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Fifty-seventh session

VERBATIM RECORD OF THE SIXTEEN HUNDRED AND EIGHTIETH MEETING

Held at Headquarters, New York,  
on Wednesday, 30 May 1990, at 10.30 a.m.

President:

Mrs. GAZEAU-SECRET

(France)

- Report of the Secretary-General on credentials
- Examination of the annual report of the Administering Authority for the year ended 30 September 1989: Trust Territory of the Pacific Islands (continued)
- Examination of petitioners (continued)
- Report of the United Nations Visiting Mission to Palau, Trust Territory of the Pacific Islands, 1990
- Programme of work

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The meeting was called to order at 10.50 a.m.

REPORT OF THE SECRETARY-GENERAL ON CREDENTIALS

The PRESIDENT (interpretation from French): As members will recall, at its 1673rd meeting, held on 8 January 1990, the Trusteeship Council decided to defer to the fifty-seventh session consideration of the report of the Secretary-General on credentials for the twentieth special session of the Council. In that connection, I wish to draw members' attention to document T/1946, containing the report of the Secretary-General for the twentieth special session.

If there are no comments, I suggest that the Council should decide to take note of the report of the Secretary-General on credentials for the twentieth special session.

It was so decided.

The PRESIDENT (interpretation from French): The Council will now consider the report of the Secretary-General on credentials for the fifty-seventh session, contained in document T/1949. If there are no comments, I suggest that the Council should decide to take note of the report of the Secretary-General on credentials for the fifty-seventh session.

It was so decided.

EXAMINATION OF THE ANNUAL REPORT OF THE ADMINISTERING AUTHORITY FOR THE YEAR ENDED 30 SEPTEMBER 1989: TRUST TERRITORY OF THE PACIFIC ISLANDS (continued)

EXAMINATION OF PETITIONERS (continued)

The PRESIDENT (interpretation from French): We shall now hear Mr. Glenn Alcalay, whose request for hearing is contained in document T/PET.10/745.

I invite Mr. Alcalay to take a place at the petitioners' table.

At the invitation of the President, Mr. Alcalay took a place at the petitioners' table.

The PRESIDENT (interpretation from French): I call on Mr. Glenn Alcalay.

Mr. ALCALAY: As a representative of the National Committee for Radiation Victims, I wish to thank the Trusteeship Council for the opportunity to appear before it once again concerning the current situation in the Trust Territory of the Pacific Islands, the last remaining Trust Territory. I also wish to extend my apologies for having been out of the country during the Council's regular hearing of petitioners, and I am grateful for the Council's courtesy in hearing me at this late date.

Having just returned from the Republic of the Marshall Islands, I shall base my remarks and comments on the insights and information gathered during my recent three-week visit.

As the Council has previously heard in the petition of Professor Roger Clark, a United States Department of Energy document regarding a United States contingency plan to resume atmospheric nuclear testing in the Marshall Islands has now surfaced. In what has been referred to as the Safeguard "C" memorandum of 23 March 1982, Herman Roser, Assistant Secretary for Defense Programs for the Department of Energy, laid bare a secret scheme for the possible resumption of above-ground nuclear testing in the already contaminated Marshall Islands:

"When the DOE [Department of Energy] was created in 1977, responsibility for the Marshall Islands program was assigned to EP [Environmental Protection]. With the exception of the professional medical capability, the technical resources that are in use in the Marshall Islands are largely weapons-programs-related, and most of the DOE's logistic and support base is common to the Safeguard 'C' readiness programme. Safeguard 'C' is one of the four safeguards in the Nuclear Test Ban Treaty and requires the United States to maintain the capability to resume atmospheric testing. In fact, much of

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the field effort in the Marshall Islands is an exercise of the expeditionary capability which is an important aspect of the Defense Programs'

Safeguard 'C'."

