



## Trusteeship Council

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### Fifty-fifth Session

#### VERBATIM RECORD OF THE SIXTEEN HUNDRED AND FIFTY-FIFTH MEETING

Held at Headquarters, New York,  
on Monday, 23 May 1988, at 10.30 a.m.

President: Mr. GAUSSOT (France)

- Examination of petitions listed in the annex to the agenda (continued)
- Examination of the annual report of the Administering Authority for the year ended 30 September 1987: Trust Territory of the Pacific Islands (continued)
- General debate
- Report of the Trusteeship Council to the Security Council
- Organization of work

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The meeting was called to order at 11.05 a.m.

EXAMINATION OF PETITIONS LISTED IN THE ANNEX TO THE AGENDA (T/1922/Add.1 and 2)  
(continued)

The PRESIDENT (interpretation from French): As agreed, before beginning the general debate we shall conclude our consideration of agenda item 5 by hearing the comments of the representatives of the Administering Authority on the petitions contained in documents T/1922/Add.1 and 2.

Miss BYRNE (United States of America): I should like to take this opportunity to comment on the oral and written petitions that have been presented at this session of the Council.

Several petitions seek the intervention of this Council in order to delay termination of the trusteeship indefinitely so that Palauans, it is variously urged, can determine their future political status, or preserve their constitution, or investigate and prosecute the perpetrators of the violence that occurred in Palau last September.

Another group of petitions, typified by the one presented here by the Speaker of the Palau National Congress House of Delegates, The Honorable Santos Olikong, states that Palau should remain under the trusteeship until Palau is free of internal political disputes or economic need. These petitions assert, essentially, that the people of Palau are not capable of self-government. My delegation rejects the notion that the people of Palau have not demonstrated their readiness for self-government and the vitality of their instruments of governance, notably their constitution.

My delegation notes that most petitions seeking delay of self-government for Palau come from individuals and organizations outside Palau. The people of Palau, however, on their own initiative, have called plebiscites and have spoken directly

(Miss Byrne, United States)

and repeatedly on the question of their future political status. The fact is that the people of Palau want the Compact of Free Association with the United States. Every member of this Council knows this from the reports of the visiting missions this body has dispatched to observe Palau's plebiscites. Each time, a large majority of voters voted to bring the Compact into force. I would note that Speaker Olikong recently testified before the United States Congress that the results of the 4 August 1987 plebiscite would have produced the same result with or without the furloughing of government employees that took place last summer. He also testified that if another constitutional amendment referendum were held, it, too, would produce the same result as the 4 August vote: a 72-per-cent majority in favour of bringing the Compact into force. If such a result does not represent the will of the people of Palau, then what does?

Some petitioners noted the difficulties encountered by the Government of Palau in connection with its efforts to comply with ambiguous provisions of Palau's constitution in a manner which satisfies Palauan courts. The petitions and the petitioners ignore the fact that, since 1979, the United States has maintained that the Compact of Free Association can enter into force for Palau only after it has been approved by the people and the Government of Palau in accordance with Palau's constitutional procedures.

(Miss Byrne, United States)

Before the August 1987 referendum to amend the Constitution, Palau's courts had resolved some of the constitutional ambiguities by ruling that Palau's Constitution required approval of the Compact by a 75-per-cent majority of those voting in a plebiscite. The judicial process which was interrupted in September 1987 resumed earlier this year in an atmosphere of order and calm. The original litigants have had their day in court, as was their right. A final decision is expected in July. Thus, the Constitution and Palau's own system for constitutional interpretation are in fact working.

With respect to investigations of the events of September 1987, Palau has laws and procedures sufficient to bring the perpetrators of those crimes to justice. As my delegation has noted during this session, some of these crimes have been solved and convictions have been handed down. Investigation of the remaining cases is under way. The Administering Authority has provided and will continue to provide law-enforcement assistance to Palau, as appropriate Palauan authorities may request. While we all deplore the isolated illegal acts of a few misguided people, the events of September 1987 and the manner in which the people of Palau and their elected leaders dealt with the situation demonstrate clearly that the Government of Palau was fully capable of handling the situation without the introduction of armed United States Federal agents, as some urged. In general, the duly constituted authorities of Palau, and the people, have used their legal and political system to deal effectively with the challenges of living in an open, free society.

In adopting their Constitution, the people of Palau decided to travel the road of democracy, and they are learning to deal with the strains which democracy sometimes places on governmental process. Listening to some of the petitioners we can only conclude that their reading of the Trusteeship Agreement is very selective. Contrary to the views expressed by some petitioners, the Trusteeship Agreement does not require the United States to establish in the Trust Territory a

(Miss Byrne, United States)

Utopian welfare State free of all political conflict. Rather, the purpose of the trusteeship system is to foster the development of institutions of self-government suited to the peoples of the Territory, through which the issues of the day can be debated and resolved, through which conflict can be tamed and through which justice can be done.

The constitutional role of Palau's executive and legislative branches must be respected, along with that of the judicial branch, in order for Palau's constitutional system to function. That the political branches of the Government of Palau have asserted their legitimate powers, seeking acceptable procedures through which the will of the people can be realized, is correct and proper. That the political leadership of Palau has respected court decisions with which it clearly disagrees is a tribute to the integrity of the constitutional process.

Several petitioners appear to have adopted the position that the people of Palau cannot amend their own Constitution as it relates to the 75-per-cent approval mechanism. The concept that a free people have no right to amend their own Constitution is insupportable, and the Administering Authority will adhere to the principles set forth in the preamble to the Compact of Free Association, which expressly recognizes that the people of Palau have "the inherent right to adopt and amend their own Constitution and form of government".

A number of petitions have alleged that the United States intends to use Palau for nuclear and/or military purposes. These allegations, repeated year after year, are nonsense. Aside from rotating 13-man civic action teams engaged in public works projects under local guidance, there is no United States military presence in Palau, and none is intended. Not only are there no nuclear bases planned, neither are there any other elements of a military complex: The limited military options available to the United States in Palau are identified in a subsidiary agreement to

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the Compact of Free Association, and can be exercised only after consultations with the Palauan Government. These options are: anchorage rights for visiting United States Navy ships in Palau's main harbour and use of a nearby 40-acre area for non-nuclear support facilities; contingency joint use with Palau of its two airfields; contingency use of areas for limited logistics installations; and occasional access to uninhabited areas on Babelthuap island for training exercises.

There are no plans to exercise these limited options. If there had been a need to establish military bases in Palau the United States could have done so at any time under the Trusteeship Agreement. The United States has not done so, because there is no need to do so.

In the Compact of Free Association the United States has full authority and responsibility for Palau's defence and security. However, the United States has agreed not to engage in certain activities in the exercise of this authority. Specifically, section 324 of the Compact with Palau reads:

"In the exercise in Palau of its authority and responsibility under this Title, the Government of the United States shall not use, test, store or dispose of nuclear, toxic chemical, gas or biological weapons intended for use in warfare and the Government of Palau assures the Government of the United States that in carrying out its security and defence responsibilities under this Title the Government of the United States has the right to operate nuclear-capable or nuclear-propelled vessels and aircraft within the jurisdiction of Palau without either confirming or denying the presence or absence of such weapons within the jurisdiction of Palau".

(Miss Byrne, United States)

Thus, the so-called nuclear issue in reality amounts to whether United States Navy ships will under a Free Association relationship visit Palau on the same basis as they do the ports of other friends and allies.

I regret to note that again this year some petitions protest events that never took place. As an example I would refer members of the Council to petitions T/PET.10/693 and 694, which allege that the home of Chief Justice Nakamura of Palau's Supreme Court was fire-bombed. No such thing happened. These petitioners do this Council and the Government and the people of Palau a disservice by recklessly spreading such stories.

(Miss Byrne, United States)

I should also like to comment on the petitions concerning the Northern Mariana Islands. The issues presented are important, but the appropriate forum for their discussion exists within the political system of the United States. To this end, President Reagan on 13 May 1988 announced the appointment of Deputy Under-Secretary of the Interior Becky Norton Dunlop to serve as his Special Representative for bilateral consultations with the Commonwealth of the Northern Mariana Islands. With her appointment, there is every reason to expect that consultations under section 902 of the Commonwealth Covenant will once again move forward.

My Government believes that each and every matter now at issue with the Northern Mariana Islands can and will be discussed and resolved in the context of the Covenant. My Government is committed to making the Covenant work on the basis of close and continuing consultations with the people and Government of the Commonwealth of the Northern Mariana Islands. My delegation believes that the petitioners who appeared here share that commitment.

The PRESIDENT (interpretation from French): If there are no comments, I suggest that the Council decide to draw the attention of the petitioners to the observations made during the current session by representatives of the Administering Authority and members of the Council.

It was so decided.

The PRESIDENT (interpretation from French): We have now concluded our consideration of item 5 of the agenda, the examination of petitions.

EXAMINATION OF THE ANNUAL REPORT OF THE ADMINISTERING AUTHORITY FOR THE YEAR ENDED 30 SEPTEMBER 1987: TRUST TERRITORY OF THE PACIFIC ISLANDS (continued)

GENERAL DEBATE

Mr. Pascal (France) (interpretation from French): On behalf of my country, I am happy to speak in this general debate at the fifty-fifth session of the Trusteeship Council, after two weeks of particularly useful work.



