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Fiftieth Session

VERBATIM RECORD OF THE FIFTEEN HUNDRED AND EIGHTY-SEVENTH MEETING

Held at Headquarters, New York,
on Tuesday, 21 May 1985, at 10.30 a.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 10.55 a.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: Before we proceed to the questioning of the representatives of the Administering Authority, the representative of the United States wishes to make a statement following on the meetings we had last week with petitioners.

Mr. FELDMAN (United States of America): Mr. President, I have quite a lengthy statement, for which I beg your pardon and the Council's indulgence. It seems necessary to reply at some length because we have heard so many strange and - to put it mildly - misapprehended statements from some of the petitioners that it seems important to set the record straight, and I shall attempt to do so now.

Of course my delegation welcomes petitioners and of course we have listened with care to their statements. We do believe that the petition process is a valuable contribution to the work of the Council, and this year a number of the petitions were thoughtful, provocative and interesting.

I would note, however, that almost all of the petitioners were not Micronesians, but, rather, were foreigners whose views conflicted sharply with those of the Micronesians and their elected representatives. And so we must ask ourselves the following: Are the perspectives which these foreigners bring wider or sharper or better focused than those of the Micronesians and their elected representatives? I rather doubt it. Nor, it seems to me, do the many misstatements we have heard as to factual matters suggest that they are more in touch with Micronesian reality.

While I have responded in part to some of the misstatements during the course of these presentations, I do take this opportunity now to respond more fully and in some detail.

These comments are offered, of course, on behalf of the United States Government as the Administering Authority. I believe that the representatives of the Federated States of Micronesia, the Marshall Islands, the Northern Mariana Islands and the Republic of Palau will also wish, at the appropriate time, to respond to certain statements on their own behalf.

(Mr. Feldman, United States)

I want to begin with the issues and allegations in relation to self-government - in relation to what are permissible forms of self-government, the nature of free association, the Compacts of Free Association which have been signed and United Nations criteria for self-government. I will also respond more specifically to certain inaccurate statements which were made specifically in relation to the Palauan Constitution and the Palauan plebiscites and to the pending United States - Palau Compact. Finally, I intend to respond to various statements which have been made concerning the consequences of nuclear testing, including the relevant provisions of the Compact of Free Association between the Governments of the United States and the Republic of the Marshall Islands.

(Mr. Feldman, United States)

Concerning self-government, I begin with the observation that there is one fundamental and absolute international criterion for the attainment of self-governing status, and that is freedom of choice by the people concerned. This criterion follows from the fundamental right of peoples to self-determination, which underlies the question of self-government. As is stated in the 1970 Declaration on the Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations:

> "The establishment of a sovereign and independent State, the free association or integration with an independent State or the emergence into any other political status freely determined by a people constitute modes of implementing the right of self-determination by that people". (General Assembly resolution 2625 (XV), annex)

To paraphrase a famous quotation, this criterion is the law; all else is merely commentary. Certain petitioners, however, seem to have developed their own criteria for self-government which, in their application to the Trust Territory of the Pacific, actually conflict with and undermine the expressed desires and chosen future status of the peoples themselves. There are, to be sure, various factors and principles which have been set forth from time to time in United Nations resolutions to guide consideration of this question. But in our view respect for the free exercise of the right to self-determination must be seen as the single absolute criterion and the overriding standard and goal.

We believe that this criterion is satisfied by the future-status arrangements which have been agreed to by the United States and the respective Governments of the Micronesian peoples. United-Nations-observed plesbiscites in each of these locations have confirmed that the people of the Trust Territory have been able to participate in completely fair and open exercises in self-determination, not only in adopting their own Constitutions enshrining their preferred form of legal and governmental organization, but also in selecting their preferred political status following termination of trusteeship.

Various petitioners have called into question the validity of the plebiscites on the Compact of Free Association. The incontrovertible fact remains, however, that the plebiscites on the Compact conducted in the Marshall Islands, the Federated States of Micronesia and Palau in 1983 were all observed by United Nations Visiting Missions which were dispatched specifically for that purpose. Included as members of the Missions were Government representatives of various

(Mr. Feldman, United States)

Pacific Island States. While I shall discuss Palau in greater detail later on, I should like to repeat for the petitioners' benefit the key conclusions of the Missions to the Marshalls and the Federated States.

After a rigorous examination of the public information programme and the conduct of the vote, including a full assessment of the significance and relative effect of whatever irregularities were discovered, the report on the plebiscite in the Federated States of Micronesia ends with this paragraph:

"We conclude that the Compact was approved by the voters of the Federated States of Micronesia in a plebiscite that was run by the Government of the Federated States of Micronesia so as to ensure the free and fair expression of the wishes of the people". (T/1860, para. 88)

Similarly, the report on the plebiscite in the Marshall Islands contains the following observation:

"We conclude that the Compact was approved by the voters of the Marshall Islands in a plebiscite which was run by the Government of the Marshall Islands so as to ensure the free and fair expression of the wishes of the people". (T/1865, para. 58)

Further, although the petitioners do not appear to challenge this point, I also want to note for the sake of completeness the Visiting Mission's conclusions regarding the 1975 plebiscite in the Northern Mariana Islands, as contained in its report:

"The people of the Northern Mariana Islands, in a well-organized and well-attended poll, voted by a majority of almost 80 per cent to become a commonwealth of the United States. There was no improper interference by the Administering Authority. The campaign was freely fought. The poll was free and seen to be free". (T/1771, para. 131)

In the light of the foregoing, I believe it is clear that the Compact of Free Association, as it relates to the Federated States of Micronesia and the Marshall Islands - and we hope eventually to Palau - fully embodies the criterion of legitimate self-government and meets the test of approval by popular absolute majorities, as does also the Covenant to establish a commonwealth of the Northern Mariana Islands.

(Mr. Feldman, United States)

The Compacts of Free Association, like the Covenant, are mutually-agreed-upon documents resulting from lengthy and detailed negotiations between the United States and the respective Governments involved. In these negotiations the peoples of Micronesia have been represented by elected and appointed leaders of their own choosing. It is worthy of mention that free association has been the choice of all the Micronesian negotiators from the commencement of the negotiations in 1969, except for the people of the Northern Marianas, who preferred a United States commonwealth relationship. This was once again borne out in the eloquent opening statements in this session by distinguished leaders of the Northern Marianas, the Federated States of Micronesia, the Marshall Islands and Palau.