In his letter of 3 May to Marshall Islands President Amata Kabua, Rongelap Senator Jeton Anjain stated that

"the Marshall Islands were maintained as a test site - a very special kind of test site. Only the nature of the test has changed. From testing bombs and weapons, DOE undertook long-term human and environmental testing so they [the Administering Authority] would understand the long-term effects of radiation should the U.S. be required by political or military circumstances to use such weapons again in the future."

Senator Anjain also requested in the letter to his President that he should file a "diplomatic protest with the United States Government in the appropriate manner in which you, on behalf of Rongelap and all other Marshallese people, demand a full and complete accounting of what the Department of Energy did, why they did it, and why it was kept secret."

Senator Anjain also asked President Kabua to inquire whether Safeguard C violates the letter and the spirit of the Compact of Free Association, which distinctly prohibits the detonation of any nuclear weapon in the Marshall Islands. It should be noted that I have provided the Council Secretary with copies of both the 1982 Department of Energy memorandum and Senator Jeton Anjain's letter.

(Mr. Alcalay)

While in Majuro and Ebeye during the release of the Safeguard "C" document - and as advertised by a headline story in the 11 May 1990 Marshall Islands Journal - it was my impression, as a fluent speaker of the Marshallese language who spoke at great length with many of the island leaders, that most Marshallese I encountered, including several senators to the Nitajela or Parliament, some Cabinet members, traditional iroij or chiefs and ordinary Marshallese, were stunned by this newest revelation about hidden United States strategic realpolitik in their islands.

In his May 1990 report on the South Pacific, Congressman Stephen Solarz, Chairman of the Subcommittee on Asian and Pacific Affairs of the United States House of Representatives, reported that there is

"perceived United States support for the French nuclear testing programme in the South Pacific"

and Solarz recommended that the United States sign the protocols of the Treaty of Rarotonga, known as the South Pacific Nuclear Free Zone Treaty. Not surprisingly, many in the Marshall Islands, after the release of the Safeguard "C" document, likewise questioned the Administering Authority's nuclear intransigence and the further threatened assault on their sovereignty as a fledgling republic.

Quite recently, two independent researchers discovered that the spread of caesium-137 was far more extensive than previously believed. Caesium, a man-made isotope that comes from atomic and hydrogen bomb testing, was discovered on six atolls in the northern Marshall Islands, in addition to Bikini, Eniwetok, Rongelap and Utirik, by health physicist Nathan Greenhouse and epidemiologist Thomas Hamilton. That finding portends that the health and environmental damage from the nuclear-testing era is still surfacing as we move into the 1990s. It is hardly a wonder that the Administering Authority pushed so hard to remove the more than \$5 billion in lawsuits under the so-called espousal clause of section 177 of the Compact.

(Mr. Alcalay)

Even the Council's own Visiting Mission to the September 1983 Marshall Islands plebiscite stated that

"The United States insists upon the espousal of claims and has stated there cannot be a compact of free association for the Marshall Islands without a radiation agreement (177) that includes espousal". (T/1865, annex IV, para. 2) In fact, the Visiting Mission concluded that "No other subject attracted comparable attention in the campaign" (para. 30).

While in Mejjato - the island for relocated Rongelap people - with Senator Anjain recently, I learned that several Rongelap islanders are considering yet another move, to Eneko island in the Majuro atoll. The feeling of many is that medical emergencies will be easier to deal with if they are closer to the more adequate facilities on Majuro than on Ebeye. Additionally, it is universally felt that Mejjato is only a temporary move in a culture where land means everything. "A Marshallese without land is no Marshallese at all." This further threatened sociological dislocation and uncertainty in the midst of the Bikini and Eniwetok dislocations loudly bespeaks the great and historic distrust between the United States Government, and in particular the Department of Energy, and people who were on the receiving end of the United States hydrogen-bomb programme.

We have heard of the plan to ship household garbage from the west coast of the United States to the Marshall Islands. In a rift between the principal heads of the Seattle-based Admiralty Pacific Company last year, it was learned that the supposedly benign household garbage, which will contain toxic leachates, was intended to hide shipments of nuclear waste from a New Jersey company. Following his exposure of the nuclear-waste plan, Daniel Fleming broke with Admiralty Pacific, started his own company, called MicroMar, and is moving ahead to ship west-coast household garbage as in the original plan.