(Mr. Pascal, France)

We have succeeded in examining systematically and in depth the report of the Administering Authority on the Trust Territory of the Pacific Islands for 1987. The questions asked by members of the Council and the answers given by the Administering Authority and representatives of the authorities of the Territory itself have usefully completed the information we need in order satisfactorily to discharge the responsibilities we have been given by the United Nations Charter.

We have also paid careful attention to the oral and written petitions presented to the Council. Among them - and we do not contest the acknowledged right of third parties to submit such petitions, under the Council's rules of procedure - we have paid particular attention to the message from the people of the Territory or their representatives. These regular and frank exchanges follow the practice of this body since the conclusion of the Trusteeship Agreement in 1947.

I would draw attention to those petitions or communications reflecting a relative lack of satisfaction with the degree of internal autonomy achieved by some entities of the Territory. Difficulties seem to have arisen in the Northern Mariana Islands, which are going through a period of transition, concerning the application of some of the provisions of the Covenant establishing the Commonwealth linking them to the United States. I have no doubt that the Council is devoting attention to that problem, which should be solved bilaterally in accordance with the relevant provisions of the Covenant, and in particular section 902. My delegation notes with satisfaction the statement the representative of the Administering Authority has just made that the President of the United States recently appointed a Special Representative to take part in those bilateral consultations.

Questions about public order were also raised. We were told, with regard in particular to the incidents in Palau last September, that - as is also stated in

(Mr. Pascal, France)

the Administering Authority's report for 1987 - investigations are continuing and the matter is still before the courts.

While my delegation has a responsibility to emphasize the problems that remain, it must also note the progress that has been made in the Territory. I shall not go back over the progress in political democracy, which constitutes an achievement and reflects the ability of the people of Micronesia to administer themselves, as the Council has already recognized. I shall focus on the economic and social progress, which is also one of the goals of the trusteeship system.

With regard to economic questions, we have been able to question the delegation of the Administering Authority at length on the results achieved and the prospects for the future. Positive trends have emerged from that questioning, both with respect to fisheries, which are essential for the Territory, and tourism. These results still do not guarantee complete self-sufficiency, but the process of economic integration in the Asian and Pacific region, through bilateral or multilateral agreements, should contribute to that. We have noted Palau's participation in the South Pacific Commission, as a member, and its associate membership of the United Nations Economic and Social Commission for Asia and the Pacific.

As for social development, the improvement of health services in Palau seems particularly remarkable.

In education, our satisfaction at seeing a compulsory system of education at both the primary and secondary levels is tempered only by our noting a certain drop in school attendance, mainly because of migratory flows. We share the desire of the Administering Authority that access for Micronesians to higher education outside the Territory, particularly through scholarships should be designed in such

(Mr. Pascal, France)

a way as to enable graduates to give their country of origin the benefit of their education.

Two years ago our Council decided, in adopting resolution 2183 (LIII), that it was appropriate for the Trusteeship Agreement to be ended soon. Developments since then in Palau, which the Administering Authority has reported to us in detail, have delayed the completion of that process.

My country hopes that the objective recommended by our Council in that resolution will be achieved, with respect for the provisions of the Charter, in such a way that the people of the Trust Territory of the Pacific Islands may at last benefit fully from the constitutional status that they have freely chosen.

Mr. BYKOV (Union of Soviet Socialist Republics) (interpretation from Russian): The international trusteeship system established by the United Nations as a result of the victory over fascism is governed by the United Nations Charter, and in particular Chapter XII. As everyone knows, the Charter clearly stipulates the purposes and tasks of the international community with respect to peoples and Territories that have not yet achieved self-government and independence, and respect for the principle of equal rights and the self-determination of peoples in relations between States.

(Mr. Bykov, USSR)

As is well known, the main tasks of the trusteeship system, as set forth in the United Nations Charter, are to further international peace and security and to promote the political, economic, social and educational advancement of the inhabitants of the trust territories, and their progressive development towards self-government or independence. In this area the United Nations Charter states clearly that the final result, self-determination or independence, must be based on the freely expressed desire of the people in the trusteeship situation.

These provisions are a component part of the Trusteeship Agreement in respect of Micronesia. I should say in this context that the historic Declaration on the Granting of Independence to Colonial Countries and Peoples adopted by the General Assembly in 1960 confirmed the provision stating that:

"Immediate steps shall be taken, in Trust and Non-Self-Governing Territories or all other territories which have not yet attained independence, to transfer all powers to the peoples of those territories, without any conditions or reservations, in accordance with their freely expressed will and desire, without any distinction as to race, creed or colour, in order to enable them to enjoy complete independence and freedom."

According to the Trusteeship Agreement, approved by the Security Council, the Trust Territory is to be viewed as a single, integral territory. In this connection we must also recall that in the Declaration on the Granting of Independence to Colonial Countries and Peoples it is pointed out particularly that

"Any attempt aimed at the partial or total disruption of the national unity and the territorial integrity of a country is incompatible with the purposes and principles of the Charter of the United Nations."

(Mr. Bykov, USSR)

Are these basic, fundamental conditions complied with in the situation of the United Nations Trust Territory of the Pacific Islands? Is the situation created to date in Micronesia by the Administering Authority compatible with the high principles of the United Nations Charter? It seems to us that the answer to these questions is clear. The goals, purposes and tasks set by the international Trusteeship Agreement have not been carried out; the principles of the United Nations Charter are being circumvented and are being interpreted by the Administering Authority in a way that is not in the interests of the people of Micronesia but is rather in the Administering Authority's own interests. The situation in Micronesia is the result of continuing unilateral actions by the United States taken in violation of the provisions, goals and principles of the United Nations Charter, the conditions of the 1947 Trusteeship Agreement for the strategic Trust Territory of the Pacific Islands, and the 1960 Declaration on the Granting of Independence to Colonial Countries and Peoples. All these actions give rise to serious concern. The United States tries to restrict artificially the supervision by the United Nations of this Territory. This policy of the United States has again been confirmed by the refusal of the Administering Authority at the current session of the Trusteeship Council fully to inform the United Nations of the situation in the entire Trust Territory.

On the basis of its own domestic legal acts and regulations, the Administering Authority is now declaring a change in the political status of the Territory, in other words, attempting to substitute these domestic legal acts and regulations for the Trusteeship Agreement. The clear evidence of a forced conversion of this Territory by the United States into an American neo-colonial possession and military strategic training ground in the Western Pacific is evident for all to see.

(Mr. Bykov, USSR)

Having abused the United Nations trusteeship mandate, the United States is intentionally failing, and has for this entire period failed, to carry out the work and the goals prescribed under Article 76 of the United Nations Charter and has artificially impeded the economic development and the creation of a viable, independent economy for Micronesia. As a result of that intentional policy the infrastructure in place in the Trust Territory was destroyed without being adequately replaced. Many sectors of its economy, which existed until the beginning of the United States Administration, have now been lost. Micronesia was once an exporter but has now been turned into a consumer fully dependent on handouts from the Administering Authority. Its agriculture has degenerated, unemployment is high, and so on. At present Micronesia is one of the most backward and undeveloped regions of the world.

It is clear that the situation created in Micronesia in the economic and social areas cannot be explained by mistakes, miscalculations or the inexperience of the Administering Authority in such areas.

(Mr. Bykov, USSR)

It is clear, rather, that this has been the result of a planned and elaborated policy by the Administering Authority the goal of which is to tie the Micronesians to it, to fully subject them in order to deprive them of opportunities to make a free political choice; in other words, to force the Micronesians to submit to any decision that pleases the Administering Authority with regard to the future political status of Micronesia. Using these economic reins the United States has also "guided" the political development of the Trust Territory in a direction dictated not by the legitimate interests of the Micronesians, nor by the United Nations Charter declaration on decolonization but, first and foremost, by the United States own military and strategic aspirations.

The once united Territory of Micronesia has been dismembered, and, as a result of the Administering Authority's policy, split up into individual island entities while the Micronesian Congress, which tried to preserve the Territory's unity and establish an independent government, was dispersed.

For 15 years the Administering Authority has openly exerted pressure on the Micronesians, blackmailed them and subjected them to diktats and negotiated in complete secrecy with the representatives of individual parts of Micronesia on their future political status. The Trusteeship Council and Security Council have on the whole been prevented from monitoring the course of these negotiations, which were held behind closed doors in complete secrecy from the United Nations. In these negotiations the Micronesians have been completely at the mercy of the United States and subjected to political and economic pressure and blackmail. They have thus been forced to accept the conditions laid down by the Administering Authority in order to preserve the appearance of self-government. In reality, however, the result has been that the Territory has been turned into a United States possession.

Attempts by the Micronesians to determine the bases for their own political status have been, as is well known, briskly nipped in the bud.

(Mr. Bykov, USSR)

One of the examples of this is the comments made today by the representative of the United States about the statements and petitions concerning the Northern Mariana Islands. Instead of explaining the actual situation in this part of the Trust Territory with respect to the serious concerns expressed by the petitioners at this session, the representative of the Administering Authority stated that this was not the place. Where then, is the place, it might be asked. This should be exactly the place. We should therefore like to express the hope that next time the Administering Power will provide all the information needed for all parts of the Territory, including the Northern Mariana Islands.