As I noted from time to time last week, certain petitioners seem to be of the view that self-determination can only be exercised in favour of independence. This is the basis of their criticism of the Compacts of Free Association. The restriction of options to independence is not, however, compatible with the freedom to choose one's own future status. Restriction of options is not compatible with that freedom. As I have already said, relevant United Nations resolutions, including the provision of the Declaration on Principles of International Law concerning Friendly Relations which I have just quoted, expressly identifies free association, along with integration and along with independence, as a form of self-government. The status of free association may in fact serve either as a permanent status or as an interim step to either independence or closer association. That choice is one which the people of Micronesia will be able to exercise freely in their own right. They, and they alone, will make that decision.

I also note in this connection that there is no fixed model for free association which has to be copied in all cases. On the contrary, it is the nature of free association that the associated States in each case themselves freely define the nature of the relationship. For that reason, the two words in the term "free association" deserve equal emphasis.

The status of free association as defined in the Compacts in fact is based upon a very considerable degree of autonomy. Of the four criteria for statehood which normally are cited - a defined territory, a distinct population, a government with substantial control over that population and territory, and the capacity to engage in foreign relations - the Compact recognizes the authority of the Micronesian States in all four of those respects. In our view, the freely associated States are, in fact, States. Though not independent, they are sovereign.

(Mr. Feldman, United States)

A great many inaccurate and misleading statements have been made about the Compacts of Free Association and the supposed criteria to which they do not conform. For example, it has been asserted that the Compacts may not be terminated unilaterally. This is not true. The Compacts by their own clear terms provide for either unilateral termination or termination by mutual agreement. Certain specific provisions regarding defence arrangements and economic assistance, in the case of unilateral termination of the Compact by either party, will run for the original life of the Compact. These are fixed-term commitments for both parties: for the United States as well as for the respective Micronesian States.

These specific commitments are not incompatible with self-government. A self-governing State, even an independent State, may freely choose to undertake fixed-term commitments in international agreements, such as the defence and economic commitments undertaken here. Notwithstanding such commitments, the parties retain the right under the Compact to change their status.

We disagree also with the statements made that the United States retains excessive powers over internal as well as external affairs under the Compacts and that these undermine the sovereignty of the Micronesian States and conflict with self-government.

As regards internal affairs, it has been stated in particular that the United States has the power to interfere with the constitutions of the freely associated States. I shall comment later in greater detail on the Constitution of Palau. It seems to us an established and evident fact that all four Micronesian entities have full and unrestricted power to adopt constitutions of their own choosing. I say "established and evident" since all four have done exactly that. The Compact does not contain any provision which would restrict this power; quite the contrary. Section 111, for example, states:

> "The peoples of the Marshall Islands and the Federated States of Micronesia, acting through the Governments established under their respective Constitutions, are self-governing."

The criticism that the United States has retained fiscal control is equally ill founded. The Compacts provide for economic assistance to the freely associated States in the form of sizeable block grants, Federal programmes and other forms of technical assistance over the life of the agreement. The only fiscal right which the United States has under the Compact is the right to audit the funds which are provided under the Compact. At the same time, in order to ensure a steady source

(Mr. Feldman, United States)

of funding and assistance for purposes of economic development and planning, these block grants under the Compact benefit from a full faith and credit pledge on the part of the United States.

It has been suggested that these audit provisions are incompatible with the sovereign authority of the freely associated States over their financial and budgetary affairs. Such audit provisions do not, however, confer on the United States any broader right or authority. They do not purport to affect, nor could they reasonably be construed as affecting, the independent budgetary and fiscal functioning of the respective Governments. Audit provisions in relation to funds provided are a common feature of United States practice - as well as, I should imagine, of international practice - and may be found in any number of international agreements with independent States as well. In this light, and considering the pledge of full faith and credit which I have just mentioned, I do not see how the audit provisions can be in any way objectionable.

In a related vein, various petitioners have found it objectionable that the United States Government has chosen to seek Congressional approval of the Compact by way of a joint resolution rather than advice and consent by the Senate, and that Compact funding would to some extent be provided on the basis of annual Congressional appropriations. These standard procedures of United States practice have, quite mysteriously and inaccurately, been cited as evidence of undue United States control over the freely associated States.

Let me begin with the question of Congressional approval of the Compacts. It is well established in United States practice that there are various ways of entering into an international agreement. United States law does not require that every international agreement be submitted to the Senate alone for advice and consent to ratification. In many cases, it is equally possible, and sometimes preferable, that the agreement be approved by a joint resolution of both Houses of Congress. Submission to both Houses for approval is in the case of the Compacts, particularly appropriate since the Compacts contain fiscal authorizations which must obtain the consent of the House of Representatives as well as the Senate.

The method of Congressional approval of an international agreement does not - obviously cannot - affect the nature of the obligation assumed under international law; nor does it affect the possibility of so-called unilateral amendment under

(Mr. Feldman, United States)

United States law. The United States has never claimed a unilateral right to amend the Compacts. By their own terms, the Compacts may be amended by mutual agreement between the United States and the respective freely associated state.

Regarding annual appropriations for Compact funding, I might note that not all funding is provided on this basis; a number of Compact provisions call for the establishment of trust funds which will separately provide annual pay-outs. More fundamentally, it should be recalled that virtually all United States Government funds for any purpose are provided on the basis of annual appropriation by Congress. Treaty obligations and domestic requirements alike are funded from annual appropriations. This is how our internal budgetary system operates.

As regards the area of external relations, the Compact is also clear. The freely associated States will have full foreign affairs authority except in relation to international defence and security.

As is stated in section 121:

> "The governments of the Marshall Islands and the Federated States of Micronesia have the capacity to conduct foreign affairs and shall do so in their own name and right, except as otherwise provided in this Compact."

The requirements for consultation do not diminish this independent authority. Independent States as well frequently agree to consult on certain matters. Consultation does not mean that agreement is required.

Foreign affairs is a significant area as to which the terms of free association may vary from case to case. In the free association between New Zealand and the Cook Islands, the constitutional relationship provides for the exercise by New Zealand of certain responsibilities for the defence and external relations of the Cook Islands. However, this does not confer upon the New Zealand Government any rights of control. The Cook Islands conducts certain aspects of its foreign affairs directly, while responsibility for other aspects may be undertaken by New Zealand after full consultation with the Cook Islands. In other historical examples of free association, still other arrangements have been made.

(Mr. Feldman, United States)

In general, there is no requirement that a freely associated State retain any control over external affairs, whether in relation to defence or to foreign affairs generally. As I noted initially, free association is a relationship which the parties freely define. It is a usual feature of free association, as indicated in General Assembly resolution 1541 (XV), that each party will have

"the right to determine its internal constitution without outside interference, in accordance with due constitutional processes and the freely expressed wishes of the people".

Resolution 1541 (XV) recognizes that the terms of free association may require consultations as appropriate or necessary. Neither resolution 1541 (XV) nor any other relevant resolution suggests that independent foreign affairs and defence authority is a customary or a necessary feature of free association. Indeed, it is hard to imagine how two States which have wholly independent internal and external authority can be said to be in a relationship of free association at all.

