not favoured, and in fact regrets, decisions by the peoples of Micronesia to divide the Territory into a number of separate governmental units. We have taken steps to promote unity. For instance, we have chosen to negotiate with representatives of Palau, the Federated States of Micronesia and the Marshall Islands simultaneously and on an equal basis, and we intend to sign a single future political status agreement with all three. The United States continues to believe that the question of the political unity of Micronesia is one to be determined by the people of Micronesia themselves and not one to be imposed by any external Government or body, including the Government of the United States.

(Mr. Cooks, United States)

I must also take exception to allegations that the acts of self-government and self-determination which are taking place in the Trust Territory are in any way illegal or contrary to the United Nations Charter or the Trusteeship Agreement. On the contrary, the United States assumed an obligation under the Charter and the Agreement to foster the development of local political institutions and to promote self-determination. Though there may be differences over what course would be best for the people of Micronesia, there should be little question that the process whereby the people of Micronesia are determining their future has been one which they have decided on themselves in genuine exercise of the right of self-determination.

I must respond also to the assertion that the United States has been seeking to modify the terms of the Trusteeship Agreement. My country consistently has lived up to the terms of the Agreement; it has not and will not modify the Agreement. The United States continues to respect fully the terms of the Trusteeship Agreement and continues to consider that all the Trust Territory will remain legally an integral whole until such time as the Agreement is terminated in 1981.

Mr. KHARLAMOV (Union of Soviet Socialist Republics) (interpretation from Russian): Of course there is a divergence of view between us and the representative of the United States in our assessment of what is actually happening in Micronesia. That is only natural because we take different approaches and we have different interpretations of the Charter. In the last sentence of the statement of the representative of the United States he said that the Trust Territory will remain an integral whole until such time as the Agreement is terminated in 1981. But then it will not be an integral whole; it will be dismembered and fragmented. There will be a semblance - if I may use that word - of a State, but not an actual State. It will not be a sovereign State of Micronesia. It will be a number of structures which have been set up in recent years as a result of the efforts of the Administering Power.

(Mr. Kharlamov, USSR)

Therefore, with respect to the statement of Mr. Cooks, in which he rejected the points that we made concerning the policy of the United States in the Trust Territory of the Pacific Islands, and in particular with regard to the new and, in our view, illegal acts of the Administering Authority in dismembering the Territory of Micronesia, we confirm what we said at our last meeting: the holding of the referendum in the Marshall Islands is illegal and we cannot acknowledge the legitimacy of that referendum. We still place responsibility for that illegal action not on the local inhabitants but on the Administering Power. The United States, as the Administering Power, is bound to be guided in its actions in the Territory by the provisions of the Charter, the Trusteeship Agreement and also the Declaration on the Granting of Independence to Colonial Countries and Peoples. But this is by no means the case, and so far our statements have not been rebutted. They have been opposed, but they have not been rebutted. It is necessary to present facts to rebut them. If we have another meeting we shall be able to present many facts to show that the actions of the Administering Authority in the Trust Territory are not in keeping with either the Charter or the Trusteeship Agreement. The Trusteeship Council has in the past repeatedly expressed its support for the preservation of the unity of the Trust Territory. In our view, a mission should not be sent to observe an illegal referendum in the Marshall Islands. The Soviet delegation has voted against the sending of such a mission and we cannot recognize in advance the results of a referendum which in practice have been predetermined by certain actions on the part of the Administering Authority in that part of the Trust Territory.

TERMS OF REFERENCE OF THE UNITED NATIONS VISITING MISSION TO THE TRUST TERRITORY OF THE PACIFIC ISLANDS, 1979 (2166 (XLV))

The PRESIDENT (interpretation from French): As members will recall, upon the proposal of the representative of the United Kingdom, the Council at its meeting last Monday decided to include an additional item in the agenda (T/1798), entitled "Terms of reference of the United Nations Visiting Mission to the Trust Territory of the Pacific Islands, 1979 (2166 (XLV))".

I call on the representative of the United Kingdom, who wishes to make a statement on the subject.

Miss HARDEN (United Kingdom): My delegation asked for the inscription of this item on the agenda because we wished to raise the question of the timing of the dispatch of the next periodic Visiting Mission to the Trust Territory.

