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Fifty-sixth session

VERBATIM RECORD OF THE SIXTEEN HUNDRED AND SEVENTY-FIRST MEETING

Held at Headquarters, New York,
on Thursday, 1 June 1989, at 10.30 a.m.

President: Mr. BIRCH (United Kingdom)

- Report of the United Nations Visiting Mission to Palau, Trust Territory of the Pacific Islands, 1989 (continued)
- Adoption of the report of the Trusteeship Council to the Security Council (Security Council resolution 70 (1949)) (continued)
- Attainment of self-government or independence by the Trust Territories (Trusteeship Council resolution 1369 (XVII) and General Assembly resolution 1413 (XIV)) and the situation in Trust Territories with regard to the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples (General Assembly resolutions 1514 (XV) and 43/45) (continued)
- Co-operation 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 (General Assembly resolution 1654 (XVI)) (continued)
- Suspension of the fifty-sixth session of the Trusteeship Council

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

REPORT OF THE UNITED NATIONS VISITING MISSION TO PALAU, TRUST TERRITORY OF THE PACIFIC ISLANDS, 1989 (T/1935, T/L.1271) (continued)

The PRESIDENT: I should like to draw members' attention to draft resolution T/L.1271, which was introduced by the representative of France at our 1670th meeting yesterday.

Mr. BYKOV (Union of Soviet Socialist Republics) (interpretation from Russian): The Soviet delegation made some preliminary comments yesterday on the draft resolution (T/L.1271). It stated its views about how to resolve the problem by general agreement and even suggested some specific wording, but it seems that those points did not receive the proper response. The Soviet delegation believes that the draft resolution does not reflect the critical comments made by the Soviet delegation on the dispatch of the Visiting Mission and on its report.

(Mr. Bykov, USSR)

The Soviet delegation made some detailed points about this in our statement on the report of the Visiting Mission on 23 May, and those comments are still fully valid. We can only regret that the Drafting Committee did not take our thorough and well-founded arguments duly into account and that it did not reflect them in the draft resolution.

With that in mind, and in order not to repeat many of the important comments I made earlier, I shall confine myself to pointing out that the Soviet delegation believes that the present draft resolution is unbalanced and that it does not reflect the discussions held and the views expressed by various delegations. We cannot, therefore, support it.

Mr. GAUSSOT (France) (interpretation from French): The representative of the Soviet Union has expressed surprise that the draft resolution does not explicitly mention the comments his delegation made about the report of the Visiting Mission. I would point out that the draft resolution makes no specific reference to statements made by other delegations either. However, there is a general reference to comments by various delegations, and we felt that that general reference, which covers the comments made by the Soviet Union and other delegations and which appears both in the preamble and in the operative parts of the draft resolution, would satisfy the Soviet delegation.

The PRESIDENT: If there are no further comments, I shall now put draft resolution T/L.1271 to the vote.

Draft resolution T/L.1271 was adopted by 4 votes to 1.

The PRESIDENT: The Council has thus concluded consideration of the report of the United Nations Visiting Mission to Palau, Trust Territory of the Pacific Islands, 1989.

ADOPTION OF THE REPORT OF THE TRUSTEESHIP COUNCIL TO THE SECURITY COUNCIL (SECURITY COUNCIL RESOLUTION 70 (1949)) (T/L.1270) (continued)

The PRESIDENT: The Council will now continue its consideration of the report of the Drafting Committee on conditions in the Trust Territory of the Pacific Islands (T/L.1270). As members will recall, the draft report was introduced by the representative of the United Kingdom yesterday, at our 1670th meeting. I should now like to propose that we proceed to consider and take a decision on the conclusions and recommendations contained in the annex to that document.

Does any member wish to comment on the conclusions and recommendations?

Mr. BYKOV (Union of Soviet Socialist Republics) (interpretation from Russian): We have read the draft conclusions and recommendations contained in T/L.1270. It is natural to thank the authors of any document for their efforts, and I should like to do so, even though our delegation has its own very divergent opinions with regard to the draft.

At this session the Trusteeship Council has before it a report by the Drafting Committee with draft conclusions and recommendations. However, it is clear to anyone who has listened to the discussions here and read the relevant documents that the draft conclusions and recommendations do not reflect either the situation in the Trust Territory of the Pacific Islands or the discussions that took place at this session. The draft disregards the numerous oral and written statements of petitioners. The draft conclusions and recommendations prepared by the Drafting Committee are unbalanced and one-sided, and they constitute, in essence, one more attempt to support the positions and actions of the Administering Authority in the Trust Territory even though its policies and actions vis-à-vis Micronesia have been seriously, specifically and justifiably criticized.

Of course, the Soviet Union cannot agree with that approach by the Drafting Committee or with the proposed conclusions and recommendations it has submitted.