The claim has also been made by certain petitioners that the freely associated States under the Compact will have few means and little opportunity to resolve points of difference. First, I should like to repeat that the relationship envisaged under free association is one of mutual support and co-operation. It is not an adversarial relationship; it is premised on the amicable settlement of differing positions. Secondly, the Compact contains specific provisions establishing mechanisms for consultation and dispute resolution. In the case of defence-related matters, the freely associated States will be able to raise matters for discussion directly with specified Cabinet-level members of the United States Government, under section 313. Consultations, and ultimately arbitration if necessary, may otherwise be employed to resolve differences in other subject areas, under title four, article II.

Reference has been made also to continuing rights of the United States to foreclose military access of third countries under mutual security arrangements between the United States and the respective Governments. I want to emphasize that these are mutual defence arrangements. Under the mutual security agreements the United States assumes defence responsibilities and, in that connection, is also given the right to limit third-country military access. These defence agreements are not related to the questions of status or to the status agreements.

(Mr. Feldman, United States)

We view these mutual defence agreements as reasonable and appropriate in all respects. The exceptional defence relationship between the United States and the Trust Territory has been recognized and confirmed by the United States ever since the creation of the trusteeship, because it was created as an exceptional trusteeship, as the only strategic trusteeship. In principle, we do not believe that mutual defence agreements are incompatible with any self-governing status, whether it be integration, free association or independence. If mutual defence agreements were incompatible with sovereignty, there would be very few sovereign States in this world. These agreements have been freely entered into by the respective parties; they provide the Micronesian States with significant and necessary protection. As a practical matter, the burden of providing entirely for their own self-defence would be overwhelming for these small island States. In this context, these agreements are not an impediment to the self-government or the self-determination of the Micronesian States. Rather, they are a guarantee of their self-government and their ability to exercise self-determination now and in the future.

Last, but not least, I must refer to the comparison which has been made between the freely associated States and the bantustans of South Africa. I must say frankly that this appalling comparison is a profound insult not only to the people of Micronesia but also to the struggle against apartheid, a system which has been justly condemned by the entire world community. That comparison reflects an attempt to exploit the deplorable conditions and practices of apartheid in order to support a wholly unrelated cause, a cause which in fact seeks to oppose the wishes and desires of the peoples of Micronesia. In addition, the comparison which has been made between the freely associated States and the bantustans, both misunderstands and trivializes the profound injustice of South Africa's homelands policy.

The implication of the petitioner's statement was that bantustans would be entirely acceptable if only their were deemed independent States. We cannot agree. The problem with the bantustans has nothing to do with the issue which concerns us here, nothing to do with the international status of bantustans or the retained powers of South Africa, whatever they may be. The fundamental problem with the bantustans is that they exist at all. Bantustans are artificial

(Mr. Feldman, United States)

creations. They are segregated areas for black South African peoples, which are used to deprive those peoples of the right of citizenship in South Africa. It is for these reasons that the United States, along with all other countries throughout the world, has condemned the homelands policy and has refused to recognize the bantustans. This is because they deny the black people of South Africa, their right of citizenship. Independence for the bantustans would not cure the iniquity of apartheid.

I turn now to a discussion of Palau. Petitioners during this session, in an attempt to lend dramatic effect to their allegations, have referred to five or more plebiscites in which the people of Palau expressed their preferences, which went either unrecognized or ignored by the United States. One petitioner, I believe, even called these five plebiscites means by which the United States "oppressed" the people of Palau.

One can only say that these generalizations misstate, distort and reveal total misunderstanding of key facts. First of all, there have not been five or more plebiscites on the question of the Compact. Three of the votes conducted - those on 9 July and 23 October 1979 and the subsequent vote on 9 July 1980 - were for the purpose of seeking ratification of the Palau Constitution. Two popular votes, and only two, were held on the Compact of Free Association, the first on 10 February 1983 and the second on 4 September 1984.

The Constitution and the Compact, of course, are two completely distinct documents with different overall purposes: one establishes the legal and governmental framework for Palau; the other defines a wide-ranging relationship with the United States. It was only after the Constitution had been adopted by the people of Palau and recognized by the United States that the Governments of Palau and the United States reached agreement on the Compact.

(Mr. Feldman, United States)

That is not to say that the Constitution and the Compact do not address some issues in common in some instances; they do. However, to allege that plebiscites on the Constitution are the same as plebiscites on the Compact reveals a characteristic inability to perceive or accept distinctions which are readily recognized by a sizable majority of the Palauan people - indeed by key leaders who have played significant roles in framing and adopting the Palauan Constitution. In the forefront of those leaders are, of course, President Remeliik and my esteemed colleague here on the delegation, Vice-President Oiterong, both of whom, as I mentioned earlier, were re-elected in the recent general elections by significant margins. For this reason, I believe that the Vice-President's appeal to the petitioners to learn more about Palau is telling. But, of course, many of those petitioners firmly believe they already know more about Palau than do the Palauans.

The United States has not disregarded the results of those plebiscites; it has not disregarded the Constitution of Palau; and certainly it has not disregarded the wishes of its people. As for the Constitution of Palau, I wish to state that my Government has paid full respect to the provisions and procedures contained therein - certainly more than some of the petitioners appreciate or appear to appreciate. Some of them have alleged, for example, that Palau's entering into free association with the United States would limit Palau's claim to territorial limits on the basis of an archipelagic baseline. The people and the courts of Palau, of course, serve as the ultimate arbiters on these matters affecting their Constitution, and for that reason I shall simply quote the following passage from article I, section 1, of the Constitution:

> "Palau shall have jurisdiction and sovereignty over its territory which shall consist of all of the islands of the Palau archipelago, the internal waters, the territorial waters, extending to two hundred (200) nautical miles from a straight archipelagic baseline, the seabed, subsoil, water column, insular shelves, and airspace over land and water, unless otherwise limited by international treaty obligations assumed by Palau."

It should be noted that the Government of Palau has expressed its intention to become a signatory of the Convention on the Law of the Sea as soon as practical following termination of the Trusteeship, that is, it intends to assume international treaty obligations. The Compact of Free Association, moreover, gives

(Mr. Feldman, United States)

due recognition to Palau's claim of sovereignty and jurisdiction over sea and marine resources to the full extend recognized under international law. I submit, therefore, that any operable limits to Palau's archipelagic claim, if they do arise, would be grounded on international law, not on United States policy.

