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Fifty-ninth session

VERBATIM RECORD OF THE 1692nd MEETING

Held at Headquarters, New York,  
on Wednesday, 27 May 1992, at 10.30 a.m.

President: Mr. FELIX-PAGANON (France)

- Examination of the annual report of the Administrative Authority for the year ended 30 September 1991: Trust Territory of the Pacific Islands (continued)
- Hearing of petitioner
- Dissemination of information on the United Nations and the International Trusteeship System in Trust Territories: report of the Secretary-General (Trusteeship Council resolution 36 (III) and General Assembly resolution 754 (VIII))
- Examination of petitions

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- Offers by Member States of study and training facilities for inhabitants of Trust Territories: report of the Secretary-General
- Organization of work
- Report of the United Nations Visiting Mission to Palau, Trust Territory of the Pacific Islands, March 1992 (continued)
- Appointment of the Drafting Committee
- Organization of work

The meeting was called to order at 11 a.m.

EXAMINATION OF THE ANNUAL REPORT OF THE ADMINISTERING AUTHORITY FOR THE YEAR ENDED 30 SEPTEMBER 1991: TRUST TERRITORY OF THE PACIFIC ISLANDS (T/1962\*) (continued)

- HEARING OF PETITIONER

The PRESIDENT (interpretation from French): As agreed at yesterday morning's meeting, we shall now hear the petitioner whose request for a hearing is contained in document T/PET.10/759.

Mr. Thomas Renguel will make a statement on behalf of Otil a Belaud.

At the invitation of the President, Mr. Thomas Renguel took a place at the petitioner's table.

The PRESIDENT (interpretation from French): I now call on Mr. Renguel.

Mr. RENGUEL: We would like to thank you, Mr. President, and the other members of the Trusteeship Council for the opportunity to present this petition today. My name is Thomas Renguel. I represent Otil a Belaud, a group of Palauan citizens concerned about the future of Palau. Accompanying me are Sara Rios and Anne Simon from the Center for Constitutional Rights.

We would like to express our appreciation to the Trusteeship Council for the efforts of the Visiting Mission that came to Palau in March of this year. We are particularly grateful for the opportunity we had to express our concerns in a public meeting with the members of the Visiting Mission. We

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\* Reissued for technical reasons.

(Mr. Renguel)

believe that the Visiting Mission saw first hand the vulnerability of our small islands, especially the delicate coral reefs which are the means of our livelihood. We hope that you, Mr. President, and the other members of the Trusteeship Council will take to heart the importance to us of strong policies for the protection of our environment, our home.

We are hopeful that the decision of President Bush to attend the "Earth Summit" meeting of the United Nations Conference on Environment and Development (UNCED) in Brazil next month is an indication that the Administering Authority will make a commitment to support a just, environmentally conscious and ecologically sound future for the entire world, as we are trying to do on a small scale in our islands of Palau. For us, citizens of islands in a vast ocean, environmental problems such as impending climate change are not abstract, or secondary, or something that requires further study: they are a direct threat to our livelihoods, and potentially to our very existence. It is vitally important to us that all nations recognize this threat and take serious steps to end it.

We also remain concerned about the continuing threat to us and to all other peoples posed by nuclear weapons. We are grateful for the continuing efforts of the nations possessing nuclear weapons to reduce the numbers of those weapons and to guard against their use; we hope that even more rapid progress will be made in the near future.

(Mr. Renguel)

Regretfully, we must note that our efforts in Palau to keep our own country nuclear-free have not received the respect and support from the Administering Authority that they are due. As you, Mr. President, and the members of the Trusteeship Council are aware, the process of ending the Trusteeship for Palau has continued to founder because of the demands of the Administering Authority for unlimited military access to the land and waters of Palau.

On seven occasions in the past 11 years, Palauans have rejected the proposed Compact of Free Association, which contains provisions for unrestricted United States military access as the basis for our post-Trusteeship status. The Compact proposed has failed because it has not obtained the 75 per cent majority vote mandated by our Constitution, which was overwhelmingly adopted by our citizens. Despite this clear message from Palauans, the Administering Authority has not yet adjusted its Compact position to reflect the military realities of the post-Cold War world. The elaborate military provisions of the current Compact proposal, embodied in its Title III, are simply obsolete. We do not want our post-Trusteeship relationship with the United States to be based on such a militarized, backward-looking view of the world.

We continue to pay a high price for the intransigence of the Administering Authority on the proposed Compact. We would like to bring to the attention of the Trusteeship Council Palau Executive Order No. 111, recently signed by our President. This Executive Order sets up a referendum on amending our Constitution to make it easier to adopt the same Compact of Free Association that we have already rejected seven times.