(Mr. Bykov, USSR)

I will not repeat the comments our delegation has already made on the report, but by way of illustration I should like to refer to document T/PET.10/734, containing a petition from the Chairman of a group in the Northern Mariana Islands. In that petition, we find a number of specific comments. It is pointed out in particular that more than 75 per cent of the eligible voters in the Commonwealth voted to oppose formal termination of the Trusteeship Agreement until the Government and the people of the Northern Mariana Islands are given assurances in the termination resolution itself that the Administering Authority will honour its commitment in Covenant Section 103 to carry out Article 76 of the Charter of the United Nations and Article 6 of the Trusteeship Agreement.

Perhaps everything has somehow or other been settled, but the Council has not received any information in that regard. Furthermore, the Soviet delegation has already spoken and made comments and asked a great number of questions, to which no answers were forthcoming. For example, a number of questions were asked about various parts of the Trust Territory of the Pacific Islands, about Palau and other parts. No account was taken of the concern voiced in our delegation's statements and by some of the petitioners.

The Soviet delegation pointed out that, in essence, the report of the Administering Authority confined itself to information about one single part of the entire Territory of the Pacific Islands. We received none of the information we had hoped for, and we expressed the hope that such information would be presented at this session or, at least, in the next report of the Administering Authority. In assessing the implementation of the Trusteeship Agreement and the relevant provisions of the Charter, that fact, which was very important for the fate of the Trust Territory, was overlooked or was presented in a distorted manner in the draft submitted by the Drafting Committee.

(Mr. Bykov, USSR)

In addressing some concrete points of the draft conclusions and recommendations, I will only talk about a few. I would like to say, however, that the Soviet delegation cannot agree, in particular, with the reference in paragraph 1 to Trusteeship Council resolution 2183 (LIII) of 28 May 1986, which was adopted in contravention of the mandate of the Trusteeship Council under the United Nations Charter. As the Council will recall, pursuant to Security Council resolution 70 (1949), the Trusteeship Council is answerable to the Security Council and on its behalf implements, within the framework of the Trusteeship System, those functions that relate to political, economic, social and educational matters in the strategic areas.

From this, it follows that the Trusteeship Council has no right to take decisions affecting the Trusteeship Agreement itself or to make any recommendations with regard to the status of the Trust Territory as a whole or any individual parts of it, for that would be a departure from the provisions of the United Nations Charter. As the Council knows, the Security Council, in accordance with the Charter, entrusted the Administering Authority, in the Trusteeship Agreement, with the task of implementing certain obligations provided for in the Charter with which the Administering Authority must strictly comply. It has no right to depart from the implementation of those obligations, still less to change or terminate the operability of the Trusteeship Agreement.

Basically speaking, we cannot fail to notice that the authors of the draft conclusions and recommendations have been conniving at violations of the United Nations Charter. I might give a number of illustrations of that, particularly with regard to provisions relating to a certain agreement between the representatives of the United States and one part of the Trust Territory, Palau. We have not discussed that Agreement or the so-called Compact of Free Association, since the Trusteeship Council, and certainly not the Security Council, has been dealing with

(Mr. Bykov, USSR)

its substance. It is therefore out of place to refer to the so-called Compact in the draft conclusions and recommendations. Furthermore, the hope expressed in the draft for the early completion of the process of approval of the Compact can only be viewed as direct pressure on one area of the Trust Territory of the Pacific Islands.

Therefore, wittingly or unwittingly, there has been a violation of the fundamental purposes of the United Nations Charter, the Trusteeship Agreement and the Declaration on the Granting of Independence to Colonial Countries and Peoples. One cannot rid oneself of the impression that, for example, the purpose of paragraph 3 of the draft is to conceal contraventions of the Charter in the activities of the Administering Authority, that is to say those unlawful aspects of their activities with regard to the Trust Territory.

(Mr. Bykov, USSR)

I might also say something about other aspects of this draft, but what has just been stated by our delegation relates also to paragraph 4, for example. I think that the task of any drafting committee is to do its utmost to take note of the discussion and the various comments and ideas put forward, so that the document might be adopted by consensus. This is the only way that any body, including the Trusteeship Council, can function effectively and in accordance with its terms of reference.

Since the draft fails to reflect the foregoing, the Soviet delegation is unable to support the draft conclusions and recommendations set forth in document T/L.1270. In our opinion, in essence, certain of the positions adopted in this draft even stray beyond the terms of reference of the Trusteeship Council and, whether deliberately or not, encourage attempts to justify the annexationist activities of the Administering Authority, which we have had many occasions to mention with regard to the Trust Territory of the Pacific Islands. This being the case, the Soviet delegation has no choice but to vote against the draft conclusions and recommendations.

In this regard, although it may not be possible to do so at the present session or at the next one, I would like to urge that, in the organization of our work, in the informal consultations and in the work of the drafting committees, a much greater effort evidently needs to be made to come up with agreed provisions in any documents prepared for us, as is being done in many United Nations bodies. On this optimistic note I would like to conclude my statement on the draft, and say that, if there is a general desire to do so, the Soviet delegation is ready, along with the authors, to continue work on this text. But if certain other delegations do not share this desire, if the draft is put to the vote, then of course the Soviet delegation will, as we have said, vote against it.