Petitioners have also characterized the Palau Constitution as being "nuclear-free" and as containing "a complete ban on nuclear and hazardous substances", both of which statements reveal a penchant for catchy, but erroneous, turns of phrase. I would like to point out that article II, section 3, and article XIII, section 6, which are the relevant Constitutional provisions, do not impose complete prohibitions on the introduction into Palau of the specified weapons, substances, and devices; rather, those articles outline the stringent conditions which must be met before the items may be introduced. In any event, the United States on numerous occasions has gone on record, and goes on record now, stating that it has no intention now or in the future to test, dispose of, or discharge nuclear, toxic chemical or biological weapons or substances within the areas of what is now the Trust Territory.

Efforts to amend the Constitution so as to avoid inconsistency with the Compact of Free Association have been singled out by the petitioners as being somehow objectionable. This is a judgement which we do not presume to make, however. We regard it as a decision for the people of Palau to make. I simply point out that the Constitution - which the petitioners have said they respect and which they acknowledge is benefiting from an overwhelming popular mandate - establishes in article XV, section 11, the means to effect a constitutional amendment specifically to avoid inconsistencies with the Compact. Again, this is a procedural option that the Palauans alone may or may not choose to exercise.

As background to the discussion on the current situation, I shall quote the following conclusion from the 1983 Visiting Mission's report on the Palau plebiscite:

> "The compact has been approved by the people of Palau but cannot enter into force because of the insufficient number of votes in favour of question B of proposition one. Thus, it appears to be for the Governments of the United States and Palau to look for a mutually acceptable solution which would make it possible to bring about harmony between article II, section 3, of the Constitution and section 314 of the Compact which was itself approved on 10 February 1983." (T/1851, para. 135 (d))

(Mr. Feldman, United States)

Since that time, the courts of Palau, whose jurisdiction in such matters we respect, has made several rulings with respect to the Compact; the Palau National Congress has enacted various measures and resolutions; negotiations have taken place; and another vote on a revised Compact has occurred, resulting in 66.42 per cent - that is, a bit more than two thirds - of participating voters supporting the Compact. The circumstances surrounding these events are already well documented and do not need further elaboration here.

A comparison of the 1984 voting results with those of 1983 - when 61.4 per cent voted in favour of proposition one, part A - reveals a sizable and consistent mandate; it leaves little doubt that free association as defined in the Compact remains Palau's preferred political status. A 61.4 per cent for the Compact, as it stands, does not, in our view, indicate popular disapproval of the existing provisions of the Compact regarding nuclear and other weapons, as petitioners seem to imply. Elected representatives of the Palau National Congress, moreover, have approved the Compact as voted on in 1984 and have done so by the margin specified in the Palauan Constitution.

Nevertheless, it is my Government's position that the approval requirements for the Compact, according to its own terms, remain incomplete. In the circumstances, Palau has yet to transmit an approved Compact to the United States Government. Similarly, the United States Executive Branch has not initiated attempts to proceed with the United States part of the approval process for the Palau Compact; nor can we do so until we can confirm that the attendant approval requirements have been met on the part of the people of Palau and their Government. Representatives of my Government and of the Government of Palau have initiated a series of discussions through which we hope to resolve this issue.

(Mr. Feldman, United States)

The Palau-United States Compact, therefore, remains in a pending status and may be subject to modification. As a result, I do not believe it would be constructive to dwell on secific language or provisions at this time. Nevertheless, in response to various statements made by petitioners, I do wish to inform the Council that, as I have stated earlier, the United States has no plans for the establishment of military bases in Palau. The military use provisions are not comparable to eminent domain provisions. They do not contemplate that the United States will take title to any land. Moreover, they overwhelmingly contemplate non-exclusive use for temporary activities such as training exercises. For example, the use of land on Babelthuap Island is not, as alleged by a petitioner, to build a permanent base but is rather a mere contingency option for non-exclusive use for training exercises, which might occur only a few weeks a year.

Some mention has also been made of a United States Congress proposal to give its approval to the Palau Compact on a contingent basis at this time. While it seems rather premature to discuss the outcome of Congressional considerations, I think I should point out that it is quite a common practice for the United States Congress to give advance approval to the conclusion of an international agreement. The specific internal steps of an approval process decided by the United States Congress have no implications which should be of concern to this body but are truly domestic considerations. I would like to pledge to this Council, however, my Government's intention to share fully information about the Compact provisions for - Palau as soon as the current issues surrounding its approval have been resolved.

Let me now turn to what is, fortunately, the shortest part of this lengthy statement: matters relating to United States nuclear testing in the 1940s and 1950s. It seems that, in this area, petitioners have addressed two general points: first, specific actions and inactions on the part of the United States have been alleged and, secondly, the Compact provisions relative to settlement of claims have been criticized.

I will first take up the more general question of Compact provisions. As I indicated in my earlier responses, the Compact embodies considerable undertakings on the part of the United States Government to provide funding and assistance for claims, health, rehabilitation and other programmes in relation to consequences of the nuclear testing programme. Certain petitioners, however, have submitted that these matters cannot appropriately be resolved by this agreement. We do not agree.

(Mr. Feldman, United States)

We believe that the provisions of the Compact are fair, adequate and appropriate. We note that these provisions have been mutually agreed to with the constitutional and representative Government of the Marshall Islands and that they have been approved in plebiscites by the people of the Marshall Islands as a whole. I want to emphasize that these Compact provisions reflect a substantial and continuing commitment of the United States to address the consequences of nuclear testing in the Pacific area. Resolution of such issues and claims on a Government-to-Government basis is an established practice under United States and international law; it does not violate due process under United States constitutional standards, nor does it conflict with international law.

Turning to the current situation, a number of statements have been made which in our view require correction and clarification.

It has been said, for example, that the extent of radioactive contamination has been insufficiently assessed. The Administering Authority has been called upon to provide an independent radiological survey of all of the islands in the Marshall Islands because of suspicions that many other Islands may be contaminated.

As this delegation has stated before, all the northern hemisphere can be said to have been covered by fall-out from atmospheric testing carried on by the United States, France, the USSR and China. The amount of fall-out, although measurable, is not concentrated, except in certain geographical areas in predictable proximity to the test sites themselves. The United States, using those data, conducted a comprehensive radiological assessment in the Marshall Islands that included both background and terrestrial dose assessments.

The radiological measurement of the Northern Marshall Islands included measurements taken from the air, on land and from the sea. More than 5,000 samples were taken from soil, water, sea and land life. More than 19,000 measurements were made from these samples. These measurements, all readily available in open literature, confirmed that test areas closer to the test sites contained more radiation and areas further away contained less radiation. I will discuss the measurements specifically in a moment; however, suffice it to say that a review of the published radiological assessment shows that at the outer ranges of the examination the background and terrestrial dose levels, in conformity with the predictions, do not justify a wider investigation. I assure you that had any information been discovered otherwise the inquiry would have been expanded.