(Mr. Renquel)

We are deeply concerned that our leadership, as well as many Palauan citizens, has come to believe that mutilating our democratically drafted and chosen Constitution is a necessary price to pay for agreeing to the Administering Authority's current proposal for free association. This unfortunate and dangerous situation has been fostered by our ignorance of other possible status options and how to obtain them, as well as by fear of being cut off from United States financial assistance, on which we - like so many colonized peoples around the world - have become dependent. Technical assistance and information about efficient and sustainable fisheries, agriculture and other forms of trade will be of much more use to us than another referendum about our political status. What we need are the tools for building a strong economic base on our own resources, not imported needs and resources.

Moreover, serious questions have been raised about the validity of the petition for an amendment vote on which the Executive Order is based. We believe that this Council should be aware that the validity of many of these signatures on the petition has been questioned. Although the petition signatures were validated by our Election Commissioner, it now appears that this was done in haste, without the examination and investigations necessary for an accurate determination. The Olbiil Era Kelulau (OEK), Palau's National Congress, is considering the creation of an investigative commission to look into the problems of validity of the petition. An additional question is the legality of the Executive Order's unilateral assertions that the President will reprogram funds already appropriated by the OEK for other purposes, in order to pay for the referendum on the constitutional amendment.

(Mr. Renquel)

Our concern about the Executive Order is heightened by our experience of the horrifying period in 1987 in which voting on a constitutional amendment and on the Compact, and subsequent legal challenges to those referenda, were accompanied by a shocking level of lawlessness and violence. We are now recalling that period especially vividly, as the trial of people accused of the murder of Bedor is in progress in Palau. We hope that our legal system will meet the challenge of obtaining justice in that case. We also hope that we will never see a repetition of that kind of violence and breakdown of law and order.

The current trial, as well as the upcoming trial of people accused of assassinating our first President, Haruo Remeliik, highlights another reason that we are concerned, and believe that members of this Council should be concerned, about the possibility of a quick vote on the constitutional amendment, followed by a quick vote on the Compact. A rapid severing of our Trusteeship connections would remove our political process from the general oversight and assistance of this Council, before we have learned how to combat and prevent corruption and illegality in government.

After all, the concept of democracy, for which we are deeply grateful, was introduced into Palau only with the advent of the Trusteeship; we have had democratic government only since our Constitution went into effect in 1981. We have had problems, documented by the 1989 report of the Administering Authority's General Accounting Office, and acknowledged by many Palauans, with corruption and illegality in some of the actions of our Government. We need some more time to learn how to get it right, so that we do not follow the unfortunate path of many other new democracies, where democratic forms have

(Mr. Renguel)

been subverted and destroyed because the people were unable to nurture and defend them.

We ask the Trusteeship Council:

First, not to send an observation team, if one is requested, to observe any constitutional amendment vote based on Executive Order 111, or any subsequent vote on the Compact of Free Association based on such an amendment vote, unless the serious legal, political and moral questions raised by the Executive Order and the amendment proposal have been fully resolved through Palau's constitutional and legal processes;

Secondly, to urge the Administering Authority not to make available to Palau additional federal funds nor to allow the reprogramming of existing federal funds, for any constitutional amendment vote based on Executive Order 111, or any subsequent vote on the Compact of Free Association based on such an amendment vote, unless the serious legal, political and moral questions raised by the Executive Order and the amendment proposal have been fully resolved through Palau's constitutional and legal processes;

Thirdly, to await the conclusion of all constitutional and legal processes in Palau before accepting or acting on any claim by the Administering Authority that our Constitution has been amended, or that the proposed Compact of Free Association has been ratified;

Fourthly, to urge the Administering Authority to review its position on the terms of the proposed Compact of Free Association, beginning with serious consideration of the proposals for revisions made by the recent Palau Working Group, and expressly including consideration of the elimination of the military requirements set forth in the current Title III and related subsidiary agreements;



(Mr. Renguel)

Fifthly, to help make available to Palau expertise of agencies and bodies of the United Nations to assist with environmentally sound and sustainable development of resources, as Palauans identify their economic and environmental needs;

Lastly, to urge the Administering Authority to make freely available to Palau technical assistance and expertise to assist with environmentally sound, sustainable development of resources, as Palauans identify their economic and environmental needs.

(Mr. Renquel)

In conclusion, we note in the news that 50,000 Amerasian children have been left behind in the Philippines in the wake of the closing of Clark air base and the Subic Bay naval base maintained by the United States. We hear of displaced people, refugees and others who suffer because of the evils of war and military takeovers. We have learned our lessons around the world; please let us not repeat the mistakes. We must all come together as one people around the world to respect and safeguard each other's lives and boundaries as wonderful gifts from creation and from God.

The PRESIDENT (interpretation from French): Since no member of the Council wishes to put questions to the petitioner, he may now withdraw.