The Council in resolution 2166 (XLV), which was adopted at its last session, decided to dispatch a Visiting Mission to the Trust Territory in 1979. Since that decision was taken, a Visiting Mission spent a total of more than seven weeks in the Trust Territory, in June, July and October last year, observing the constitutional referendum and also obtaining some information about economic and social conditions in the Trust Territory. Unfortunately, it has not yet been possible to publish the Visiting Mission's report, but it should be available shortly.

Since the adoption of resolution 2166 (XLV), the Council has also decided at today's meeting to dispatch a Visiting Mission to observe the referendum in the Marshall Islands District next month. My delegation understands that it is likely that the Council will be asked at its next regular session to consider the dispatch of a further mission to observe a referendum in Palau District later this year - probably in July. It remains, we understand, the objective of the Administering Authority that the Trusteeship Agreement should be terminated in 1981. It has been the general - although not the invariable - practice of the Trusteeship Council to dispatch periodic visiting missions to the Trust Territory at intervals of three years, although neither the Charter nor the rules of procedure say that the interval must be three years.

(Miss Harden, United Kingdom)

If the Trusteeship Agreement is terminated in 1981, there will be only one visit to the Trust Territory by a periodic mission between now and the termination of the Agreement. In my delegation's view, it would be sensible, and would permit the Council to discharge its responsibilities most effectively, if visits to the Trust Territory during the remaining period of trusteeship were reasonably spaced, enabling the Council to keep itself continuously up to date on conditions and developments in the Territory. It follows that, in our view, it would be better to defer the visit of the next and last periodic Visiting Mission until 1980 than to send no less than three missions to the Territory in 1979.

Not only would a decision to defer the regular mission be consistent with the responsible discharge of the Council's functions but it would also avoid the strain on the manpower resources of delegations and the budgetary provisions for the Council's activities in the current biennium that would result from sending three missions to the Territory this year.

Accordingly, my delegation proposes that the Council should now modify the decision taken in resolution 2166 (XLV) by deciding to defer the dispatch of the periodic Mission envisaged in that resolution for 1979 until early 1980.

Mr. DUQUE (France) (interpretation from French): I wish to support the relevant comments just made by the representative of the United Kingdom. Taking into account the recent missions of the Council and its future programme, the French delegation also believes that the periodic Visiting Mission should be postponed until 1980.

Mr. KHARLAMOV (Union of Soviet Socialist Republics) (interpretation from Russian): We are not against the deferment of the Mission to 1980, but we should like to say that we do not agree with the reasons which have been adduced to justify that postponement. I repeat that we do not object to the deferment of the Mission, but the reasons advanced for that deferment are not, in our view, justified.

The PRESIDENT (interpretation from French): If there are no further comments or objections, I suggest that the Council should decide to adopt the proposal made by the representative of the United Kingdom, supported by the representative of France, to the effect that the Council defer to the first months of 1980 the dispatch of the periodic Visiting Mission scheduled for 1979 under the terms of resolution 2166 (XLV).

If there is no objection, it will be so decided.

It was so decided.

CLOSURE OF THE FOURTEENTH SPECIAL SESSION

The PRESIDENT (interpretation from French): The Council has now concluded its work and, if I hear no objection, I propose that the Council should authorize the Secretariat, in consultation with the President and members of the Council, to prepare a report on the work of the fourteenth special session and to include it in the next annual report of the Council on its activities during the forty-sixth regular session, which is to take place during the month of May of this year.

It was so decided.

The PRESIDENT (interpretation from French): The Council has concluded its consideration of the items on its agenda.

I should like to thank the members of the Trusteeship Council for the co-operation which they have given me in the performance of my work, thus enabling the Council speedily to conclude the programme before it. I hope that the visit of the Mission to the Marshall Islands will take place in the best of circumstances.

The members of the Council will meet again in a few months at the opening of the next regular session, the date for which has not yet been set but which will certainly take place in May.

I declare the fourteenth special session of the Trusteeship Council closed.

The meeting rose at 3.50 p.m.

Trusteeship Council
Fourteenth Special Session
1483rd Meeting (PM)



TR/2143
15 February 1979

TRUSTEESHIP COUNCIL DECIDES TO SEND VISITING MISSION TO OBSERVE
1 MARCH CONSTITUTIONAL REFERENDUM IN MARSHALL ISLANDS

Defers Regular Mission to Pacific Islands Trust Territory to 1980

The Trusteeship Council decided this afternoon to send a two-member visiting mission to the Marshall Islands, in the Trust Territory of the Pacific Islands, to observe a constitutional referendum scheduled for 1 March. The mission is to begin on 22 February.