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James Thompson of Admiralty Pacific, obviously feeling the fallout over the proposed nuclear-waste scheme, has now switched to selling mountains of used tyres from Canada and the United States to form "artificial reefs" in the Marshalls. As any ship captain who has had to manoeuvre delicately through the treacherous shoals and coral heads throughout the Marshalls can readily aver, about the last thing the Marshall islanders need is more reefs. That more than 40 other third-world nations, including several cash-poor Pacific island nations, rejected the garbage plan outright should tell us something about the nature of the great economic dependency intentionally instituted, in the manner of the infamous 1963 Solomon report in the Trust Territory of the Pacific Islands, and the Marshalls in particular.

In addition to their views on the "artificial reefs" being proposed by Admiralty Pacific and MicroMar, the overwhelming sentiment among many Marshallese political and business leaders I recently encountered concerns the very great uncertainty that awaits them as the Compact spigot runs dry in the year 2001. Built upon an artificial reef of annual cash infusions from the United States Treasury, the artificial and asymmetrical economy of the Marshall Islands opens some island leaders to such preposterous and potentially threatening schemes as accepting first-world garbage, in opposition to the United Nations Environment Programme's concern about the international trade in waste, which always ends up in the third world.

While in the Marshall Islands recently, I was deluged by the opinion that "Ebeye has been really turned around compared to just five years ago". I was in Ebeye five years ago, and I was also in Ebeye 10 and 15 years ago. It must be stated from the outset that Mayor Alvin Jacklick and the rest of his Kwajalein atoll local government have done a Herculean job of bringing water, electricity and a paved road and sidewalk to the "slum of the Pacific", and in that connection they

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deserve all the credit for turning that inhospitable island into a little less inhospitable place. But Ebeye is still Ebeye, where throngs of young children play in the streets, dodging the endless stream of cars and taxis, because they have no other place to play and enjoy recreation. With 55 per cent of the Marshallese population of 50,000 - and 55 per cent of Ebeye's population of 10,000 - 14 years old or younger, we are looking at a demographic time-bomb which threatens to explode in the immediate future.

Ebeye, with its unprecedented male suicide epidemic, high unemployment rate, cramped packing-crate houses where it is common for a family of 12 to live in a single room, increasing crime and violence and looming despair and degradation, is an aberration throughout the entire Pacific and exists solely because of the United States missile base at Kwajalein. If there were no missile base, there would be no Ebeye. As a social scientist long concerned about the appalling conditions at Ebeye, I have believed that the furtherance of United States strategic interests should not be carried out on the backs of the Marshallese people, a society already reeling from the effects, many of them still unknown, of nuclear testing and massive sociological dislocation. Perhaps as the cold war winds down, the Administering Authority will see fit to phase out its Kwajalein programmes, both to reduce super-Power tensions and to benefit Marshallese society and culture by severely reducing the United States military presence in the region.



(Mr. Alcalay)

In this regard the recent Palau plebiscite of 6 February, whereby the Compact received the lowest voter support yet, demonstrates that, where the will of a people - as the United States painfully learned in Viet Nam - confronts the greatest military might, the will of the people shall prevail. It can only be hoped that the Administering Authority will take a lesson from its counterpart in the Soviet Union, where President Mikhail Gorbachev unilaterally cut the Soviet military presence at Cam Ranh Bay, and will likewise draw down United States forces and bases in the Asia-Pacific region to increase international stability in the increasingly amiable climate between the super-Powers.