(Mr. Feldman, United States)

For instance, Bikini Island in Bikini Atoll was determined to have dose concentrations that exceeded the radiation standards set forth by the United Nations Scientific Committee on Effects of Atomic Radiation, the International Atomic Energy Agency, the United States Environmental Protection Agency and the International Commission on Radiological Protection. On the basis of these measurements, the United States has maintained that Bikini Island in its present state is not permanently habitable.

Let me explain briefly about the radiation standards applied. As I have just mentioned, the four organizations listed provide the recommended "radiation standards" that are applied in much of the world. These international standards state that an individual should receive the least amount of radiation as possible but generally no more than 500 millirem per year, or 5,000 millirem over a 30-year period.

Wotho Atoll is approximately 100 miles south of Bikini. If the 76 people who live on Wotho Island ate entirely local food, the annual dose an average individual living on Wotho would receive would be approximately 80 millirem, as compared with the international standard of 500 millirem. We can compare these figures to the amount of radiation the people in the United States receive per year from the environment, which is between 50 and 250 millirem per year. The average person in Washington, D.C., for instance, receives from the environment approximately 150 millirem, or about double what an individual living on Wotho Atoll, 100 miles south of Bikini, receives.

The radiation figures as well as the methods of collection are all published and are all available in open literature.

(Mr. Feldman, United States)

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

The scientific and medical studies conducted have been the subject of many instances of international independent review. Let me cite two examples.

In 1978 the Attorney for the people of Enewetak retained a panel of three scientists to review the dose assessments for Enewetak and to develop an independent risk assessment. This study was reported to the people of Enewetak in September of 1979 at Ujelang. Those three scientists were given total and free access to all data that the United States possessed regarding radiation, and they were given free access to Government scientists at Lawrence Livermore Laboratories and at Brookhaven. The report was published in open literature. Two years later the people of Bikini, through their counsel, retained an independent scientific group to review all Government information regarding Bikini and to advise the people whether the information as reported by the United States Government was valid. Both of these independent groups found that the United States Government work was scientifically sound and objective. No fault was found with the method, the conclusions, or the recommendations. Both of the reports have the published conclusion that the Atomic Energy Commission work was done carefully and reported accurately.

In addition, there is no prohibition on any medical, radiological or press group visiting the Northern Marshall Islands, except for the normal immigration laws and, of course, logistical constraints.

The Administering Authority also takes exception to the assertion that the people of the Marshall Islands voted in ignorance, that they did not know the effects of radiation on their environment.

To assist the citizens of the Marshall Islands to understand radiation and its effects, a bilingual book was published in 1982. This book was personally delivered to every populated atoll contained in the Marshall Islands radiological survey, as well as to various members of the Government, the Marshall Islands legislature and the lawyers for the various groups. Accompanying this team were two skilled interpreters, a physician in private practice and a scientist who

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specializes in soil radiation. The team explained all aspects of the book. The report was distributed at island-wide gatherings. The various island populations read and discussed the report privately, then later, after they had done so, the United States group returned for a second question-and-answer session.

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

Against this background let us discuss the Rongelap situation. As has been mentioned, the people of Rongelap are being evacuated from Rongelap by Greenpeace, a well-known anti-nuclear group. Rongelap Atoll and the entire Northern Marshall Islands were, or might have been, affected by the atmospheric testing programme, and they were the subject of a very comprehensive radiological survey in 1978. However, scientific monitoring of both the soil and the vegetation of Rongelap, Utirik, Bikini and Enewetak is a continuing programme and the results are openly published in the scientific literature. All of this information does not confirm that there is any radiation problem on Rongelap which would warrant the move at present under way.

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

Not only does the United States continuously monitor the radiological conditions, it monitors health conditions as well. Brookhaven National Laboratory sends teams of specialists in all areas of medical specialty, including dentistry, endocrinology, gastroenterology, haematology, rheumatology, obstetrics and gynaecology, neurology and family practice, quarterly to Rongelap, Utirik, Ebeye, and Majuro. Hundreds of examinations are made during each visit, with more than 1,500 varied laboratory tests for all of the areas concerned, for all of the medical specialities.

Quite simply stated, there is no new scientific information, either radiologically or medically, that would in any way support a decision to move the people of Rongelap. The Administering Authority feels that it is tragic that the people of Rongelap have been victimized by outside forces without the benefit of

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the available scientific information. However, recognizing the free will of the people of Rongelap, they can move wherever they wish and the United States will continue to provide the radiological and the medical monitoring of these people until the implementation of the Compact of Free Association, and thereafter it will follow up in the manner set forth under the provisions of section 177 of the Compact.

That concludes a much-too-long statement, for which my apologies, but it seemed necessary given what we had heard from several petitioners.

The PRESIDENT: I call on Mr. Uherbelau to speak on behalf of Palau.

Mr. UHERBELAU (Special Adviser): My name is Victorio Uherbelau. I am legal counsel to President Remeliik and also Acting Director of Foreign Affairs, Ministry of State of the Republic of Palau.

The Palau delegation wishes to make a few remarks. However, we do not so, in direct response to the many claims and allegations made by various petitioners regarding Palau. We do not hold ourselves answerable to the petitioners or to the organizations they represent.

We associate ourselves first of all with the responses and clarifications just given by Ambassador Feldman of the Administering Authority. We wish only to add a thing or two in amplification.

Between 9 July 1979 and 4 September 1984 there were indeed a total of five nation-wide votes in Palau, aside from national elections for Government officials. Ambassador Feldman is quite correct in pointing out that the first three of those votes were constitutional referendums, while the last two had to do with the approval of the Compact of Free Association between Palau and the United States.

(Mr. Uherbelau, Special Adviser)

From 28 January 1979 to 2 April 1979, 38 Palauan delegates met in a constitutional convention and drafted and approved what is now the Constitution of the Republic of Palau. By its own terms, that Constitution provided that it be submitted to the people on 9 July 1979 for ratification. That first constitutional referendum did take place on that date and the Constitution was approved by an overwhelming majority vote of 92 per cent.

The Sixth Palau Legislature, however, elected to appoint a Constitutional Revision Commission charged with proposing amendments to the Constitution in certain particulars. These were first, in the area of territorial jurisdiction - the 200-mile exclusive economic zone based on archipelagic principles; secondly, the provision on the power of eminent domain - effectively to broaden its exercise to include foreign nations within the definition of public use; and thirdly, practically to eliminate the 75 per cent popular vote required under the Constitution to approve any treaty, compact or agreement that would allow entry into Palau jurisdiction of nuclear, biological or chemical weapons. That revised Constitution was put to another vote by the people of Palau on 23 October 1979 and was rejected by a vote of 70 per cent to 30 per cent.