As I have already said, another eloquent example of this is the dissolution of the Micronesian Congress, and the repeated amendment of provisions of the Constitutions of individual parts of Micronesia, provisions that were, evidently, not in the interest of the United States. At the present time, and in violation of the United Nations Charter, the Trusteeship Agreement and the Declaration on Decolonization, in return for a promise of economic and financial handouts, the United States has unilaterally imposed and continues to impose on individual parts of Micronesia agreements of submission called compacts of free association and co-operation, thus depriving the Micronesians of their inalienable right to self-determination, unity and independence.

It has long since become quite clear what these agreements really mean. If the Micronesians were genuinely free to choose their own political status and had not been subjected to political, economic and other pressures by the United States, would they have agreed to barter their authority and responsibility for their own security and defence to the United States? Would they have given the United States the right to determine the sites for military installations and armaments and to let it use them in accordance with still another agreement on the right to military



(Mr. Bykov, USSR)

use? Practically speaking, this means that many thousands of hectares of land and fishing industry space have been taken away from the inhabitants of Micronesia, while the Micronesians themselves have been placed under a sword of Damocles, as was the case in Bikini and Kwajalein, and been made to live with the threat of being driven from their own homes if it suited the Pentagon. Would the Micronesians have agreed to give up their right to decide questions of foreign policy for themselves and to depend fully on the United States in this area?

The promises that the Micronesians would receive sovereignty and self-determination have been shown to be mere words used by the Administering Authority in order to confuse the Micronesians, as well as world public opinion. What kind of sovereignty and self-determination can it be talking about if any and all actions by the Micronesian entities are viewed by the Administering Authority, on the basis of Compacts and Covenants through the prism of the unilateral interests of the United States? Incidentally, in contemporary conditions, where, although there are many States in existence, the world is one - in spite of all contradictions the world is interrelated and interdependent - and where all mankind is threatened with nuclear self-destruction, security questions can, should and must be resolved only from the viewpoint of the security of all, the security of all States, large and small, on an equal basis. The question should be one of comprehensive security, and the problem of security in contemporary conditions, the conditions of the nuclear space age, are less of a technological and military than of a political nature.

(Mr. Bykov, USSR)

At this session of the Trusteeship Council we have heard the statements of the representatives of the Northern Mariana Islands who have referred to the Administering Authority as actually not intending to give them self-determination as provided for in the Covenant. They have called upon the Trusteeship Council and the Security Council not to terminate the trusteeship arrangement, and that means that the Trusteeship Council cannot react in any other way. This shows, moreover, that both the Covenant and the Compact lead us into a situation where, after a certain point, the population of the Trust Territory finds that it is essentially without rights. These so-called agreements aimed at changing the status of the Trust Territory have been imposed by Washington on the Micronesian people. They are of a neo-colonialist nature and cannot be considered valid. To camouflage the neo-colonialist nature of the so-called free association and commonwealth agreements, the Administering Authority has organized in various parts of fragmented Micronesia so-called plebiscites and referendums on the future of the Trust Territory.

The partial nature of these so-called plebiscites and referendums on a single question must arouse doubt and concern as to their real nature. In this case these so-called plebiscites and referendums can confuse no one. Their purpose is to rubber-stamp the decisions required by the Administering Authority. All these actions have nothing in common with genuine free self-determination for the people of Micronesia. No one can be confused by their true goal. These plebiscites and referendums in Micronesia have been preceded by a campaign of so-called political education, the main goal of which was to force the Micronesians to believe that if they did not support the so-called free association with the United States, economic and financial help to them would be cut off.

(Mr. Bykov, USSR)

The question of the right of the people of Micronesia to self-determination and independence was not set forth in such a way as to explain the advantages derived therefrom, but rather in such a way as to stress only the so-called advantages of association with the United States. The referendums held in Palau are particularly typical in this regard. For example, the last referendums were characterized by intimidation, violence, arson and pressure brought to bear on the judiciary and legislative bodies.

Of course, taking into account the conditions in which the so-called plebiscites and referendums were held, the results cannot in any way be seen as an authentic or free expression of the will of the population, in accordance with the Charter and the Declaration on decolonization. In our opinion, there can be no doubt that the main factor in the United States policy regarding Micronesia here is its objective of turning the strategic Trust Territory into a military strategic bulwark for the United States.

Micronesia is given a particularly important role in strengthening the undivided hold of the United States - which is its objective - on the huge Pacific Ocean region and fortifying its military strategic positions in this part of the world. The intensive use by the United States of the Trust Territory of the Pacific Islands as a nuclear-weapon testing ground is well known by all. The atolls of Bikini and Enewietok have been used for various types of explosions of this weaponry. As a result of these tests serious harm has been done to the well-being and health of the indigenous populations of the Territory and to the environment of a large part of the region.

(Mr. Bykov, USSR)

This use by the United States of a Trust Territory to extend its military activities, disregarding the interests of the Territory, is reflected in the additional military agreements and compacts. The various so-called commonwealth and free association covenants and compacts have been accompanied by special agreements turning Micronesia into a hostage of the military interests of the United States for many decades to come.

The actions aimed at changing unilaterally - and in circumvention of the Security Council - the status of the Trust Territory of the Pacific Islands were taken by the United States in such a way that they were camouflaged by references to the Trusteeship Council resolution of 28 May 1986. However, this resolution was adopted in violation of the Security Council mandate, based on the Charter, which makes very clear that the Trusteeship Council is not authorized to take any decisions effecting a change of the presently existing status of this Trust Territory of the United Nations. In extending its mandate the Security Council made clear that it was basing itself on the relevant provisions of the Charter, and in particular, Article 83, paragraph 1. That paragraph establishes very clearly that all functions of the United Nations relating to strategic areas, including the approval of the terms of the trusteeship agreements and of their alteration or amendment, shall be exercised by the Security Council. Naturally this includes the question of the termination of the Trusteeship. The same article makes it clear that the Trusteeship Council does not have any authority in this regard; even less does it have authority to change or to cause cessation of the validity of the Trusteeship Agreement of 1947. It is well known that this Agreement was affirmed not only by the Trusteeship Council but also by the Security Council, which did not, and does not mandate the Trusteeship Council to consider the question of any change in or cessation of the trusteeship over Micronesia and does not allow it to

(Mr. Bykov, USSR)

make any judgement with respect to any so-called new status for the strategic Trust Territory or its individual parts.

In keeping with the Charter, the Trusteeship Council can only assist the Security Council - and that only at the Council's request - in carrying out those functions of the United Nations which, in accordance with the international trusteeship system, relate to the economic, political and social issues involved, and also to questions of education in the Territory. The United Nations must and will continue to bear responsibility for Micronesia until all the requirements in this area of the Charter and the Trusteeship Agreement are complied with.

(Mr. Bykov, USSR)

The representatives of the Micronesian people have a right to continue to turn to the United Nations to ensure defence of their interests. The Soviet delegation would like once again to stress clearly and emphatically that, in accordance with the United Nations Charter, only the Security Council and no other body of the United Nations, or the United States as the Administering Authority, has the right to change the status of the Trust Territory. They do not have the right to change or terminate the validity of the Trusteeship Agreement.

Therefore, until there is a corresponding decision by the Security Council on this point, the United States is obliged to comply with the provisions of the Charter in this respect as well as with the conditions of the Trusteeship Agreement, to supply the United Nations with all the information required on the situation in the Territory.

The destiny of the people of Micronesia is a component part of the problem of decolonization. It is the duty of the United Nations and of all Member States to ensure that no attempts are allowed that will place before the world the fait accompli of the swallowing up of this Territory by the United States.

Mr. BIRCH (United Kingdom): One of the central objectives of the international trusteeship system has been to promote the political, economic, social and educational advancement of the inhabitants of the Trust Territories, so that they can develop towards self-government or independence or whatever other arrangements they desire. Thus over the 40 years of its existence, the Trusteeship Council has guided many millions of people to their destiny who would otherwise have remained the victims of war and colonialism, too weak and inexperienced to rebuff new predators. The United Nations can be very proud of its record of trusteeship.

(Mr. Birch, United Kingdom)

Micronesia is the last remaining trusteeship and the sole focus of our attention today. As the Administering Authority reported to the Council last year, the new status arrangements for the Republic of the Marshall Islands, the Federated States of Micronesia and the Commonwealth of the Northern Mariana Islands were announced in October and November 1986 in accordance with the freely-expressed wishes of their peoples. As is well known, the process of approval of the new status arrangements for Palau has yet to be completed. But we are pleased to note that in the period under review, the inhabitants of all four groups of islands have continued successfully to govern themselves, making their own decisions about what is best for them. It seems to us entirely correct that, in accordance with their chosen new status, this Council should allow them the leeway to do just that. We cannot turn history back and bring them again under the wing of the Trusteeship Council. Likewise, it would be a clear disservice if we tried to keep them under close control with their every move subject to scrutiny. As I have said several times before, it is only necessary to visit Micronesia to realize what a highly sophisticated people they are politically and how thorough is their understanding of the issues on which they decided their future.

We listened attentively to the petitions delivered last week by the representatives of the Northern Mariana Islands. I think it is a great pity that disagreements over the interpretation of the Commonwealth Covenant should have arisen so soon. In the view of my delegation, the relevant procedures for dispute settlement laid down in the Covenant should have been consistently followed. I therefore welcomed the statement by the representative of the United States that a new Special Representative has been appointed. I hope that the Administering Authority will soon be in a position to recommence the consultations envisaged in Section 902 of the Covenant.