The petitioner withdrew.

The PRESIDENT (interpretation from French): Does any member wish to put questions to the representatives of the Administering Authority? Since that does not appear to be the case, I suggest that we continue consideration of this item at our next meeting.

DISSEMINATION OF INFORMATION ON THE UNITED NATIONS AND THE INTERNATIONAL TRUSTEESHIP SYSTEM IN TRUST TERRITORIES: REPORT OF THE SECRETARY-GENERAL (TRUSTEESHIP COUNCIL RESOLUTION 36 (III) AND GENERAL ASSEMBLY RESOLUTION 754 (VIII)) (T/1966)

The PRESIDENT (interpretation from French): To introduce the report of the Secretary-General contained in document T/1966, I should like at this stage to call on Mr. Mustapha Tlili, representative of the Department of Public Information of the Secretariat. Mr. Tlili will make a statement on the activities of the United Nations relating to dissemination of information on the United Nations and the International Trusteeship System in the Trust Territory of the Pacific Islands.

Mr. TLILI (Department of Public Information): Members of the Council have before them the report of the Secretary-General on dissemination of information on the United Nations and the International Trusteeship System in the Trust Territory of the Pacific Islands (T/1966). I am very pleased to have this opportunity to introduce the report and to highlight its main points.

The report covers the period 1 May 1991 to 30 April 1992. During that period the Department of Public Information, taking into account the observations made in the Council at its last session and acting in cooperation with the Department of Political Affairs and the Office of Conference Services, continued its efforts to enlighten the people of the Trust Territory of Palau about their right to self-determination and to inform them on the aims and objectives of the International Trusteeship System of the United Nations. Those efforts are reflected in the report. The Secretary-General explains the mechanisms for the dissemination of information: direct mailing by Headquarters and the mailing of information materials through the United Nations Information Centre at Tokyo.

Members of the Council will also find in the report, and particularly in its annex, details on the nature and quantity of the information materials mailed to the people of Palau. The fields covered include, in alphabetical order: Africa, apartheid, decolonization, development, disarmament, human rights, Palestinian rights, peace-keeping, social affairs and messages and reports of the Secretary-General. In addition to printed materials there were also radio programmes, video cassettes and posters.

Among the materials sent to the Territory from Headquarters it is important to underline the documents of the Trusteeship Council, which were mailed directly to 79 recipients. Those documents included the verbatim

(Mr. Tlili)

records of the fifty-eighth session of the Council. In addition, during the period covered by this report the Department of Public Information produced 10 press releases in English and 10 in French dealing with the work of the Council.

I mentioned earlier that the information activities of the Department during the review period were aimed at enlightening the people of the Trust Territory about their right to self-determination. This is particularly demonstrated in some of the radio programmes disseminated to the Territory through WSZB radio station in Koror. Those programmes were produced under the following titles: "Trusteeship Council debates situation in Palau", a two part programme on "The situation of the United States Trust Territory of Palau in the Pacific region", and "The organs of the United Nations: the Trusteeship Council, its powers and functions". The right to self-determination is also the subject of a number of United Nations publications, such as the quarterly magazine UN Chronicle; the Yearbook of the United Nations, which is now in the production stage; the booklet published by the Department of Public Information, Objective: Justice - Special Issue on Decolonization, volume 22, number 2 of December 1990 (DPI/1108); and the Department's book Decolonization: The Task Ahead - Profiles of 18 Trust and Non-Self-Governing Territories (DPI/1109), produced in 1991.

Regarding feedback, in 1991 the Department of Public Information sent out a questionnaire to 79 recipients in the Trust Territory by direct mail. I regret to say that the response rate has been very poor. A second mailing is planned for 1992, in consultation with the other units of the Secretariat that send information directly to Palau.

(Mr. Tlili)

The Secretary-General also reports that owing to insufficient funds for travel neither the Director of the United Nations Information Centre at Tokyo nor any other representative of the Centre was able to visit the Trust Territory during the period under review.

(spoke in French)

Those are the main points of the report of the Secretary-General.

The PRESIDENT (interpretation from French): I shall now call on members who wish to make comments on the report of the Secretary-General.

Mr. BEREZOVSKY (Russian Federation) (interpretation from Russian): As this is my first statement during the current session, I should like first of all, Sir, to congratulate you on your election to the responsible post of President of the Council. I wish also to congratulate Mr. Thomas Richardson on his election to the post of Vice-President, and to thank him for his work thus far.

We are confident that our work under your guidance, Mr. President, will be just as effective; that confidence is born of the fact that you performed so well as Vice-President of the Trusteeship Council. You were extremely active in that post, which is a guarantee that you will continue actively to carry out work of high quality.