In conclusion, I offer the following recommendations for the Administering Authority. First, the Administering Authority - and the United States Congress in particular - should be urged to release the funding for the Phase II Rongelap independent assessment to ascertain whether Rongelap Atoll is safe for the inhabitants to return or whether those unfortunate people must now and forever abandon any prospect of safely returning home to resume their livelihoods. Secondly, the Administering Authority should be urged to consider expanding the Section 177 nuclear trust fund if it is demonstrated that the radioactive fallout contamination is far more extensive than previously reported. Thirdly, the Administering Authority should respond to Rongelap Senator Anjain's letter of 3 May 1990 to President Amata Kabua concerning the Safeguard "C" plan to resume atmospheric nuclear testing in the Marshalls and determine whether Safeguard "C" violates the provisions of the Compact. Lastly, the Administering Authority should be requested to delete the military provisions of the Palau Compact as an act of good faith by the United States Government in the light of the now ludicrous series of failed plebiscites and in conformity with the Charter of the United Nations, with General Assembly resolution 1514 (XV) of 14 December 1960 and with the declared United Nations International Decade for the Eradication of Colonialism.

The PRESIDENT (interpretation from French): Since no member of the Council wishes to ask the petitioner any questions, I invite him to withdraw from the petitioners' table.

We have just heard the last petitioner for this session. I understand that the representative of the Administering Authority wishes to make a statement, and I now call upon him.

Mr. WILKINSON (United States of America): As our delegation promised last week, we are prepared to address the issues raised by the various written and oral petitions during this session.

There is considerable overlap between petitioners. They generally focused on a limited set of major themes, which, with some slight exceptions, can be grouped into four categories: first, the issue of the Administering Authority's role regarding the Compact and the Palauan Constitution; secondly, the alleged militarization of Palau; thirdly, the economic viability of the Republic of Palau after termination and, lastly, the responsibilities of the Administering Authority regarding the day-to-day conduct of business in Palau. There are one or two significant points outside of those categories, and I will also address them, as appropriate.

Let me first take up the issue, referred to many times in the written petitions and in several of the oral presentations, of the United States role with respect to plebiscites on the Compact of Free Association. The record is clear that in all seven plebiscites it was the Government of Palau - that is to say, the Palauan National Congress and its executive branch - which decided the dates of the plebiscites, the wording of the ballot and the conditions for the conduct of the plebiscites. At no time did the Administering Authority force, coerce or otherwise influence those decisions on the part of the Government of Palau. The decisions were the Palauan Government's alone to make.

(Mr. Wilkinson, United States)

In addition, some have asserted that the Administering Authority is attempting to force a Compact on the people that is unpalatable to them and contrary to their Constitution. Those are false and misleading charges. As the Council knows, the Compact of Free Association between the United States and Palau is a negotiated document reached through compromise and negotiation between the parties, which fully respected each other's views and desires. In addition, several years ago the Compact was amended by mutual agreement to make it compatible with the Constitution of Palau, and the courts of Palau have continued to interpret the Constitution as requiring 75 per cent ratification of the Compact.

It is at the same time true that we as Administering Authority wish to terminate the trusteeship for Palau as soon as possible. Our attitude on this is in full concurrence with Trusteeship Council resolution 2183 (LIII) and, we believe, with the wishes of the people of Palau. We have made it abundantly clear that the decision is up to the people of Palau. The opening statement of Assistant Secretary of the Interior Guerra reaffirmed that position before the Council.

A second theme of the petitioners, the alleged militarization of Palau, is simple to address. There is not now any militarization of Palau, nor are there plans to establish military bases or facilities there. Moreover, we would note that under the Trusteeship Agreement currently in force, the Administering Authority has long had military rights in the Territory and has never acted on those rights.

The only military presence in Palau - and this has been verified by several Visiting Missions from the Council - is a 13-man Civic Action Team from the United States Navy. They are drawn from United States Navy "Seabees," or construction support personnel, and their only purposes in Palau are to assist the local people in the construction of small-scale projects of a public-service nature, to train

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local people in construction techniques and to provide emergency medical aid through the medical technician assigned to the Team. The teams rotate every eight months or so and have been one of the most popular of our projects in the Territory. In sum, the argument that the Administering Authority is contemplating militarization of Palau is without foundation.