(Mr. Birch, United Kingdom)

However, most of our attention at this session has been devoted to the situation in Palau. We have listened to the various allegations made by petitioners and others about violence and wrongdoing at the time of the August referenda. There seems little doubt that some bad incidents took place. That in itself is deplorable, although the scale and significance of these events has been much exaggerated. The conclusion of the United Nations Visiting Mission to observe the referendum on 21 August was clear and categorical. It reported:

"The Mission saw no evidence of malpractice or attempts to influence voters ...

"The Mission is satisfied that the referendum was conducted fairly and that the results reflect the freely expressed wishes of the people of Palau."

(T/1919, paras. 32 and 35)

As for other allegations, we noted the assurance given last week by the Special Assistant to President Salii, Mr. Willter, that police investigations are continuing and that such criminal acts as may have taken place were not condoned by the Palauan Government. The facts are that a legal challenge to the constitutional amendment procedure has now been successfully filed and that the Palauan Supreme Court has been able without intimidation to uphold the plaintiff's case. This of itself is a clear testimony to the independence of Palau's judiciary and the good health of Palau's democratic institutions. Just as it is for Palau's voters to decide on the acceptability of the Compact, so it is for Palau's courts to rule on the legality of any referendum. We note the assurance given by the representative of Palau that regardless of the outcome of his Government's appeal, the Government of Palau will abide by the decision of its Supreme Court. This gives us confidence for Palau's future.



(Mr. Birch, United Kingdom)

On the economic front, we are reassured that steps have been taken by the Administering Authority and by the Palauan Government to avoid a repetition of last year's fiscal crisis. Some mistakes were clearly made and perhaps too much reliance was placed on the prospect of Compact funds becoming quickly available. We therefore welcome the efforts of the Palauan Government to set its financial house in order. We also welcome the timely decision by the Administering Authority to provide a tax and financial adviser to the Palauan Government to assist in that process.

(Mr. Birch, United Kingdom)

Progress in other areas too gives us confidence for Palau's future. Efforts have continued to be made to reduce Palau's dependence upon funding from the Administering Authority. We have heard of the growth of the fishing industry and of efforts to expand its export potential. We have heard about developments in tourism and the major contribution which the tourist dollar is making to the Palauan economy. We have heard too about the Administering Authority's assistance in other areas, in law enforcement, drug enforcement, police training, education, infrastructure and capital improvement, all of which are helping the people of Palau stand on their own feet.

The representative of the Soviet Union has just alleged - as the Soviet Union has many times before - that the people of Micronesia have been coerced by the United States in some way into accepting political arrangements against their interests and that the Territory, which must be regarded as a single, unified entity, has been deliberately fragmented. The fact is that the Administering Authority tried very hard for many years to create a single State of Micronesia, but the people themselves, who are widely different in culture and traditions, wanted to be separate. Should the Administering Authority have forced an unhappy marriage upon them? I think not. The Administering Authority left it to the people themselves to decide, and over the years the Micronesians, in exercise of their right of self-determination, have negotiated freely and voted on arrangements which suit them and which are appropriate to their situation.

Words such as "blackmail" and "secrecy", which we have just heard from my Soviet colleague, really bear no relation to the reality of the negotiations. The Micronesians are free to govern their own internal affairs, yet they are able at the same time to rely on the assistance and protection of a major Power in the important areas of security and defence, where they could not conceivably have the necessary resources to provide totally for themselves. The Trusteeship Council

(Mr. Birch, United Kingdom)

recognized this two years ago when it adopted resolution 2183 (LIII) and determined that it was appropriate for the trusteeship to be terminated. My delegation co-sponsored that resolution then and would do so again today because we are convinced that the peoples of Micronesia have freely taken their respective decisions, aware of the alternatives and fully understanding the issues. They should not be subjected to repeated external interference by those who have their own interests - not the interests of the Micronesians - foremost in their minds.

I have heard it claimed that the new status arrangements for the Trust Territory are part of some scheme on the part of the United States to turn the Trust Territory into a military installation. The representative of the Soviet Union, indeed, has just asked whether, if the Micronesians had the freedom to choose, they would have chosen to give military rights to the United States. He clearly implied in his statement that they would not have so chosen. Yet, if you talk to Micronesians, especially the older ones, as I have done in the villages and the islands of Micronesia, their fear is that some hostile Power will again occupy them - remember, in the last 100 years Micronesia has been occupied and the people reduced to second-class citizens by Spain, by Germany and by Japan, and that it was the United States that rescued them from servitude. They want protection from a benevolent Power; it is not being forced upon them.

If the United States did indeed want to turn the Trust Territory into a military bulwark, the United States would surely be seeking to prolong the Trusteeship. For, in fact, the Trusteeship Agreement gives the United States more rights over the Trust Territory in the military sphere than do the Compact of Free Association or the Commonwealth Covenant. I think that fact in itself should be adequate to dispel the ill-formed and, at times, ill-intentioned allegations that we hear so frequently in this Chamber. Under the new status arrangements the United States is assuming responsibility for the defence of the four Micronesian

(Mr. Birch, United Kingdom)

entities. That responsibility carries with it certain rights, among them the right to use land for military purposes and the right to transit Micronesia with military vessels and aircraft. But the United States could hardly carry out its defence obligations without such rights. They are simply designed to ensure that in times of crisis the United States has available the options it needs to defend the Islands. And it has more rights now under the Trusteeship that it will have in future under the Compact.

It is often alleged that the people of Micronesia have not been allowed to make a free choice as to their future political status. I think this is simply not true. The new status arrangements are the culmination of a lengthy process which began nearly 20 years ago. Since then the Micronesians have drawn up their own constitutions, they have negotiated their respective new status agreements and they have participated in referendums to endorse those agreements. During that process the people of Micronesia could at any time have opted for some other status. For example, they could have chosen independence, they could have chosen to be integrated with the United States, or, indeed, they could have chosen to be associated with another State, including the Soviet Union. I wonder, however, how the people of Palau would have fared had they opted for association with the Soviet Union? Would they still now have a free and independent Supreme Court in which a minority of their citizens could repeatedly challenge the views of the majority?

The fact is that the people of Micronesia did not opt for any of those alternatives. Instead, they chose to maintain a close relationship with the nation that has acted as their Administering Authority for over 40 years and which, over that time, has given them generous assistance and guidance. My delegation is committed to defending the right of the Micronesian peoples to make their own choice about their political future, free from outside interference and in accordance with the Charter of the United Nations.

The PRESIDENT (interpretation from French): We shall now hear the closing statements of the representatives and advisers of the Administering Authority. I call upon Mr. Samuel McPhetres, who wishes to make a statement on behalf of Mrs. McCoy.

Mr. MCPHETRES (Adviser): I would like, on behalf of Mrs. McCoy, to thank the representatives of the United Kingdom and France for their statements in this closing debate. I think they have summed up in a very excellent way the situation in the Trust Territory.

Once again the time has come to review the events of the past two weeks and draw to a conclusion the presentation of the Administering Authority to the Council. Mrs. McCoy has asked me to convey to the Council her regrets that she is not able to be here today to make this statement herself. Because of her new responsibilities with the Interior Department her presence is required elsewhere.

(Mr. McPhetres, Adviser)

There are just a few items that we believe need to be put on record at this time.

First of all, concerning the alleged breakdown of law and order in Palau, it has been implied many times during this session that the social structures of Palau collapsed and that chaos reigned for a time. In fact at no time over the past year did law and order break down. There were periods of tension, several acts of deplorable and inexcusable violence, even a death. Our review of the actual events has shown that these were isolated, individual acts which took place in a brief period quickly followed by a rapid return to normalcy. It should be kept in mind that during the period in question there were at least two Visiting Missions from this Council on the ground in Palau. I myself visited Palau on several occasions. At no time did any members of the Missions consider themselves threatened by lack of law enforcement capability, nor did they note any social breakdown in that area. In summary, Palau is calm, there is peace in the streets, people are going about their lives in a normal manner, and tourism is on the rise - proof positive that it is a land of promise.

There has been much talk not only of the "breakdown" of law and order but also of the drug situation in Palau and the "climate of corruption and violence". There is no way to avoid the fact that there is a drug problem in Palau, just as there is nearly everywhere in the world in some form or another. It must also be recognized that in a small society such as Palau any incidence will have a proportionately greater impact than in larger societies. At the same time it should be noted that the Palauan police have a task force utilizing expertise provided by various United States law enforcement agencies working on the problem. The Administering Authority repeats its assurances to this Council that it is providing all of the assistance and support requested by the Government of Palau in this area and we expect positive results within a reasonable period.

(Mr. McPhetres, Adviser)

Regarding economic development in Palau and the development of a private-sector economy, let me state for the record that there has been considerable progress in the private sector over the past several years. As I noted last week, for the first time in the history of the Trusteeship, employment in the private sector is equal to that in the public sector. The private sector is growing. Foreign investment projects are under consideration for major hotel construction, fisheries and other developmental projects which will raise private-sector employment substantially above that of the public sector. I can state with great confidence that the economic development of Palau is progressing at a reasonable pace.

As Mrs. McCoy said last week, budgeting priorities are the responsibility of the Government of Palau, and, while adequate funding will be made available under the Trusteeship-level funding, it will be up to the constitutional authorities of Palau to determine where the money will be allocated. This is one aspect of self-government often overlooked by critics of the Administering Authority.