The new, Seventh Palau Legislature took office on 1 January 1980 and passed enabling legislation to effectuate technical amendments to the original version of the Constitution and set another date for a third constitutional referendum. I might add that technical changes to the Constitution were necessary, first, to set a new date for the election of the first constitutional Government officials - 4 November 1980 instead of 2 November 1979; and, secondly, to postpone the inaugural date for the first constitutional officials to take office from 1 January 1980 to 1 January 1981. Apart from the above, the Constitution voted on by the Palauan voters again on 9 July 1980 was substantively the same as the original Constitution voted on by the people exactly one year earlier.

I am sorry to have taken so much of the Council's time with these details, but it was deemed necessary in order to set straight the distorted records on Palau.

With respect to the Compact of Free Association, Ambassador Feldman was again correct: there were only two plebiscites or referendums on the Compact of Free Association. The first was held on 10 February 1983, which was duly observed by an Observer Mission of this Council, and the other was conducted on 4 September last year. The results of both votes on the Compact are known to this Council and have been elaborated on by Ambassador Feldman, so I need not go into them in detail.

(Mr. Uherbelau, Special Adviser)

On the issue of the 200-mile exclusive economic zone sounded on the archipelagic base-line, Ambassador Feldman has rightly pointed out that the constitutional provision for this zone may be limited by international treaty obligations assumed by Palau. Under article I, section 1, of the Compact subsidiary Agreement regarding the jurisdiction and sovereignty of the Republic of Palau over its territory and the living and non-living resources of the sea, the Republic of Palau has indeed forgone its claim to an archipelago or a régime of archipelagic waters. Palau did this for two reasons: first, Palau's 200-mile exclusive economic zone based on straight base-line theory is indeed in line with the international law of sea principles; secondly, had Palau insisted on the archipelagic theory, we stood to lose part of our 200-mile jurisdiction. Why? Because, according to the United Nations Convention on the Law of the Sea, an archipelagic claim must rest on a ratio of 2 to 1 - 2 parts land to 1 part ocean. If anything, it is just the other way around for Palau.

Before leaving this subject, I must say that we appreciate the recognition by the Administering Authority that the people and the courts of Palau serve as the ultimate arbiters on matters affecting our Constitution. I only wish that similar recognition were forthcoming from the petitioners themselves.

As for the characterization of the Palau Constitution by the petitioners as a "nuclear-free constitution", in itself that is not exactly correct. The Palau Constitution is "nuclear-free" only if the Palauan people - not the petitioners - say that it is; that is, if less than 75 per cent of the voters vote in favour of any treaty that allows entrance of anything nuclear into Palau. If, on the other hand, 75 per cent or more of the voters approve such a treaty, the Palau Constitution is not "nuclear-free".

When the framers of the Palau Constitution were drafting their supreme law of the land, they were keenly aware of the potential for conflict between that Constitution and the then proposed Compact of Free Association. Consequently, they provided for a procedure by means of which conflicting provisions as between the Constitution and the Compact could be reconciled. This, I might add, is an extraordinary provision as it is in addition to the regular procedures for amending the Palau Constitution in other matters. Again, Ambassador Feldman has rightly pointed out that the decision to amend the Palau Constitution is for the people of Palau alone to make. The petitioners may take comfort in learning that it is not the intention of the Republic of Palau to resort to this extraordinary reconciliation and amendment procedure at this time.

(Mr. Uherbelau, Special Adviser)

My delegation is not at liberty to discuss the current status of the ongoing dialogue that my Government has with the Office of Micronesian Status Negotiations. To do so would violate our pledge to Ambassador Zeder to keep our discussions on a bilateral basis until the existing situation has been mutually and satisfactorily resolved.

I hope that the time spent by the members of the Council in listening to this presentation has not all been in vain.

As the Council is aware, it has been the policy of the delegation of Palau, on which I have had the privilege of serving for the past six years, not to react at all to what petitioners say, good or bad, about us. We speak for ourselves and have done so on past occasions before this Council. We sincerely hope that this Council will not give too much credence to the petitioners, either individually or collectively, in its assessment of the readiness of the indigenous inhabitants of the islands of Micronesia, otherwise known as the Trust Territory of the Pacific Islands, to assume the reins of their constitutionally organized Governments. After all, whose future political destiny are we talking about: that of the Micronesian people, or that of the so-called Micronesia Coalition, Minority Rights Group (New York) Inc., United Methodist Office for the United Nations - to mention only a few?

God bless the members of this Council in their deliberations.

The PRESIDENT: Members of the Council are now free to address questions to the Administering Authority.

Mr. RAPIN (France) (interpretation from French): Ambassador Feldman has just told us that his statement was too long. I do not know whether it was too long, but as far as my delegation was concerned it certainly provided a number of clarifications and details relating to points that were taken up, referred to, and indeed, sometimes distorted, in the petitions submitted to us at the end of last week, and I thus listened to it with great interest. I also listened with interest to the description of the historical background just given to us by the representative of Palau on the nature and significance of the various polls held in Palau in recent years.

Even after those explanations, the report presented, as every year, by the Administering Authority and the introductory statements made last week by the representatives of the authorities of the Territory of Micronesia, lead us to ask a certain number of questions and, if I understand correctly, we have now reached that stage in our work.

(Mr. Rapin, France)

The questions I should like to ask relate first of all to the economic area. Some relate specifically to certain issues - I am sorry, but I should like to have clarifications on certain precise points; others are of a more general nature.

In his statement on the first day of our session, the Lieutenant-Governor of the Northern Mariana Islands stated that he hoped that the obstacles to free movement of workers from the Marshalls to the United States, if I understood him correctly would be lifted. The first question I should like to ask the Administering Authority therefore is: could we have some indication as to the system currently governing movement of workers between the United States and the Trust Territory? Secondly, could we be informed whether this system will be altered through implementation of the agreements between the Administering Authority and certain entities of the Territory?

Mr. FELDMAN (United States of America): I am a bit uncertain. Did the question relate to the immigration practices for the Northern Marianas or for the entire Territory?

Mr. RAPIN (France) (interpretation from French): Originally my question related to the Northern Marianas. If the system in operation between the Marianas and the other parts of the Territory on the one hand and the United States on the other is the same, then it also relates to the other aspects of the Territory. However, if the Administering Authority could describe the various systems currently existing between the units of the Territory and the United States and what they could become when the provisions of the Compact for Free Association are implemented this would cover my question.

Mr. FELDMAN (United States of America): I should like to ask the High Commissioner to comment on the current immigration procedures for States within the Trust Territory and then to invite the representatives of the States to comment. Then, with regard to the last part of the question - that is, how this would change when the Compacts are in effect - I would call upon the representative from the Office of Micronesian Status Negotiations. Would this be acceptable?