(Mr. Berezovsky, Russian Federation)

I should also like to take this opportunity to welcome here the delegation of the Administering Authority in Palau and the delegation of Palau, which so gladly and warmly welcomed the Visiting Mission to its home. I thank them on behalf of the delegation of the Russian Federation for their welcome and the cooperation they displayed during the Mission. For our part, we should like to assure you, Sir, that our delegation will make every effort to ensure the effectiveness of the work of this session and to cooperate with you and the other members of the Council.

I turn now to the report of the Secretary-General submitted to us at this meeting on the dissemination of information in the Trust Territory. Before I give any definitive opinion on the efforts of the Department of Public Information (DPI) to disseminate publications and information of the United Nations in the Trust Territory, I should like to ask the DPI representative a few questions in connection with the report.

First, the report states that most materials were distributed to the Trust Territory through the Information Centre at Tokyo. My questions are: Does DPI have information as to when and how the materials were sent to the Trust Territory? What was the time frame for this distribution? Does DPI receive information from the Information Centre at Tokyo as to whether the information materials sent from Headquarters were received? I do not ask this question lightly, because I do have grounds for expressing concern on the shortcomings of distribution of information in the Trust Territory. I am certain that there is a lack of information.

The PRESIDENT (interpretation from French): I call on the representative of the Department of Public Information.

Mr. TLILI (Department of Public Information) (interpretation from French): To the best of my knowledge, I can only say at this stage that over the year the United Nations Information Centre at Tokyo sends documentation on the various topics referred to in the report to the people of the Territory. We have a complete list of the recipients of that documentation. This was done in 1991. For our part, in the course of the same year, we also sent documentation sometime around March.

The representative of the Russian Federation asked a question that is of some concern to us, too, regarding the response: that is, what impact this documentation has; whether it is received; what effect it has; and whether this effect can be gauged. Obviously, from that standpoint we have very little information. We have attempted, by sending out a questionnaire - which I in fact have before me and will be pleased to make available to members of the Council - to ask a number of detailed questions concerning the effectiveness and impact of this documentation. It enquires into whether the documentation is received and whether it needs to be reviewed in any way. But we have had only two replies in all.

There can be no doubt that the United Nations Information Centre follows the same methodology. It sent out the same questionnaire to the people of the Territory, to the various organizations and recipients, but there has been no reply from them. Hence, we find ourselves in a vicious circle. Undoubtedly, if the Department had the necessary funds to use more effective methods, we would have different results. But in the present situation we are limited by these constraints. In all sincerity, and to reply directly to the question of the representative of the Russian Federation, we are not currently in a position to determine the precise effect of all our efforts.

Mr. ZHANG Yan (China) (interpretation from Chinese): As I am speaking here for the first time, Sir, I wish to take this opportunity to congratulate you on your assumption of the presidency of the Council for the current session. We trust that under your guidance our work will be fruitful. I also wish to thank your predecessor, Mr. Richardson, for his outstanding efforts and to congratulate him on his election as Vice-President for this session.

I welcome the delegation of the Administering Authority and the representatives of Palau. Their presence and their contributions will be very useful to us. We thank the representatives of Palau, and, through them, the Administering Authority, for their warm welcome to the United Nations Visiting Mission to Palau in March. On his return from the visit my colleague, who was a member of the Mission and has now returned to Beijing, told us that it had made a deep impression on him.

We also take this opportunity to express our grief over the passing of the Chief Justice, Mr. Nakamura.

We have no specific comments on the report of the Secretary-General on the dissemination of information on the United Nations and the International Trusteeship System, and we have no objections, but we wish briefly to share our views on the matter.

Having gone through the report, and having heard the briefing given by the Secretariat official, we have reached a more comprehensive understanding of the work done by the Department of Public Information. The report reflects the fact that the United Nations has done a great deal of work for many years, through the dissemination of information and news in this area, and has made a positive contribution to better implementation of the Trusteeship Agreement



(Mr. Zhang Yan, China)

and operation of the rules and regulations concerning the Trusteeship System. The Chinese delegation wishes to express its appreciation in this regard.

Of course, the tasks of the trusteeship remain unfulfilled, and therefore, as a Department with an important part to play in the dissemination of information on the United Nations, the Department of Public Information needs further to strengthen its efforts in this regard, to contribute to the early completion of the trusteeship tasks.

Paragraph 9 of the report talks about feedback from the recipients of United Nations information. One can see from the paragraph that it has not been very clear. In our view, a poor performance in this area will adversely affect the Department in its efforts to disseminate information. Therefore, we should like to know what specific ideas the Department has to improve its work in this area so that it can be better informed about its own efforts and their effects and discover any shortcomings, so that a further improvement may be made. Has the Department specific ideas for improving its work and the feedback, so as to help improve its efforts in this area?