My concluding remarks concern the administration of the Trust Territory for the foreseeable future.

In July of last year, when Secretarial Order 3119 was implemented, the Office of High Commissioner was abolished and transferred to the Office of Territorial and International Affairs of the Department of the Interior. Mrs. McCoy wishes to assure the Trusteeship Council that her new Office will continue to be sensitive to the requirements of the Trusteeship and the advancement of the people of the Trust Territory.

It has been a pleasure to renew old acquaintances and to work with the Council again. On behalf of Mrs. McCoy as well as myself, I wish members all the best.

The PRESIDENT (interpretation from French): I call on Mr. Uherbelau, Special Adviser to the delegation of the Administering Authority.

Mr. UHERBELAU (Special Adviser): We have now come to the stage of the Council's work at which I am to give the closing statement for the Republic of Palau.

I was called upon to respond to a number of inquiries during the questioning of the Administering Authority, so my parting remarks should be brief.

First I wish to convey my Government's satisfaction at the appointment of Mrs. Janet McCoy as Principal Deputy Assistant Secretary for Territorial and International Affairs of the United States Department of the Interior, and especially subsequent to the closing of her Office last July as the last High Commissioner of the Trust Territory of the Pacific Islands. Having spent more than half a dozen years monitoring the developments in our islands, Mrs. McCoy brings to her new post a wealth of knowledge and practical experience and sympathetic understanding in dealing with our developmental needs and requirements. It was therefore very encouraging to note her reporting on the following accomplishments on behalf of the Administering Authority.

First, a qualitative review has been undertaken on the infrastructure projects throughout the Trust Territory in order to ensure that individual capital improvement projects conform with their original plans and specifications before the capital improvement programme is wound down.

Secondly, at long last, the United States Congress has appropriated for fiscal year 1988 a total of \$12.3 million as the Administering Authority's equal contribution for payments of outstanding Title I war damage claims.

Thirdly, contrary to allegations made by petitioner Speaker Olikong, the Department of the Interior has indeed approved technical assistance by providing the Palau Government with a tax expert, a financial consultant, tourism and public-safety advisers, and the necessary funding with which to conduct drug law-enforcement training.



(Mr. Uherbelau, Special Adviser)

Fourthly, a total of \$14.5 million has been or will be made available to the Republic during the current fiscal year, which includes the reprogramming of \$3.5 million for Government operation, to ensure that Palau will not again face a critical financial crisis, as it did last summer.

Allow me now to move onto the issue of political status.

In her opening statement, Mrs. McCoy said:

"The Administering Authority wishes to assure the Council that it is up to the Government of Palau to resolve the internal questions concerning political status." (T/PV.1648, p. 21)

Ambassador Byrne, responding to a question, has stated that implementation of the Compact of Free Association is not a way out of financial crisis; rather, it opens for Palau the door to economic growth, nationhood and stability.

We have also heard many petitioners alleging that Palau's overwhelming economic dependency upon United States economic assistance has foreclosed status options other than that of the proposed free association with the administering Power. Therefore they have cautioned the Council against termination of the Trusteeship Agreement with respect to Palau until its economy has been rendered less dependent and more self-sufficient.

Let me address the third issue first.

It has taken more than 40 years for Palau's economic growth to get where it is today. Without a drastic infusion of external sources of financial and economic assistance, it is rather naïve for well-meaning petitioners to maintain that the Republic's economy could through some miracle become self-sufficient overnight.

(Mr. Uherbelau, Special Adviser)

For us Palauans, any status change would be an improvement over the status quo, and delaying the termination is not the answer. To allay some concern over non-fulfilment of the Administering Authority's trust obligations, safeguards are provided for in the Compact itself.

We have repeatedly reported to this Council, and indeed to our own people, the Palau Government's firm belief that, for the immediate future, the only viable and realistic solution to Palau's perennial funding shortage is the steady and considerably higher level of annual economic assistance available to us under title II of the Compact. Ambassador Byrne is correct - this is not the only positive aspect of free association. The Republic and its people will gain internal sovereignty with the entry into force of the Compact. Except for defence and security, which are delegated to the United States in light of Palau's smallness and inability to protect itself militarily, Palau will be the master of its own ship. Moreover, it will have the authority to conduct its own foreign affairs and international relations with other nations and regional or international organizations.

We do appreciate the assurance that the approval process of the Compact is of local concern for us, free and clear of any interference whatsoever from the Administering Authority. That has always been the case, as it ought to be.

However, we see some truth in what some petitioners have said in that the Compact ought to have been negotiated in strict conformity with Palau's Constitution. The election results of six Compact plebiscites, coupled with Palau Supreme Court rulings, ought to be clear to everyone now that the constitutionally mandated 75-per-cent majority vote is an impossible task. And it is no secret that, but for the nuclear provisions, the Palau Compact of Free Association would

(Mr. Uherbelau, Special Adviser)

have needed only a simple majority vote for approval and would have taken effect long ago. One wonders if the Admininistering Authority is willing to reconsider its position and to open a dialogue on the Compact with a view towards resolving the current dilemma. In other words, would it be possible for both sides to come to the negotiation table to discuss the feasibility of excising the nuclear provisions from the Compact itself and to treat the same under a separate treaty to be voted upon by Palauan voters as a separate question altogether? This is not a completely novel concept, as attempts were made in this direction in July 1983, following the first Compact plebiscite on 10 February of the same year, when former Compact section 314, along with a nuclear subsidiary agreement, were formally withdrawn.

To us, the Compact of Free Association forms a unique, friendly and lasting relationship, an equal partnership, if you will, and is not a defence treaty between the Government and the people of Palau and the Government and the people of the United States. As such, our desires and aspirations for this particular political status should not be sacrificed at any cost.

We make this recommendation as an indication of yet another possible alternative solution to the current impasse we are faced with today. Our people can ill afford to go to the polls for the seventh time to approve the same document by a three-fourths vote. Additionally, if Judge Hefner's decision is upheld on appeal, we may resort to amending our Constitution once more to lower the voting requirement. But if Professor Clark's theory prevails - and I am not conceding that he is right - the Republic and its people may end up in a vicious circle.

I have one final comment. Lest there be any misunderstanding, although realistic and viable and, therefore, now the preferred option, free association is not the only status option open to Palau. One of the basic guidelines adopted by

(Mr. Uherbelau, Special Adviser)

the Micronesian leadership when it embarked on status negotiations with the United States in pursuit of free association was that, if attempts to achieve this goal should fail, the only available status would be that of independence. And as we stated in our opening statement, the Government and the people of Palau are not sitting idle; they are seriously considering their status options and the situation will be clearer in the remaining months of this year.

The PRESIDENT (interpretation from French): We have now reached the end of the general debate, and on this occasion I should like to express our thanks and appreciation to the representatives and advisers of the Administering Authority for their contributions - some of whom have come a long way to participate in this session.

The representative of the Soviet Union has asked to speak, and I call on him.

Mr. BYKOV (Union of Soviet Socialist Republics) (interpretation from Russian): I have asked to speak in order to comment on several of the remarks that have been made here. Since this is the first time that I have attended a session of this body, I am not familiar with the many details and developments of the past years and, therefore, I shall of course not go into them. I may seem hasty in proceeding in this way but I shall approach the question from only two points of view: first, the legal point of view, which is the basis of our work; and, secondly, the plain common sense point of view.

I think that the legal side of the problem was put forward in some detail in our statement. I should like to note that not only our country but many other countries, including the United Kingdom, have advocated in many forums, including here at the United Nations General Assembly, close compliance with the United Nations Charter. Our statement, to a significant extent, was devoted to the implementation of the Trusteeship Agreement in the United Nations Trusteeship Territory of the Pacific Islands.

(Mr. Bykov, USSR)

Quite frankly, I was surprised that the representative of the United Kingdom commented so freely on what my delegation had said on this point. In my view, he was speaking not so much about the legal points at issue but rather about the impressions he gained on his visits to various parts of the Territory. But that is insufficient: I remind members once again that the Trusteeship Agreement, as endorsed by the Security Council, refers to a single, integral Trust Territory of the Pacific Islands. That does not mean there can be no changes, agreements or other developments, but I think in this case that references to plebiscites and negotiations do not respond to the points we have made.

We have noted that Article 83 (1) of the United Nations Charter makes it very clear that all functions of the United Nations relating to strategic areas, including the approval of the terms of the trusteeship agreements and of their alteration or amendment, shall be exercised by the Security Council. The Administering Authority and the Trusteeship Council are obliged to comply with that Article, and, as a long-standing member of this Council, the representative of the United Kingdom knows it full well.

Like any newcomer to the Trusteeship Council, I felt myself in a strange position listening to the statement of the representative of the United Kingdom. Of course, it is understandable from the standpoint of human nature that the Administering Authority should deal with petitions and expressions of concern by circumventing them. But if I understood him correctly, the representative of the United Kingdom treated various petitions and expressions of concern as mere allegations, thus essentially rejecting them. I do not think that is consistent with the careful attention to the situation in the Trust Territory required of us under the Charter and our rules of procedure.