The PRESIDENT: It would indeed.

Mrs. McCOY (Special Representative): At the present time, each of the Governments within the Trust Territory is responsible for its own immigration practices. I think I have given the answer for all the Trust Territory and that we should now have the representative of the Northern Marianas to make her statement.

Ms. TENORIO (Special Representative): Another very unique feature of our covenant with the United States is that the Commonwealth of the Northern Mariana Islands exercises full control over our own immigration matters. The Northern Marianas hopes that the current arrangements will not be changed on termination of trusteeship, and we have recently suggested that specific discussions on this point should take place. We are quite satisfied with our immigration status.

Mr. RAPIN (France) (interpretation from French): Could some members of the delegation of the Administering Authority describe to us the system existing in other entities apart from the Mariana Islands? I am talking, in particular, about the Federated States of Micronesia. If, however, the Administering Authority cannot immediately give an answer I am prepared to wait for a statement at a later stage on this point.

Mr. FELDMAN (United States of America): Perhaps we could ask the representative or the acting Director of Foreign Affairs of Palau to respond with respect to Palau, and the Marshall Islands and the Federated States of Micronesia to respond in their turn.

Mr. UHERBELAU (Special Adviser): At the moment, inhabitants of the Federated States of Micronesia, the Marshalls and Palau all carry a Trust Territory passport, which means that there is freedom of migration between and among our respective areas. The passports also entitle us to enter the United States without having to obtain a visa, but we have to complete the I-94 form, which is required to give the United States Immigration and Naturalization Service an idea of how long we are going to stay.

After termination of the trusteeship we shall have the authority in Palau to issue our own passports to our own citizens for travel both within Micronesia and to the United States or elsewhere. Up to this point, however, as I understand it, the issuance of passports is still reserved by the Administering Authority and rests with the Office of the High Commissioner.

The PRESIDENT: Would Mr. Gunasekera or Mr. Marelau like to add anything?

Mr. GUNASEKERA (Special Adviser): I have nothing in particular to add. I would like to confirm what the representative of Palau said, as it applies to the Marshall Islands too.

Mr. MARELAU (Adviser): The Federated States of Micronesia also associates itself with the remark made by the representative of Palau. Our Congress is at present considering possible legislation on passports for the Federated States of Micronesia.

With respect to immigration, in the Saipan Accords of 1983, the Presidents of Palau, the Marshall Islands and the Federated States of Micronesia agreed to co-operate in enhancing the movement of people, goods and services among our nations. We shall enter into formal arrangements concerning this matter in the near future.

Mr. RAPIN (France) (interpretation from French): I should like to thank the representative of Palau and his colleagues for the supplementary information which they have provided in answer to my question.

In his statement last week the representative of the Mariana Islands stated that the Marianas were seeking assistance from the Administering Authority to defend the marine resources within the 200-mile economic zone. I should like to

(Mr. Rapin, France)

ask the Administering Authority whether such measures are possible and, should the Administering Authority take such action, what measures it would expect to take.

Mr. FELDMAN (United States of America): The Northern Marianas legislature has enacted legislation which provides for a 200-mile economic zone. The United States Government believes that federal regulatory law - in this case the Fisheries Conservation and Management Act - must take precedence at this time over local legislation. However, we continue to support the establishment of regional fishing and conservation agreements. As long as the Trusteeship Agreement remains in effect, the United States makes no claim of sovereignty over this area. Thus, for example, on 10 March 1983 President Reagan proclaimed for the United States a 200-nautical-mile exclusive economic zone. That proclamation expressly stated that it applied to the Commonwealth of the Northern Marianas only "to the extent consistent with the covenant and United Nations trusteeship".

The United States Government, however, does have administrative jurisdiction. The Northern Marianas is participating in the fisheries management and conservation programme at the present time.

I think the Council may take it that the United States Government fully intends to live up to its obligation to protect the resources of the Northern Mariana Islands, including their marine resources.

Mr. RAPIN (France) (interpretation from French): I should now like to ask a more general question. On several occasions last week certain petitioners indicated that under the Japanese administration the economy of the Trust Territory had been oriented more positively and this to them meant that it was an export economy. I wonder whether the Administering Authority has any observations or comments to make in this connection.

Mr. FELDMAN (United States of America): It is no criticism of the current Government of Japan, which has taken its place among the democracies of the world, to say that Japanese rule in Micronesia before the Second World War was highly exploitative. As was pointed out in the report by High Commissioner McCoy, the Japanese population in the Territory in the 1940s outnumbered the Micronesian population by some two-and-a-half to one - that is, there were about 40,000 Micronesians and 100,000 Japanese.

(Mr. Feldman, United States)

I have travelled extensively throughout the Trust Territory and I have been shown in various islands the remains, or the ruins as it were, of some of these Japanese settlements; one can see where the houses were built, where the streets were and so on and so forth. When I asked the Micronesian guides who were showing me round who lived there, I was told "Japanese". Actually this was in Truk. I said, "Did Trukese live here too?" They said, "No. They worked here as household servants, but they did not live here."

It was stated by one of the petitioners that there was an export surplus during the Japanese time. Indeed there was. The surplus was sugar; it was sugar cane grown by what amounted to serfs - very low-paid, highly-exploited labour, which grew sugar, all of which was exported to Japan. There were other industries as well.

(Mr. Feldman, United States)

The claim that the economy was superior in Japanese times to what it is now must be answered by a question: the economy for whom? I think the answer is: certainly not for the Micronesians.

It is also interesting that so many of the people who make this claim are precisely the ones who object to what they refer to as the ill consequences of economic development - that is, those who are romantic about Japanese-occupation times are the very ones who believe in picturesque poverty for the Micronesians rather than economic development.

Mr. RAPIN (France) (interpretation from French): My delegation has other questions, but it feels that all our meetings should be balanced; therefore we shall in due course put other questions to the Administering Authority.

Mr. MORTIMER (United Kingdom): I too thank Ambassador Feldman for his lengthy, comprehensive statement. Unfortunately, it has had the practical effect of running a coach and horses through my questions. I shall have to make a new list relating to that statement.

There are, however, some questions on my present list that remain unanswered. I shall start with a follow-up question to that asked by the representative of France. It relates to the Northern Marianas and fisheries. I should like to know the extent to which President Reagan's statement on the exclusive 200-mile zone applies to the Northern Marianas. Could the Administering Authority explain that passage in President Reagan's statement concerning the extent to which the 200-mile exclusive zone was compatible with the United Nations Trusteeship Agreement? I did not quite understand what was meant by that.

Mr. FELDMAN (United States of America): I must confess that I am at a bit of a loss in trying to interpret one line from a speech that I actually have not seen. If I may, I should like to promise the United Kingdom representative that I shall reply to his question later. I should prefer to see at least the whole paragraph of the speech from which the quotation comes.