The PRESIDENT (interpretation from French): Before I call on Mr. Tlili, I should like to know whether there are any other questions, so that Mr. Tlili may reply to all of them in a single statement.

Mr. BEREZOVSKY (Russian Federation) (interpretation from Russian): I asked my first question because, having been a member of the Visiting Mission to Palau, I was interested to know how information on decolonization

(Mr. Berezovsky, Russian  
Federation)

and the United Nations was being disseminated in that Territory. I must say that materials containing such information are available in the Palau centre, in Koror. This may not be true of other islands that are rather remote. For example, I was told that in Peleliu, where I took an interest in these matters, there was no recent information about the United Nations or its work.

(Mr. Berezovsky, Russian Federation)

However, I should like to clarify my question by explaining why I have asked it. There is an indication that things are not going entirely well in this particular field. Perhaps there are some methods of which I am unaware by which one could find a quick answer to the question of whether such information actually reaches those for whom it is intended or whether it is held up in some way. Perhaps the obstacles are purely internal. Clearly, we shall have to seek further clarification from the Palauan representatives. In any event, the situation must be borne in mind and, if possible, corrected.

The Trusteeship Council will of course be interested not only in knowing whether certain information physically reaches the recipients but also in finding out what use is made of it in the Territory. As I understand it, the Department of Public Information (DPI) has sent a questionnaire to the Trust Territory for that very purpose. I appreciate that the financial situation makes it impossible for the United Nations to send representatives on frequent fact-finding missions. We note from the report that representatives of the United Nations Information Centre in Tokyo have not been to the Territory for some time. Obviously, we might go into the question of a visit - perhaps not yearly, but at least once every two or three years - to the Trust Territory, in Palau, by representatives of the Tokyo Information Centre in order to find out on the spot how productive the work of the United Nations, and particularly the work of the Tokyo Information Centre, is.

The PRESIDENT (interpretation from French): I call on Mr. Tlili of the Department of Public Information to reply to the questions that have been asked.

Mr. TLILI (Department of Public Information): In all sincerity, we share all the concerns that have been expressed today by both the

(Mr. Tlili)

representative of China and the representative of the Russian Federation. Yes, we know that there is something wrong with the means of disseminating information to the Trust Territory, in Palau. We do not know whether the documentation we are sending to the Trust Territory does in fact actually reach the recipients. We do not know exactly what use is made of the publications and other information materials. Scientifically speaking, the only way to measure its impact would be for us to have some feedback, and we do not have such feedback. We devised a questionnaire on the basis of a list provided by the Department of Political Affairs, and the response to it has been very poor.

How can the situation be remedied? First, I would like to say that we would be very grateful to the members of the Trusteeship Council for any specific ideas they might have that might help us, taking into account the fact that we do not have funds to undertake concrete measures to find out what is happening. We would also be grateful if the Administering Authority could give us some of their ideas on how to reach the people of the Territory through other lists it might have.

The representative of the Russian Federation mentioned the possibility that the Director of the Information Centre in Tokyo might go to the Trust Territory, if not every year, at least every two or three years. That is something that would require serious consideration by the Department to see to what extent some financial provision might be made so that that could happen. Certainly, that would be one of the most efficient ways to find out on the spot what is happening to the documentation we are sending and that other Departments in the Secretariat - I mentioned the Office of Conference Services - are sending. I should also be grateful for the suggestions of

(Mr. Tlili)

members of the Council and for their support in the budgetary organs of the United Nations so that we might make financial provisions to correct the situation and to come up with more positive answers to this question.

Mr. RICHARDSON (United Kingdom): I had not really intended to speak on this agenda item, but I am developing a slight sense of unease, one I have had in previous years when this same subject has been discussed. I fear that, unless there is greater feedback in one form or another from Palauans themselves, this activity of the Department of Public Information (DPI) will risk degenerating into what I might call a random mailing operation. That causes me some concern.

Looking through the annex to the report in document T/1966, while clearly a lot of the material that is being distributed in Palau is of direct relevance and interest to the region and to Palau itself, I have a suspicion that one or two items may be regarded as somewhat peripheral. All I am really suggesting is that if the second mailing of the questionnaire - which I see from paragraph 9 of the report is planned for this year - likewise fails to elicit any very large return of responses from Palauan citizens, then it does seem to me that at some stage there is a case for DPI's self-reviewing the level of its activities.

The PRESIDENT (interpretation from French): I am sure that the Secretariat will duly take note of the various comments that have been made. If there are no further speakers on this agenda item, and if I hear no objections, I shall take it that the Council decides to take note of the report of the Secretary-General in document T/1966.

It was so decided.