(Mr. Bykov, USSR)

Quite the contrary: Concerns expressed by representatives of the Territory must receive special, even excessive, attention. The Trust Territory and the powerful United States of America are quite different in size, and we must be particularly scrupulous in our consideration of negotiations between them. In the light of the disparate size and power of the two sides, such negotiations should be conducted in full view, so that all can see that no pressure is applied. It is not enough to take a trip or two to the Territory and speak with a handful of inhabitants if we are to have a clear picture of the situation.

During the last session of the Trusteeship Council, when the "equal" negotiations were being held between the United States and the Micronesians - who were dependent on the Administering Authority - the very representatives of Micronesia who had participated in the talks came to the Trusteeship Council to complain of the pressure being exerted on them during the negotiations. Has the representative of the United Kingdom forgotten that? I would recall that the testimony is contained in the records of the Trusteeship Council, where the representative of the United Kingdom can refer to it.

Another example of pressure and blackmail - words the representative of the United Kingdom rejects as unacceptable, although I would say that it is hard to reject these things without seeing for oneself - is the affidavit received from Mr. Anton deBrum, a well-known Marshall Islands political figure who has served as Minister for Foreign Affairs and Minister of Finance in the local Government. He participated in all Compact negotiations with the United States, and his affidavit stated clearly and specifically that the Compact negotiations had taken place in an atmosphere of diktat and pressure. That is eye-witness testimony. Who is to be believed: The eye-witness or someone who has paid a couple of visits to the Territory?

(Mr. Bykov, USSR)

The question we, along with many petitioners, have asked is whether there has been adequate compliance with the basic United Nations provisions for the Trust Territory of the Pacific Islands. Does the situation the United States has created for the Micronesians truly accord with the lofty principles and purposes of the United Nations Charter? Those questions remain on the table, and I think thus far the answer has been clear, and we have already stated it.

The representative of the United Kingdom spoke of his delegation's co-sponsorship of Trusteeship Council resolution 2183 (LIII). That may be a historical fact, but we were talking about something quite different: Who has the authority to terminate or alter the Trusteeship Agreement? The representative of the United Kingdom knows what body is competent if the Trusteeship Agreement is to be terminated or altered. I reiterate our conviction that the resolution the United Kingdom delegation co-sponsored was adopted in contravention of the mandate given by the Security Council. It is clear from that mandate, which is based on the United Nations Charter, that the Trusteeship Council does not have the authority to take any decision relating to the alteration or still less the termination of the Trusteeship Agreement, or consequently, the status of the Territory, since that status is determined by the Trusteeship Agreement.

(Mr. Bykov, USSR)

I recall once again that Article 83.1 of the Charter states:

"All functions of the United Nations relating to strategic areas, including the approval of terms of the trusteeship agreements and of their alteration or amendment, shall be exercised by the Security Council."

It follows that the Trusteeship Council has no authority with respect to changing - and even less, if that were possible, to terminating - the 1947 Trusteeship Agreement. That Agreement was confirmed not by the Trusteeship Council, but by the Security Council, which did not, and could not, mandate the Trusteeship Council to consider changing or terminating the validity of the Trusteeship Agreement for Micronesia or making any judgement with respect to any new status of the Trust Territory or separate parts of it. That is what we have been saying.

Under the Charter, the Trusteeship Council can only assist the Security Council - and only at its request - in carrying out those functions of the United Nations which, under the international trusteeship system, relate to economic, political, social and educational questions in the Territory. Therefore, the United Nations must and will bear responsibility for Micronesia until all the requirements of the Charter and the Trusteeship Agreement are met. The representatives of the Micronesian people have the right to continue to turn to the United Nations in the future in defence of their interests.

The Soviet delegation once again emphasizes that under the Charter only the Security Council - no one else - has the right to change the Trust Territory's status; no one else has the right to change or terminate the Trusteeship Agreement.

Therefore, I repeat that the decisions of the Security Council make it clear that the United States has the responsibility of properly applying the provisions of the Charter and making available to the United Nations through the Trusteeship Council comprehensive information on the situation in the Trust Territory.



(Mr. Bykov, USSR)

In his statement, the representative of the United Kingdom, in commenting on our statement instead of the situation in the Trust Territory, tried to allude in some way to the Soviet Union. Our position is absolutely clear. We have expressed it repeatedly in the Council, and we will not allow the representative of the United Kingdom to obfuscate it.

The PRESIDENT (interpretation from French): The representative of the Soviet Union in a way has just made a second statement in the general debate, a statement which reiterated at some length the views expressed in his first intervention. I now give the floor to the representative of the United Kingdom.

Mr. BIRCH (United Kingdom): At 12.55 p.m. I do not want to make another lengthy statement, but having listened very attentively to those comments about my earlier statement I should like to make two points.

First, I have visited the Trust Territory only briefly, although I have talked with more than one or two people. I think that in any political negotiation such as the Administering Authority has conducted with the inhabitants of Micronesia there will always be people who are dissatisfied with the outcome. Because the various entities of Micronesia are democratic, those people have an opportunity to make their views felt, and the Council welcomes people who come to it to petition, complain and make observations. Some of them, indeed, have come here and said that they have not liked what has happened in the Trust Territory and they do not agree with the outcome of the negotiations and with the Compacts. But the fact is that a very large majority - I think in most cases well over 70 per cent - have said that they are in favour. Although 70 per cent may not be a very high vote by the standards of some countries, in democratic countries it is regarded as a very substantial majority, which society as a whole takes account of.

(Mr. Birch, United Kingdom)

Secondly, the United Kingdom is a very firm upholder of the Charter, and I believe that everything we have said at this session of the Council and in the past, and the position we take on the Trust Territory, is entirely consistent with the Charter. As I said at the conclusion of my formal statement, we are committed to defending the right of the Micronesian peoples to make their own choice about their political future, free from outside interference and in accordance with the Charter of the United Nations.

The PRESIDENT (interpretation from French): I think that this time we have really concluded our general debate. I wish for one last time to thank the Administering Authority for its contribution to our work.

#### REPORT OF THE TRUSTEESHIP COUNCIL TO THE SECURITY COUNCIL

The PRESIDENT (interpretation from French): At this stage in our discussions, I suggest that the Council appoint a Drafting Committee to prepare draft conclusions and recommendations to be included in the Trusteeship Council's next report to the Security Council. I also suggest that the Drafting Committee consist of the representatives of France and the United Kingdom.

It was so decided.

#### ORGANIZATION OF WORK

The PRESIDENT (interpretation from French): Before I adjourn the meeting, I should like to draw the attention of members of the Council to the report of the Secretary-General on offers by Members States of study and training facilities for inhabitants of Trust Territories (T/1926). We shall consider that report at a later meeting.

(The President)

I wish also to draw members' attention to the documentation distributed by the Secretariat containing information relevant to our consideration at our next meeting of agenda items 8 to 11.

The next meeting of the Council will be held on Thursday, 26 May, at 10.30 a.m.

The meeting rose at 1 p.m.

# United Nations

## Press Release

Department of Public Information · Press Section · New York

Trusteeship Council  
Fifty-fifth session  
1655th Meeting (AM)

TR/2360/Corr.1  
24 May 1988

ADMINISTERING AUTHORITY ASKED BY PALAUAN TO DISCUSS FEASIBILITY OF REMOVING  
NUCLEAR PROVISIONS FROM FREE ASSOCIATION COMPACT WITH PALAU

### CORRECTION

On page 6 of Press Release TR/2360 issued yesterday, 23 May, in the summary of the statement by the representative of the United Kingdom, the first sentence of the last paragraph should read:

"The fact was that a legal challenge to the constitutional amendment procedure had been successfully filed, . . . "

On page 7, in the same summary, the final sentence should read:

"The fact was that the people of Micronesia, while they had the opportunity to do so, had not opted for any other alternative, such as independence or association with another State."

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For information media — not an official record

# United Nations

## Press Release

Department of Public Information · Press Section · New York

Trusteeship Council  
Fifty-fifth session  
1655th Meeting (AM)

TR/2360  
23 May 1988

### ADMINISTERING AUTHORITY ASKED BY PALAUAN TO DISCUSS FEASIBILITY OF REMOVING NUCLEAR PROVISIONS FROM FREE ASSOCIATION COMPACT WITH PALAU

#### Trusteeship Council Hears Statements on Petitions, Situation in Palau; Appoints France, United Kingdom to Drafting Committee

A representative of Palau asked this morning in the Trusteeship Council whether it would be possible for the United States and Palau to discuss the feasibility of excising the nuclear provisions from the proposed Compact of Free Association.

Victorio Uherbelau, a special assistant on legal matters to the President of Palau, speaking as a member of the United States delegation, said that but for the nuclear provisions, the Palau Compact of Free Association would have needed only a simple majority vote to approve and would have taken effect long ago. He wondered whether the United States, as the Administering Authority, would be willing to reconsider its position and to open a dialogue on the Compact in order to resolve the current dilemma. He suggested that the nuclear provision be treated under a separate treaty to be voted upon by Palauans as a separate question from the Compact.

In addition to Mr. Uherbelau's statement, the Trusteeship Council heard statements by Patricia Byrne (United States) in response to petitions, as well as a statement made on behalf of Janet McCoy (United States), a representative of the Department of the Interior, regarding the situation in Palau.

Also, the Council held a general debate, hearing statements by the representatives of France, the Soviet Union and the United Kingdom.

In concluding consideration of petitions, the Council drew petitioners' attention to the comments made by Council members and the response of the Administering Authority.