This decision was taken as the Council concluded a special session called to consider an invitation by the United States Government, Administering Authority for the Territory, requesting the Council to send the mission.

Today's resolution (document T/L.1213) was adopted by a show-of-hands vote of three in favour (France, United Kingdom, United States) to one against (USSR). (China, the fifth member of the Council, has not participated in its sessions in recent years.)

In the resolution, the Council directed the mission, which is to be composed of representatives of France and the United Kingdom, "to observe the referendum, including the campaign and polling arrangements, the casting of votes, the closure of voting, the counting of ballots and the declaration of results". The mission is to end "as soon as practicable after the declaration of the results of the referendum".

In addition, the Council: directed the mission to "obtain first-hand information concerning political, economic and social developments in the Marshall Islands"; requested it to submit to the Council a report on its observations of the referendum, containing conclusions and recommendations; and requested the Secretary-General to provide staff and facilities.

The Council decided that the names of the two persons to go on the mission be approved as soon as they were received from the two Governments concerned.

Statements in exercise of the right of reply were made today by the representatives of the United States and the Soviet Union.

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The invitation by the United States Government requesting the Council to send a mission is contained in a letter, dated 29 January, addressed to the acting President of the Council from the Permanent Representative of the United States to the United Nations, Andrew Young (document T/1796).

As reported by Council Secretary Girma Abebe at the opening meeting of the special session on Monday, 12 February, the mission will entail expenditures of \$20,000 beyond the appropriation already available in the United Nations budget for the Council's 1979 programme.

Also this afternoon, the Council, on the proposal of the United Kingdom and with the support of France, decided to defer to 1980 the dispatch of the regular visiting mission which had been scheduled to visit the Territory as a whole this year, under the terms of Council resolution 2166 (XLV) of May 1978. Statements regarding this decision were made by the representatives of the United Kingdom, France and the Soviet Union.

On another matter, the Council took note of a report by the Secretary-General on credentials of its members (document T/1799).

Background on Referendum

The Marshall Islands is one of the three archipelagos -- the Marshalls, the Carolines and the Marianas -- that form the Trust Territory of the Pacific Islands, also known as Micronesia.

The upcoming referendum in the Marshall Islands is being held to vote on the draft constitution proposed for the Marshalls, which was approved by the Marshall Islands Constitutional Convention on 21 December 1978.

The proposed constitution sets out the form of government which would exist in the Marshall Islands. It contains a bill of rights, as well as provisions on a legislature (Nitijela), an executive branch and a judiciary. If adopted, the constitution would become effective on 1 May.

In a referendum on the adoption of a Constitution for the Federated States of Micronesia, held on 12 July 1978 in the six districts of the Trust Territory, the Constitution was accepted by the districts of Ponape, Truk, Yap and Kosrae. The districts of the Marshall Islands and of Palau, in the Carolines, did not accept the Territory-wide Constitution and called for internal consultations. (In April 1976, the former Mariana Islands District separated administratively from the Government of the Trust Territory.)

Last June, the Council recalled its previously expressed conviction that the political unity of the Caroline Islands and the Marshall Islands should if possible be maintained, but it recognized that the Micronesian people must ultimately decide on their political relations with each other.

The Council noted with satisfaction that the Congress of Micronesia had decided in favour of unity within the framework of a constitution of the Federated States of Micronesia, but noted also that the districts of Palau and

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the Marshall Islands had expressed the wish that the question of their political status should be negotiated separately with the United States.

The Trust Territory of the Pacific Islands is the only remaining Territory still under the International Trusteeship System, out of the 11 original Trust Territories. The United States, which administers the Territory in accordance with a Trusteeship Agreement approved by the Security Council in 1947, has set 1981 as a target date for termination of the Agreement and full self-government for Micronesia.

(For further background, see Press Release TR/2141 issued on 12 February.)

Statements on Visiting Missions

In the discussion on deferral of the Council's regular visiting mission to the Trust Territory of the Pacific Islands, SHEILA E. HARDEN (United Kingdom) noted that her delegation had asked for the item to be considered.