## EXAMINATION OF PETITIONS (T/INF/40)

The PRESIDENT (interpretation from French): Members of the Council will recall that in 1988 we decided to request the Secretariat to publish a list of communications and petitions received with a summary of the contents contained therein, instead of reproducing the full texts of these documents. This list is contained in document T/INF/40. As agreed at our meeting yesterday, we shall now begin consideration of these communications and petitions.

Does any member wish to comment on the communications contained in document T/INF/40?

Since that does not appear to be the case, I propose that the Council take note of communications 1, 3 and 4 - as I understand that the document now before us will be revised.

It was so decided.

## OFFERS BY MEMBER STATES OF STUDY AND TRAINING FACILITIES FOR INHABITANTS OF TRUST TERRITORIES: REPORT OF THE SECRETARY-GENERAL (T/1965)

The PRESIDENT (interpretation from French): Does any member wish to make comments or a statement on the report of the Secretary-General on this item?

Since that does not appear to be the case, I suggest that, as it did in regard to the report on the previous item, the Council decide to take note of the report of the Secretary-General in document T/1965.

It was so decided.

## ORGANIZATION OF WORK

The PRESIDENT (interpretation from French): In order to expedite its work the Council could, if members agree, take up at its meeting tomorrow agenda items 9 and 10, which deal, respectively, with cooperation with the

(The President)

Committee on the Elimination of Racial Discrimination and the Second Decade to Combat Racism and Racial Discrimination. Under the programme of work we adopted at our first meeting, those items were to be taken up at our meeting on Friday, 29 May. If there is no objection, I propose that we take up these two items tomorrow, Thursday, 28 May, and that, in keeping with previous practice, the Council consider them together.

It was so decided.

The PRESIDENT (interpretation from French): For the same reason, the Council could also take up at the meeting tomorrow items 11 and 12, which deal, respectively, with attainment of self-government or independence by Trust Territories and cooperation with the Special Committee on the Situation with Regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples.

If I hear no objection, I shall take it that members of the Council agree that we should proceed in that way and that, in keeping with previous practice, the Council should examine these two items together.

It was so decided.

REPORT OF THE UNITED NATIONS VISITING MISSION TO PALAU, TRUST TERRITORY OF THE PACIFIC ISLANDS, MARCH 1992 (T/1964) (continued)

Mrs. TAHIR-KHELI (United States of America): As I noted in my opening statement yesterday, the United States found the Visiting Mission to Palau to be an informative and useful exercise. We were pleased that Council representatives without previous exposure to Palau had the opportunity to become familiar with Palau's people and the political-economic-social structure there. We were also appreciative of the efforts which the Palau Government exerted to host and plan the visit. Certainly Minister Olikong and

(Mrs. Tahir-Kheli, United States)

his staff displayed considerable diplomatic skill in organizing the visit and in making available complete information to the Mission. In his opening statement yesterday, Minister Olikong mentioned that Palauans had not had any formal diplomatic training. But the manner in which he and his staff prepared this particular visit demonstrates that Palauan officials know how to deal with diplomats skilfully and can handle diplomatic situations with aplomb.

Two consistent themes appeared in the three opening statements yesterday of the United States delegation and in the Mission report: Palau has outgrown its present institutional status; and the trusteeship, which has served its purpose, is now an anachronism. We all recognize that the time has come for a change.

As the Mission report notes, some in Palau have urged the Trusteeship Council to assume a more active role in the effort to identify a solution to the political-status issue. Paragraph 39 reports the suggestion that the day may be approaching when it will be appropriate for the Security Council to amend the Trusteeship Agreement by inserting a provision which would "set an irrevocable date for termination of the trusteeship" (T/1964, para. 39). The Mission report stops short of suggesting such action; but it provides an assurance that the Council will continue to fulfil its responsibilities conscientiously for as long as the Trusteeship Agreement remains in force. We welcome that assurance, and I am confident that the Palauans do as well.

While I shall leave to Assistant Secretary Guerra the responsibility for dealing with many aspects of the implementation of Secretary's Order 3142, I do wish to address in some detail paragraph 11 of the Order, which deals with Palau's international contacts. This was also a subject to which Minister Olikong devoted some attention yesterday.



(Mrs. Tahir-Kheli, United States)

The United States fully understands that the restraints on international contacts are a source of frustration to Palau. We have made a special effort to mitigate that frustration by replying promptly and fully to Palau's requests to participate in international meetings and, with rare exceptions, we have approved Palau's participation without delay. With the full concurrence and support of the United States, Palauans have travelled far and wide in order to participate in a variety of international forums during the past year. In this sense, we have met fully the suggestion in paragraph 114 of the Mission report to prepare Palau for the day when it will assume responsibility for its own international representation.