In addition, the Council decided that the representatives of France and the United Kingdom would make up the Drafting Committee.

The Council will meet again at 10:30 a.m., on Thursday, 26 May.

(more)

Council Work Programme

The Trusteeship Council met this morning to hear a statement by the United States, as the Administering Authority of the Trust Territory of the Pacific Islands, in response to oral and written petitions presented to the Council, and to hold its general debate.

Statement on Petitions

PATRICIA M. BYRNE (United States) said several petitions sought the Council's intervention in order to delay termination of the trusteeship indefinitely, so that Palauans could determine their future political status, preserve their constitution or investigate or prosecute perpetrators of the violence that had occurred in Palau last September. Other petitions stated that Palau should remain under the trusteeship until Palau was free of internal political disputes or economic need. They asserted that the people of Palau were not capable of self-government.

She said her delegation rejected the notion that the people of Palau had not demonstrated their readiness for self-government. Most petitions seeking delay of self-government for Palau came from individuals and organizations outside Palau. However, the people of Palau had, on their own initiative, called plebiscites and had spoken repeatedly on the question of their future political status. They wanted the Compact of Free Association with the United States, as every member of the Council knew from the reports of its Visiting Missions.

Some petitions had noted the difficulties encountered by the Government of Palau in connection with its efforts to comply with ambiguous provisions of its Constitution, in a manner which would satisfy its courts. They ignored the fact that since 1979 the United States had maintained that the Compact could enter into force for Palau only after it had been approved by the people and Government of Palau in accordance with its constitutional procedures.

Palau's judicial process, which had been interrupted last September, had resumed earlier this year in an atmosphere of order and calm, she went on. The original litigants had had their day in court and a final decision was expected in July. Thus, the Constitution and Palau's own system for constitutional interpretation was, in fact, working.

As for investigations of the events of last September, she went on to say, Palau had laws and procedures sufficient to bring the perpetrators of those crimes to justice. The Administering Authority had provided and would continue to provide law enforcement assistance to Palau, as Palauan authorities might request. While the isolated illegal acts of a few misguided people were deplorable, the events of last September and the manner in which the people of Palau and their elected leaders had dealt with the situation demonstrated that they were fully capable of handling the situation without the introduction of armed United States federal agents, as some petitions had urged.

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Listening to some of the petitioners, she could only conclude that their reading of the Trusteeship Agreement was very selective, she said. Contrary to their views, the Agreement did not require the United States to establish a utopian welfare state in the Trust Territory free of all political conflict. Rather, the purpose of the Trusteeship System was to foster the development of institutions of self-government suited to the peoples of the Territory, through which the issues of the day could be debated and resolved.

Several petitioners had adopted the position that the people of Palau could not amend their own Constitution as it related to the 75 per cent approval mechanism, she continued. The concept that a free people had no right to amend their own Constitution was insupportable. The Administering Authority would adhere to the principles set forth in the Compact, which recognized that right.

A number of petitions had alleged that the United States intended to use Palau for nuclear or military purposes, she went on. Such allegations were nonsense. Aside from rotating 13-man civic action teams engaged in public works projects under local guidance, there was no United States military presence in Palau and none was intended.

Limited military options available to the United States in Palau were identified in a subsidiary agreement to the Compact and could be exercised only after consultations with the Palauan Government, she said. Those options included anchorage rights for visiting United States Navy ships in Palau's main harbour and use of a nearby 40-acre area for non-nuclear support facilities; contingency joint use with Palau of its two airfields; contingency use of areas for limited logistics installations; and occasional access to uninhabited areas for training exercises. There were no plans to exercise those options, she added. If there had been a need to establish military bases in Palau, the United States could have done so at any time under the Trusteeship Agreement.

In the Compact, the United States had full authority and responsibility for Palau's defence, she said. However, it had agreed not to engage in certain activities in the exercise of that authority, such as the use, testing, storage or disposal of nuclear, toxic chemical, gas or biological weapons intended for use in warfare. Under the Compact, the Government of Palau assured the United States that in carrying out its security responsibilities, it had the right to operate nuclear-capable or nuclear-propelled vessels and aircraft "without either confirming or denying the presence or absence of such weapons within the jurisdiction of Palau". Thus, the so-called nuclear issue amounted to whether United States Navy ships would visit Palau on the same basis as they did the ports of other friends and allies.

On petitions concerning the Northern Mariana Islands, she said the appropriate forum for their discussion existed within the political system of the United States. To that end, President Reagan had on 13 May announced the appointment of a Special Representative for bilateral consultations with the

Commonwealth of the Northern Marianas. With that appointment, there was every reason to expect that consultations called for in the Commonwealth Covenant would once again move forward.

### General Debate

PATRICK PASCAL (France) said the Council had been able to examine systematically the situation in the Trust Territory of the Pacific Islands. The exchange of views between the members of the Council and the Administering Authority had enabled the Council, under satisfactory conditions, to discharge its responsibilities under the Charter.

The Council had also had the opportunity to give consideration to written and oral petitions, he continued. There had been petitions from some who had spoken of their relative lack of satisfaction regarding the degree of self-government given to them. Those petitions came from representatives of the Northern Mariana Islands, which was now experiencing a transitional period in the establishment of a Commonwealth with the United States. France believed the question should be solved in a bilateral manner. In that regard, he was pleased to note that the United States President had named a Special Representative to deal with the bilateral negotiations.

Concerning the lack of law and order in Palau during a certain period last year, he said the Administering Authority had explained that the specific incidents were still before the courts. While France took into consideration the difficulties experienced in the Territory, it also noted the progress achieved.

In the area of economic development, positive trends had emerged in the fisheries and tourism industries, he said. While the positive steps might not result in guaranteeing self-sufficiency, increased regional co-operation amongst the countries of the Pacific region and with the countries of the Association of South-East Asian Nations (ASEAN) should also make a contribution to achieving that goal.

On social development, he said the progress in the health services in Palau was remarkable. Progress in education was also satisfactory, with education being mandatory at the primary- and middle-school levels. He believed that the scholarship programmes and other programmes enabling study abroad should be designed in a way to ensure that Micronesians benefited from such studies.

He said France hoped that the objective recommended by the Council in resolution 2183 of May 1986, which called for a speedy end to the Trusteeship Agreement, might be achieved to ensure that the people of the Trust Territory of the Pacific Islands could benefit from the constitutional status they had chosen.

DMITRIY V. BYKOV (Soviet Union) said the International Trusteeship System established by the United Nations was regulated by the Charter, in particular Chapter XII. The main task of the System was to strengthen international peace and security and to promote the political, economic and social progress

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of the people of the Territory, as well as progress in the areas of education and progressive development towards self-determination and independence. The Charter made it clear that the final results of self-determination or independence must be freely expressed by the people.

According to the Trusteeship Agreement, he continued, the Trust Territory was to be viewed as one whole single unified Territory. The General Assembly's 1960 Declaration on the Granting of Independence to Colonial Countries and Peoples pointed out that any attempt to disrupt the national unity and territorial integrity of a country was incompatible with the goals of the Charter. Were those basic fundamental conditions complied with in the situation in the Trust Territory of the Pacific Islands? he asked. The answer was clear. The goals of the Charter had not been carried out. To the contrary, they had been circumvented and were being interpreted to serve, not the interests of the people of the Territory, but the interests of the Administering Authority.

The United States tried to impose its internal legislation over the Territory and to replace the Trusteeship Agreement with those domestic regulations, he said. It was evident that the United States was trying to force on the Trust Territory a neo-colonial situation and turn the Territory into one of its military, strategic training grounds in the western Pacific.

Having abused the United Nations trusteeship mandate, the United States had intentionally failed to carry out the task ascribed to it under the Charter and had in an artificial way impeded the economic development of Micronesia, he continued. The infrastructure in place in the Trust Territory before it came under the Trusteeship Agreement had been destroyed without being adequately replaced. The United States had made the Territory import-dependent and had destroyed its agriculture. Micronesia was now one of the most backward, undeveloped regions of the world.

It was clear that the United States had deliberately created such an economic and social situation in Micronesia in order to make the Territory dependent on it and to force Micronesians to submit to any political status that suited the United States, he said. Using economic pressures, the United States had guided the political development of the Trust Territory to serve its own military, strategic interests.

For 15 years now, the Administering Authority had blackmailed the Micronesians and had negotiated in complete secrecy with the individual islands of the Territory their future political status, he said. The Security Council on the whole had been prevented from observing the course of those negotiations. The result of all this was that the Territory had been turned into a United States possession.

The United States, in violation of the Charter, the Trusteeship Agreement and the Declaration on decolonization, was imposing on individual parts of Micronesia agreements of submission, he went on. If the Micronesians had genuine freedom to choose their own political status, if they had not been subjected to economic pressures, would they have agreed to sell to the United

States their own security and defence? Would they have given the United States the right to place military bases on their territory? He did not believe so. The promises given to the Micronesians of self-determination and sovereignty had turned out to be mere words.

Representatives of the Northern Mariana Islands had called on the Trusteeship Council not to end the Trusteeship Agreement because they did not believe they had been given the right to self-government to which they were entitled, he said. In Palau, referendum after referendum was being carried out in order to get a rubber stamp on the decisions of the Administering Authority. The people in Palau were led to believe that if they did not support the Compact of Free Association, their means of financial support would cease.