She recalled that during the summer of 1978, a visiting mission had been sent to the Territory to observe a constitutional referendum. Now, the Council had decided to send a visiting mission to the Marshall Islands. She understood that the Council would be asked at its upcoming regular session to consider the dispatch of a mission to observe a referendum to be held in the Palau district of the Trust Territory, probably in July.

If the Trusteeship Agreement was terminated in 1981, as scheduled, there would be only one visit to the Trust Territory by a periodic mission between now and the termination of the Agreement, she observed.

Therefore, in her view, it would be sensible and would enable the Council to discharge its responsibility most effectively if visits to the Trust Territory during the remaining period of the trusteeship were reasonably spaced. That would enable the Council to keep itself up to date on conditions and developments in the Territory. It would be better to defer the visit of the next and last periodic visiting mission until early 1980, rather than to send no less than three missions to the Territory in 1979.

RICARDO DUQUE (France) supported the comments made by the representative of the United Kingdom.

MIKHAIL A. KHARLAMOV (Soviet Union) said he did not agree with the reasons given to justify the deferral of the periodic visiting mission, but he did not object to its deferral.

Replies on Mission to Marshall Islands

The United States representative spoke in exercise of the right of reply to a statement made by the Soviet Union on Monday when the Council first began discussing the dispatch of a visiting mission to observe the referendum in the Marshall Islands.

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STONEY COOKS (United States) said he regretted that once again an effort had been made "to distort both the facts of the situation and the intentions of my own Government concerning the Trust Territory". This was true despite United States efforts to keep the Council fully informed of developments in the Territory and to encourage through visiting missions the full participation by members of the Council in the steps taken by the inhabitants of the Territory towards self-government. The Soviet representatives presumed to speak authoritatively about conditions in the Territory, yet they had declined to participate in missions to the Territory in 1973.

No one could deny that a majority of the voters in the Territory had voted in favour of the Constitution, he continued. However, the Congress of Micronesia Public Law 6-61 of 1975 specifically stated: "the Constitution shall be deemed to have been ratified and approved by the people of Micronesia if it is approved by a majority of the districts of the Trust Territory existing at the date of the referendum, provided, however, that the Constitution shall not take effect in any such district if it is disapproved by a majority of those voting in the referendum in that district". Thus, he said, it was the elected representatives of the Territory who had determined the rules of the referendum, not the United States as Administering Authority.

In addition, he stated, he had been puzzled to hear allegations that threats or pressures had been used during the July referendum. He did not know to what the Soviet delegation was referring by those remarks.

The United States had not favoured, and in fact regretted, decisions by the peoples of Micronesia to divide the Territory into a number of separate governmental units, he said. The United States had taken steps to promote unity. For instance, it had chosen to negotiate with representatives of Palau, the Federated States of Micronesia, and the Marshall Islands simultaneously and on an equal basis, and it intended to sign a single future political status agreement with all three.

The United States continued to believe that the question of political unity of Micronesia was a question to be determined by the people of Micronesia themselves and not imposed by any external government or body, including the Government of the United States, he declared.

He took exception to allegations that the acts of self-government and self-determination which were taking place in the Trust Territory were in any way illegal or contrary to the United Nations Charter or the Trusteeship agreement. Though there might be differences over what course would be best for the people of Micronesia, the process whereby the people of Micronesia were determining their future had been one which they had decided themselves in exercise of their right of self-determination.

Responding to the assertion that the United States had been seeking to modify the terms of the Trusteeship Agreement, he said his country had consistently lived up to the terms of the Agreement; it had not and would not

(more)

modify the Agreement. The United States continued to consider all of the Territory to remain legally an integral whole until the Agreement was terminated.

MR. KEARLAMOV (Soviet Union) said there was a difference in view in the assessment of what was taking place in Micronesia. Contrary to what the representative of the United States said, the Territory would be fragmented and it would not be a sovereign State of Micronesia.

The Administering Authority had committed "illegal acts" in the Territory, he stated. The holding of a referendum in the Marshall Islands was "illegal" and the Administering Authority must be held responsible. The actions of the Administering Authority were not in keeping with the Charter or the Trusteeship Agreement. A mission should not be sent to observe the "illegal act" scheduled to take place in the Marshall Islands.

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