But we do not believe that it is advisable at this point for Palau to appear on the international scene as a full member of the international community. As a Trust Territory, Palau has no standing in international law to conduct its own relations with foreign nations other than through the Administering Authority. Participation by Palau as if it were a fully sovereign State would lead to confusion on the part of many countries which may not be familiar with Palau's unique status as a Trust Territory. Members of the Council will recall that there were some uncertainties about the international status of the two freely associated States even after the implementation of their Compacts. Fortunately, those uncertainties have been successfully resolved and both the Federated States of Micronesia and the Republic of the Marshall Islands are now full Members of the United Nations. The Vice-President of this Council stated yesterday that he looks forward to the admission of Palau to the United Nations, a step which must await resolution of Palau's status.

(Mrs. Tahir-Kheli, United States)

Until that welcome day arrives, it is necessary for Palau to appear on the international scene as a Trust Territory. We are quite prepared to work out suitable arrangements in order to permit Palau to participate in such important events as the United Nations Conference on Environment and Development, and in that case we have proposed a solution which we believe is in accord with Palau's status. Travel by Palau's President, however, in a manner which would make him appear to be the Head of an independent State is not appropriate.

The Mission report, in paragraph 110, expresses the hope that the impasse on the status issue can be resolved speedily so that termination of the Trusteeship Agreement can proceed. Minister Olikong agreed with that objective but expressed disappointment that the United States had been unable to respond more favourably to the requests of the Palauan leadership. While the members of the Council might prefer not to become involved in the details of the exchange between Palau and the United States on this issue, I would like to stress that the six-month period during which the United States considered and formulated a response to the Palauan letter is indicative of the seriousness with which the United States addressed the issues raised by Palau. Significant developments had occurred during the previous year, particularly the decision to withdraw United States forces from bases in the Philippine islands. That change in the overall strategic situation in the Pacific required that we review Palau's proposals carefully.

Far from being a summary rejection of the Palauan requests, the United States response addressed those questions in some detail and provided an interpretation of the proposed Compact which we hoped would be quite reassuring to the Palauan Government and to Palauan voters. As my

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predecessors here have stated on several occasions, the United States has no intention of establishing military facilities in Palau. That point is covered in considerable detail in the 7 April letter from my Government.

While there are other areas of the Visiting Mission report which I could discuss, I think it is best to limit my comments at this point to Palau's future status and its role on the international scene. I think it is encouraging that all members of this Council, as well as Palau and the Administering Authority, are in full agreement with the objective of early resolution of Palau's status. This provides a sound basis for proceeding, both during the present deliberations of this Council and in further discussions between Palau and the United States.

Ms. GUERRA (Special Adviser): I wish to complement the United Nations Visiting Mission for its diligent work in Palau and for its valuable report on its findings. Also, I must congratulate Ambassador Richardson of the United Kingdom for his excellent synopsis of the report yesterday.

I have a few comments on several of the issues raised in the conclusions and recommendations of the report.

With regard to Secretary's Order No. 3142, the Mission stated, first, that Palau's past debts must be duly paid. We agree. Secondly, the Mission stated that there may have been

"a misunderstanding of parts of the Order, or insufficiently close day-to-day consultations". (T/1964, para. 113)

Again, we agree. Eighteen months ago the position of the Director of the Palau Office of the Trust Territory was filled, with the specific intent of improving coordination and cooperation between Palau and the United States Department of the Interior. We believe that the working relationship is much

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improved. In addition, personnel from our Washington office travel frequently to Palau to consult and assist.

In order to improve consultation on the budget issue, I sent a staff member to Palau in early May. The discussions led to the enactment of Republic of Palau Public Law 3-70. The bill is significant in that it provides the groundwork for greatly improved financial responsibility in Palau and for avoiding budget suspensions in the future. The bill provides authorization for a loan to pay off past debts and a system for eliminating deficits that could otherwise give rise to future prior-year debts, and \$213,000 was appropriated in a supplemental, out of \$1.621 million projected to be available. That responsible action leaves \$1.4 million should an emergency arise.

While the Department of the Interior would have preferred the stronger language offered by President Etpison with regard to two provisions in the bill, we defer to the Olbiil Era Kelulau, assuming the fiscal system proves viable.

Last fall a number of road projects were suspended for lack of funds. I stated then that if monies were available in August or September 1992 I would be glad to see the road projects funded. Assuming good budget execution during the remainder of this fiscal year, I stand by that statement. Good budget execution is, of course, the responsibility of the executive branch. If, however, the Olbiil Era Kelulau wants to make sure that the funds are available for roads it will make good budget execution its priority too.

Recent actions in both the executive and the legislative branches have set the stage for greatly improved financial management. Current dialogue and revenue reports from Palau are evidence that the improved processes are

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already in place and working. We look forward to being able to avoid budget suspensions in the future.