There was no doubt that the main factor in United States policy was its objective of turning the strategic Trust Territory into a military, strategic bulwark of the United States, he said. Micronesia was important to the United States to maintain its undivided hold over the Pacific Ocean region.

He said resolution 2183 had been adopted in violation of the trusteeship mandate. The Trusteeship Council was not competent to take decisions affecting any changes in the status of the Trust Territory. It was clearly stated in the Charter that all functions of the United Nations related to strategic regions would be carried out by the Security Council. Only the Security Council had the authority to end the Trusteeship Agreement. Until then, the United States was obliged to comply with the Charter and the conditions of the Trusteeship Agreement and to supply the United Nations with all information on the Trust Territory.

JOHN BIRCH (United Kingdom) said that although the process of approval of the new status arrangements for Palau had yet to be completed, he was pleased to note that the inhabitants of all four groups of islands of Micronesia had continued successfully to govern themselves and to make their own decisions. The Council should allow them the leeway to do that, as it could not "turn history back and bring them again under the wing of the Trusteeship Council".

Regarding the situation in Palau, he said there was little doubt that some incidents of violence and wrongdoing had taken place at the time of the August referenda. That was deplorable, although petitioners had exaggerated the scale and significance of such events. The Visiting Mission to observe the 21 August referendum had concluded that it had not seen any evidence of malpractice or of attempts to improperly influence the voters. As for other allegations of wrongdoing, investigations were continuing.

The fact was that a legal challenge to the constitutional amendment procedure had not been successfully filed, and the Palauan Supreme Court had been able without intimidation to uphold the plaintiff's case, he continued. That was testimony to the independence of Palau's judiciary and the health of its democratic institutions. Just as it was for Palau's voters to decide on the acceptability of the Compact, so it was for Palau's courts to rule on the legality of any referendum.

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The Soviet delegation had alleged, as it had many times before, that the people of Micronesia had been coerced by the United States into accepting political arrangements against their interests, and that the Administering Authority had deliberately fragmented the Territory, he said. Words such as "blackmail" and "secrecy" bore no relation to the reality of the negotiations between the Trust Territory and the Administering Authority. Over the years, the Micronesians had freely negotiated and voted on arrangements which suited them.

The Soviet representative had asked whether, if they had had the freedom to choose, Micronesians would have given military rights to the United States and had implied that they would not have so chosen, he went on. But on speaking to Micronesians, as he had, it became evident that they feared that some hostile Power would again occupy them. They felt that it was the United States that had rescued them from servitude. They wanted protection from the United States; it was not being forced on them.

Micronesians were free to govern their own internal affairs, yet they were able at the same time to rely on the protection of a major Power in the areas of security and defence, where they could not have the necessary resources to provide for themselves, he said. The Council had recognized that two years ago when it had determined that it was appropriate for the trusteeship to be terminated. Micronesians should not be subjected to repeated external interference by those who had their own interests and not the interests of the Micronesians in mind.

The Soviet delegation had claimed that the new status arrangements for the Trust Territory were part of some scheme of the United States to turn the Trust Territory into a military installation, he went on. But if that were so, the United States would seek to prolong the trusteeship, as that Agreement gave the United States more rights in the military sphere than did the Compact of Free Association or the Commonwealth Covenant. That in itself should be adequate to dispel ill-informed and at times ill-intentioned allegations that were so frequently heard in the Council.

Under the new status arrangements, the United States was assuming responsibility for the defence of the four Micronesian entities, he continued. That responsibility carried with it certain rights, without which it could not carry out its defence obligations. Those rights were simply designed to ensure that in time of crisis the United States had the available options it needed to defend the islands.

It had also been alleged that the people of Micronesia had not been allowed to make a free choice as to their future political status, he said. That was not true. The new status arrangements were the culmination of a lengthy process which began nearly 20 years ago. Since then, the Micronesians had drawn up their own Constitutions, had negotiated their respective new status arrangements and had participated in the referenda to endorse those agreements. The fact was that the people of Micronesia, while they had the opportunity to do so, had not opted for any other alternative, such as independence of association with another state.

Mr. BYKOV (Soviet Union) said not only his country, but many others, including the United Kingdom, in many fora had advocated close compliance with the United Nations Charter. He was surprised that the representative of the United Kingdom had commented liberally on what he had said in his previous statement. The United Kingdom representative had referred not to the legal basis at issue but to the impressions he had received during his visits to the Trust Territory. That was insufficient.

The Trusteeship Agreement had been adopted by the Security Council and spoke of one integral Trust Territory of the Pacific Islands, he went on. That did not mean there could not be any changes. However, the Charter clearly established that all United Nations functions in strategic Territories were prerogatives of the Security Council. That was something with which the Administering Authority and the Council must comply, as the representative of the United Kingdom knew very well.

Further, he said, the representative of the United Kingdom, in speaking of various petitions, had treated them as mere allegations, and thus essentially rejected them. Such an approach was not advisable. Expressions of concern by members of the Territory must be given scrupulous consideration by the Council. Due to the difference in size between the Trust Territory and the United States, the Council must ensure that no pressure was being applied to the Territory. Eyewitnesses had testified that pressure had been applied during the referenda. He asked who the Council should believe -- eyewitnesses, or people who had only briefly visited the Territory.

Mr. BIRCH (United Kingdom) said that in any political negotiation, as had been conducted by the Administering Authority in Micronesia, there would always be people who were dissatisfied with the outcome. As it was a democratic society, those people had the opportunity to air their views, and they had come to the Trusteeship Council to present their disagreement with the outcome. The fact was that there was over 70 per cent support for the Compact. In a democratic society, a 70 per cent agreement was considered significant.

The United Kingdom was a firm upholder of the Charter, he stated. Everything the United Kingdom had said at and past sessions of the Council, and the position it took on the Trust Territory, were entirely consistent with the Charter. The United Kingdom was committed to defending the right of the Micronesians to make their own choice about their political future, free from outside interference and in accordance with the Charter.

#### Closing Statements

SAMUEL F. MCPHETRES (United States), speaking on behalf of Janet McCoy, representative of the United States Department of the Interior, said it had been implied many times during the present session of the Council that the social structures of Palau had collapsed and that chaos had reigned for a time. In fact, at no time over the past year had law and order broken down. There had been periods of tension, several acts of deplorable and inexcusable violence, and even a death. However, a review of the actual events showed

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that those were isolated, individual acts which had taken place in a brief period quickly followed by a rapid return to normalcy.

During the period in question, there had been at least two Visiting Missions from the Council to Palau, he continued. At no time did any member of the missions consider themselves threatened by a lack of law enforcement nor did they note any social breakdown in the area. Palau was calm and people were going about their lives in a normal manner.

While there was no way to avoid the fact that there was a drug problem in Palau, the Palauan police had a task force utilizing expertise provided by various United States law enforcement agencies working on the problem, he said. The Administering Authority was providing all the assistance and support requested by the Government of Palau and expected positive results within a reasonable period.

Regarding economic development, he said there had been considerable progress in the private sector over the past several years. For the first time in the history of the the trusteeship, employment in the private sector was equal to that in the public sector. The private sector was growing. Foreign investment projects were under consideration for major hotel construction, fisheries and other developmental projects which would raise the private sector employment substantially above that in the public. The economic development of Palau was progressing at a reasonable pace.

Budgeting priorities were the responsibility of the Government of Palau, and while adequate funding would be made available under the trusteeship level funding, it would be up to the constitutional authorities of Palau to determine where the money would be allocated, he said.

He said that last July, when secretarial order 3119 had been implemented, the Office of High Commissioner was abolished and transferred to the Office of Territorial and International Affairs of the Department of the Interior. He assured the Council that Ms. McCoy's new office would continue to be sensitive to the requirements of the trusteeship and the advancement of the people of the Trust Territory.

VICTORIO UHERBELAU, representative of Palau, said petitioners had alleged that Palau's overwhelming economic dependency on United States economic assistance had foreclosed other status options than that of the proposed Compact of Free Association. They had cautioned the Council against termination of the Trusteeship Agreement with respect to Palau until its economy became more self-sufficient. However, it had taken more than 40 years for Palau's economic growth to reach its present level. Without a drastic infusion of external sources of financial and economic assistance, it was naive for well-meaning petitioners to think that the republic's economy could become self-sufficient overnight. For Palauans, any status change would be an improvement over the status quo.

He said he appreciated the assurance that the approval process of the Compact was of local concern and free from interference by the Administering

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Authority. However, there was some truth in what petitioners had said, namely, that the Compact ought to have been negotiated in strict conformity with Palau's Constitution. The election results of six Compact plebiscites, coupled with Palau Supreme Court rulings, ought to make clear that the constitutionally mandated 75 per cent majority vote was nearly an impossible task.

It was no secret that, but for its nuclear provisions, the Compact would have needed only a simple majority vote to be approved and would have taken effect long ago, he went on. He wondered if the Administering Authority would be willing to reconsider its position and to open a dialogue on the Compact, in order to consider the feasibility of excising from it the nuclear provisions. Those provisions could be dealt with under a separate treaty which could be voted on as a separate question.

The Compact formed a unique, friendly and lasting relationship of equal partnership, and was not a defence treaty, he said. The desires and aspirations of Palauans for their future political status should not be sacrificed at any cost. Free association was not the only status option open to Palau, and Palauans were seriously considering their options.

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