Mr. MORTIMER (United Kingdom): That is certainly acceptable. I have asked the question simply because the fisheries issue in the Northern Marianas is clearly regarded as being of extreme importance.

On the same subject, I have a question that is for the representatives of the Northern Marianas themselves rather than for the Administering Authority. In his

(Mr. Mortimer, United Kingdom)

statement on 13 May, the Lieutenant-Governor said that there was evidence of Japanese and Korean overfishing in the waters of the Northern Marianas. But, as I recall it, he also said that the Northern Marianas had negotiated separate fisheries agreements with other countries. Would it not be possible to overcome the problem of overfishing by simply negotiating separate bilateral agreements?

Mr. FELDMAN (United States of America): Perhaps Ms. Tenorio would like to respond for the Northern Marianas.

Ms. TENORIO (Special Representative): We have asked for special discussions on this subject, and we anticipate a response from the Administering Authority at a later time. At the present time, however, enforcement of limits and boundaries relative to international use is a responsibility of the United States under our Status Agreement. We have not so far entered into any regional fishing agreements. We should like to pursue this matter at a later date. We are in the midst of discussions with the United States, and we hope to reach a satisfactory agreement.

Mr. MORTIMER (United Kingdom): I turn now briefly to the question of the Bikini Islands. I put a question to Mr. Weisgall about whether the money made available as a result of the settlement of the law suit was new money, over and above that already allocated under section 177, or whether it was envisaged that this money would simply be part and parcel of what had already been agreed. Could the Administering Authority comment on that? Certainly, Mr. Weisgall's answer made it perfectly clear that this would in fact be new money.

Mr. FELDMAN (United States of America): I think it is quite clear under the terms of the settlement that this is to be new money, specially appropriated by the United States Congress.

Mr. MORTIMER (United Kingdom): My next question is also on the question of compensation for radiation damage. Mr. DeBrum, in his statement to the Council on 13 May, referred in some detail to the amount of money that the Bikini Islanders would receive. He said, unless I am mistaken, that they would receive an annual income of over $16,000 per family during the first 15 years after the effective date of the Compact, and that at the end of that period, they would have a trust fund amounting to $65.52 million - I think that that was the figure he used - to address the needs of future generations. He went on to say that the people of

(Mr. Mortimer, United Kingdom)

Enewetak would have an annual average income of over $11,000 - I assume that that was also per family - and a trust fund of $13.46 million.

I must confess that I am overwhelmed by these figures. I have no means of grasping their significance, in terms of what this actually means with regard to the purchasing power of the families concerned. To me, $16,000 seems to be a very large sum of money. My question is: is it possible to relate what that sum means in terms of average per capita income, in the Marshall Islands in particular but in the Trust Territory as a whole if such figures are not available for the Marshall Islands alone?

I ask this question because, clearly, a figure that is stated cold in the Council has no relevance unless it is related to the cost of living in the Trust Territory.

Mr. FELDMAN (United States of America): I have been given a figure that I shall dutifully parrot, but I shall then ask the representative of the Marshall Islands to comment in more detail.

I am told that the average annual per capita income in the Marshall Islands is a bit under $1,000. So the figure cited would be 16 times the average per capita income. I have a long list of statistics that I could go into, if need be, but that seems to be the answer to the specific question.

I should like to hear the representative of the Marshall Islands comment further on the question.

Mr. GUNASEKERA (Special Adviser): The per capita income in the Marshall Islands is around $900 now. The figure of $11,000 per family given in our statement is, when converted to a per capita basis, about $1,400 because the average family size is about eight.

Mr. MORTIMER (United Kingdom): I am grateful for that very useful clarification; I now turn to a separate issue, reserving my right perhaps to come back to that particular question at a later stage.

I asked Mr. David Anderson, the legal counsel of the Enewetak islanders last week, why he thought that a separate agreement should be made in respect of the Enewetak islanders when they were part of the Marshall Islands and had indeed participated in electing a Government of the Marshall Islands; why he thought that they should be dealt with separately; why, in fact, they should not simply be considered as part and parcel of the people of the Marshall Islands themselves.

Mr. Alcalay, I think, raised a rather similar question in respect to the Kwajalein landowners. He said, as I recall, that they should be dealt with separately by the United States. I should have asked Mr. Alcalay that question myself if I had actually got down to it. However, I wonder if the Administering Authority could give us its views on whether individual atolls should be dealt with separately by the Administering Authority or whether it is more logical, more proper and appropriate for them to be dealt with by the duly elected governments. Having said that, it would be interesting to know whether, in fact, special provisions had been made for, for example, the Enewetak islanders and the Kwajalein landowners in negotiating the Compact.

Mr. FELDMAN (United States of America): Actually, there is a little bit of both; because the Compact contains both general provisions on payment of claims and satisfaction of claims, and also some highly specific provisions. For example, the Enewetak people are dealt with separately. As I mentioned so many times, each of these 600 individuals is going to receive a sum in excess of $100,000 every three months. There is a very special provision under which $812,500 are paid every three months to the Enewetak people in satisfaction of their claim. Similarly, there are special provisions for the Bikini people, for the satisfaction of their claims, and so on and so forth.

But, then, in addition to these funds, in addition to the $48.75 million, which will go in total to Enewetak; in addition to the $37.5 million, which will, for example, go to Rongelap, about which I spoke awhile earlier; in addition to the $22.5 million, which will go to the people of Utirik, there is the further sum of $30 million, which is the sum that we were talking about a moment ago, which will be used by the Government of the Marshall Islands over the course of 15 years to support health-care programmes and services.

(Mr. Feldman, United States)

Now, referring specifically to Kwajalein, there one would have to say that what is involved is basically a question of land compensation. This is not a unique situation, not a unique event like a nuclear test at Enewetak or Bikini, which is the reason why we deal separately with the people of Bikini or Enewetak.

What is involved in Kwajalein is a question of land used; and, it seems to me quite appropriate that that should be dealt with by the Marshall Islands Government.

Again I should like to ask the representative of the Marshall Islands to comment.

Mr. GUNASEKERA (Special Adviser): We should like to present a statement at a later stage in these proceedings.

But I should like to say at this stage that we would agree with what Ambassador Feldman has said. We do not treat this Kwajalein land use as a unique situation but as a normal situation under which the United States wants to lease land from the Marshall Islands, and in that case there should be a Government-to-Government agreement rather than a government-to-individual agreement.

Mr. MORTIMER (United Kingdom): Mr. President, I do have further questions, but I should be pleased to leave them until this afternoon, if you should so desire.

The meeting rose at 12.45 p.m.