This brings us to the Visiting Mission's third point regarding Secretary's Order No. 3142, that

"over time the need for the Order, or at any rate for the activation of its suspension provisions" (para. 114)

will fade away. We believe that, with regard to budget suspensions, we may be at the fade-away point now. The next six months will tell. We are optimistic that budget suspensions may already be a thing of the past.

The Mission suggests that infrastructure, including roads and electricity, is inadequate on Babelthuap. Realizing the same need, the Administering Authority this month allotted \$2.6 million for Koror and Babelthuap bridge repairs and repairs to causeways and the airport access road. The United States civic action teams in Palau will continue to concentrate their efforts on pioneering road construction on Babelthuap. This will not only open up that island to permit agricultural pursuits, but at the same time will spearhead the extension of power, water, telecommunications and future paved highways. Additionally, we believe that the Master Plan, with its financial component, will point the way towards funding desired infrastructure projects.

The Mission said that it was alleged by some leaders that development projects have been withheld pending a final Master Plan. That is not true. I wrote to President Etpison several months ago with specific reference to the proposed airport. I said that, while the Master Plan would be helpful, I would not delay approval of projects while we await completion of the Master Plan.

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The Mission also urged greater emphasis on career training and opportunities for Palauan nationals in the tourist sector. Here again, it is anticipated that the Master Plan will recommend the levels of tourism and associated training necessary for Palauans to compete effectively in the tourist industry. It is possible that the Plan could recommend legislation requiring that a percentage of Palauans be hired and trained by foreign investors. Such issues could be addressed in the Master Plan as ways to maximize employment opportunities for Palauans.

The Mission noted an apparent lack of statistics for marine resources. A fairly comprehensive report was recently issued by the Palau Division of Marine Resources and Conservation. We will provide the Council with a copy. We believe that the report will allay some of the Mission's concerns.

The Mission suggests that additional funds be found to improve the maintenance of schools, especially in the outlying areas. The Administering Authority has consistently insisted that additional dollars from the United States be allocated to education, which is a trusteeship responsibility of the United States. We are pleased that the Mission is concerned, as we are, with the adequate funding of education. In this regard, we are pleased to inform the Council that, just this month, more than \$2 million of United States capital improvement funding was allotted to the Palau Government for classroom repairs and construction.

If I may, I should like to address two other issues that have been raised in these deliberations. First, the Administering Authority notes the concern regarding Interior's continued sponsorship of the Interim Special Prosecutor in Palau. I must assure the Council and Palau of Interior's unflagging

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support for this office. To that end, I believe that we will be able to reach agreement with the current Special Prosecutor for extension of his contract. If, however, no agreement is reached, a replacement will be found. The Administering Authority is very concerned with law and order. Please be assured that the cases brought before the Palau courts will be prosecuted.

On the issue of construction permits for development projects, I must state emphatically that the United States will not preside over the degradation of the unsurpassed environment in Palau. Lengthy consideration is required for those projects that may have potential and substantial adverse effects on Palau's natural environment. Environmental impact statements may be required that address mitigating action, particularly where wetland and the fragile ecology of the reef areas may be damaged or destroyed. For smaller projects, however, with little potential for such damage, the process is quite speedy. For example, the Melekeok-Ngiwal causeway permit was processed in approximately one year.

We appreciate the wise counsel provided by the Visiting Mission. We believe that, together, Palau and the United States will be able to implement most of the Mission's thoughtful recommendations. Initiatives over the past several months demonstrate that coordinated actions by Palau and the United States bring results beneficial to all the people of Palau.

The PRESIDENT (interpretation from French): If there are no further speakers, I suggest that the Council continue consideration of this item at its next meeting.

#### APPOINTMENT OF THE DRAFTING COMMITTEE

The PRESIDENT (interpretation from French): I understand that, in the course of informal consultations, the Council agreed, in accordance with

(The President)

its usual practice, to appoint the Vice-President of our Council to preside over the work of the Drafting Committee. I also understand the Vice-President intends to hold a first meeting of informal consultations with all interested delegations tomorrow afternoon, in order to have a preliminary exchange of views on the Council's draft recommendations. I further understand that consultations are to continue so as to determine the final composition of the Drafting Committee, which could be announced at our meeting tomorrow. Finally, as provided in our agenda, the Drafting Committee can hold its first official meeting following the general debate, that is, on Friday.

If I hear no objection, I shall take it that the Council agrees to all of these points.

#### ORGANIZATION OF WORK

The PRESIDENT (interpretation from French): Before adjourning this meeting, I wish to inform members that, as agreed, at our next meeting tomorrow at 10.30 a.m., the Council will continue its consideration of agenda items 4 and 5 and also take up items 9 to 12.

The meeting rose at 12.30 p.m.