(Mr. Wilkinson, United States)

Turning to the next common petitioner theme, I note that it is argued that Palau is not sufficiently developed economically to stand on its own upon termination of the trusteeship. In general, we fully share the concern about Palau's economic development. We would, however, reiterate the point that there is no universally accepted criterion of self-sufficiency before trusteeship termination can take place. Indeed, if history is any guide, Palau is well past the level of development at which others have made the change in question.

Certainly, much progress has been made in Palau. By either measurement, per capita gross domestic product or per capita income, Palau is well ahead of most other Pacific island nations. In fact, it is well ahead of many countries around the world. There are paved roads in the major populated areas; a new hospital is under construction; there is electric power; there are hotels and tourist facilities. I could go on with a list that compares more than favourably to any similar entity. We have, as the Assistant Secretary stated in her opening remarks, a new operations-and-maintenance project worth millions of dollars under way in Palau that will bring many earlier capital-improvements projects up to their original specifications. Within that framework, the United States administration and Congress will continue to work with the Palauan Government to establish priorities and make plans for resource allocation. In that context, with reference to a point raised by the representative of China, I would note that all aspects of infrastructure development are being addressed, including maintenance and/or expansion of the 50 miles of paved roads already built in Palau.

As I stated earlier, there is no prescribed standard to which the Administering Authority can be held before a Trust Territory can be granted the full measure of self-government. For some, it seems that only a replication of Hawaii's high standards of living would be enough. For others, impatience for self-government eclipses any desire for economic development.

(Mr. Wilkinson, United States)

We believe that for Palau the reality lies somewhere in between. Moreover, with the adoption of the Compact, there are myriad development projects that are guaranteed during the life of the Compact. If Palauans should choose a different political status, we shall seek other arrangements, as appropriate, to provide development assistance.

In sum, we fully agree with the principle expressed by the United Nations that the level of economic development should not be a consideration in the granting of self-government to a Trust Territory, and in particular we believe that Palau is more than ready to move ahead.

We come to the final issue raised by several petitioners - the continuing responsibility of the Administering Authority pending adoption of some future political status by Palau. I can assure the Council that the United States as Administering Authority will continue to live up to the letter and spirit of all its obligations in that regard. And, with particular reference to bilateral Palau-United States agreements, we shall continue as well to implement all appropriate provisions thereunder.

We call to mind as well the conclusions of the United States Congressional General Accounting Office concerning inadequate oversight by the United States Government over public administration in Palau. As we stated in our opening remarks, we have taken many of the General Accounting Office's recommendations to heart. In the near future, we shall be sending a high-level official to be assigned to the Trust Territory to monitor budgetary and other activities that have proven susceptible to problems in the past. Such problems could have been avoided with proper guidance and advice, and we expect to work closely with the Government of Palau on doing so in the future.

(Mr. Wilkinson, United States)

That, in conclusion, addresses the main themes raised by the petitioners. We wish to express our appreciation to the many oral and written petitioners for their interest in and concern about the future of Palau. Again, we note that many of the written petitions have been overtaken by recent developments and that many were based on outdated information. We do not question their sincerity, however, and we would invite them to write directly to the Office of the Assistant Secretary of the Department of the Interior for up-to-date and accurate information concerning the administration of the Trust Territory. We have responded directly to those questions that were addressed to the United States Government, and we shall continue to do so.

With respect to those presentations not related to Palau, we must repeat what was stated in Assistant Secretary Guerra's opening statement - that we stand fully behind conclusion 4 of the Trusteeship Council's report to the Security Council last year and would again suggest that established bilateral mechanisms should be employed to resolve real or perceived differences.

We should also like to applaud the petitioner who named Palau as number one of the Seven Underwater Wonders of the world. We fully agree that the beauty and wonders of Palau's ecology and environment, both marine and terrestrial, must be protected and preserved. We shall continue to work with the authorities of Palau to safeguard the environment in the light of the growth of the tourism sector and other economic activities.

I am grateful for this opportunity to reply to the petitioners. Should there be further detailed questions, my delegation stands ready to respond.

The PRESIDENT (interpretation from French): If there are no further speakers, the Council has thus concluded consideration of this agenda item.

It was so decided.

REPORT OF THE UNITED NATIONS VISITING MISSION TO PALAU, TRUST TERRITORY OF THE  
PACIFIC ISLANDS, 1990 (T/1942)

The PRESIDENT (interpretation from French): In connection with this item, I should like to draw members' attention to draft resolution T/L.1275, which was sponsored by three delegations and which takes notes of the Visiting Mission's report and expresses our appreciation of the work accomplished on our behalf by the Visiting Mission.

I now call on the representative of the United Kingdom, who will introduce the draft resolution.



Mr. SMITH (United Kingdom): I have the honour on behalf of the three delegations which are sponsoring the draft resolution - namely, China, France and the United Kingdom - to introduce draft resolution T/L.1275. The President has already summarized the main characteristics of the draft resolution, so I simply would like to point out that it very closely follows similar resolutions the Council has adopted in previous years in relation to earlier Visiting Missions. In particular, the two operative paragraphs are identical with those of earlier resolutions of this kind.

I therefore hope that it will be possible for us at one of our coming meetings to adopt the draft resolution without a vote.

The PRESIDENT (interpretation from French): Since no delegation wishes to comment on the draft resolution today, I would suggest that the Council should take a decision on the draft resolution at its next meeting. If I hear no objection, I shall take it that the Council agrees.

It was so decided.

The PRESIDENT (interpretation from French): Before I adjourn this morning's meeting, the representative of Papua New Guinea has asked to make a statement, and I now call upon him.

Mr. LOHIA (Papua New Guinea): I should like to take this opportunity to thank the Council, through you, Madam President, for allowing our Government and delegation to participate in the process of self-determination under the Trusteeship Agreement. We believe and will continue to believe that the rights of the people of Palau and the aspirations of the people of Palau must be the paramount consideration, and, having said that, I should like to thank you and the Council once more for allowing us to participate in the process of self-determination in Palau.

The PRESIDENT (interpretation from French): On behalf of the Council, I should like to say that we have been very pleased with the participation of the Ambassador of Papua New Guinea and his delegation in the Council's work.

#### PROGRAMME OF WORK

The PRESIDENT (interpretation from French): Before adjourning the meeting, I should like to say a few words about the Council's programme of work. This afternoon the Drafting Committee is to meet, and there will therefore be no meeting of the Council. I think that the Drafting Committee will be able to circulate its draft conclusions and recommendations by the end of the afternoon, as planned. Thus, other delegations can have them sufficiently far in advance to hold consultations this afternoon or tomorrow, either among themselves or with members of the Drafting Committee. I would therefore also suggest that there should be no meeting of the Council tomorrow, so that delegations may continue their consultations on the draft conclusions and recommendations. Theoretically, and I hope that this will prove to be true, the consultations should lead tomorrow to the drafting of a final text that could be issued on Friday as an official document of the Council.

If I hear no objections, therefore, I suggest that tomorrow we should devote all our efforts to the finalization of this part of our report in consultations and not hold an official meeting of the Council. The next meeting of the Council will be at 10.30 a.m. on Friday, 1 June, at which time the Council will hope to conclude its work by hearing final statements from the Administering Authority, if it so desires, and any other delegation that wishes to speak. Secondly, the Council will take a decision concerning draft resolution T/L.1275, which has just been introduced by the representative of the United Kingdom, on the report of the Visiting Mission to Palau and also take a decision concerning the draft conclusions and recommendations of the Trusteeship Council, which will subsequently be included

(The President)

in the report of this session. Thirdly, the Council will consider agenda items 11 and 12, which are still open; and, lastly, the Council will suspend the session, which will be resumed, if necessary, before the next session of the General Assembly, that is, some time during the month of August.

If I hear no objection, I shall take it that the Council agrees with what I have suggested.

It was so decided.

The meeting rose at 11.40 a.m.