Mr. SMITH (United Kingdom of Great Britain and Northern Ireland): As one of the members of the Drafting Committee I would like to comment briefly on the remarks just made by the representative of the Soviet Union, who appeared to reproach the Drafting Committee for not having taken sufficiently into account the views of the Soviet Union on the matter before the Council. In effect, he appears to be reproaching us for not producing a consensus draft. I think it sometimes happens in any body that points of view diverge so widely that it is not possible to accommodate them all. What we in the Drafting Committee have tried to do is to produce a document that will be acceptable to most of the members of the Council, and I believe we have done so. More important, what we have tried to do is to reflect the measure of self-government achieved and aspired to by the peoples of the Trust Territory. Again, I think our draft has achieved that.

In particular, the Soviet representative claimed that it was illegitimate to refer to the Compact of Free Association or to the agreement reached last week between representatives of the Palauan Commission on Future Palau/United States Relations and representatives of the United States authorities. In my view, the Council would be shirking its responsibility if it did not refer to those agreements, which have been negotiated freely and over a considerable period of time by Palauan representatives in exercise of their right to self-determination.

Finally, the Soviet representative suggested that the draft did not address the concerns raised by certain petitioners from the Northern Marianas. I think you will find that paragraph 4 of the draft is intended to deal with the kinds of problems that were raised in those petitions.

Mr. MENAT (France) (interpretation from French): As another member of the Drafting Committee whose task it was to finalize the draft conclusions and recommendations, I would like to say, on behalf of my delegation, that of course we support the draft.

(Mr. Menat, France)

I would also like to make one or two comments on the statement made by the Soviet representative. My first comment is that according to him the draft does not take account of all the various comments made at the present session concerning the Trust Territory. I think it should be recalled that the draft conclusions and recommendations are only part of the report of the Trusteeship Council to be submitted to the Security Council. Another part will faithfully reflect all the statements made, including, naturally, those made by the Soviet Union.

(Mr. Menat, France)

My second comment is in regard to the statement by the representative of the Soviet Union that the concerns of the people of Palau had not been reflected and, in particular, that the petitioners' views had not been sufficiently taken into account. I believe that quite the contrary is true. Not only did the Drafting Committee try to take those concerns into account, but in paragraph 5 of the draft conclusions and recommendations those concerns are reflected, as is the manner in which they could be dealt with.

Lastly, the representative of the Soviet Union implied that the authors of the draft conclusions and recommendations might be considered as not having respected certain provisions of the United Nations Charter. I merely wish to say that had that been the case my delegation would certainly not have associated itself with that draft.

Mr. BYKOV (Union of Soviet Socialist Republics) (interpretation from Russian): In the statement made by the representative of the United Kingdom I heard a repetition of his points. In such cases, a well-known Russian expression comes to mind - I do not know if there is an equivalent in other languages - "worrying about the honour of trappings". The representative of the United Kingdom saw only criticisms and reproach throughout our statement. Well, there was some criticism, but there was no reproach.

I think that in any body - whether national or international - the whole point of dialogue and exchange of views is to listen to an opponent, interlocutor or partner. Unfortunately, that was totally absent in the statement of the representative of the United Kingdom.

I do not wish to make a full statement but I cannot fail to react also to the points made by the representative of France, when he said that there was really no difference between the main part of the report - where the views of various delegations are stated - and the draft conclusions and recommendations. Well, in

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that case, perhaps we do not need them at all. If it is all set out at the beginning of the report, well then let us do without the conclusions and recommendations.

I do not think these arguments should be resorted to. We are adults; we know the difference between setting forth the essence of statements by delegations and the draft conclusions and recommendations which are submitted on behalf of our Council as a whole.

It was my hope that the authors would have listened to the criticism, which was well meaning and intended to help them work out the draft conclusions and recommendations. The representative of the United Kingdom said that when opinions diverge one cannot work out agreed recommendations. I venture to disagree. If one were to adopt that approach, then there would be no possible international co-operation. The most acute and difficult questions are more and more often agreed to by delegations with very different points of view; that is the whole point of dialogue; that is the whole point of developing international co-operation. Our Trusteeship Council cannot disregard that positive trend that is emerging in international life.

For example, in paragraph 4 of the draft conclusions and recommendations, it is said, on behalf of the Council, that

"The Council considers that any difficulties over the interpretation of the new status agreements should be resolved bilaterally by the parties concerned...". (T/L.1270, annex)

But the representative of the United Kingdom believes that the Trusteeship Council should not deal with the fate of the people of the Trust Territory, the fate of those people who live in various parts of the Trust Territory. However, I have a petition before me from the representative of the Mariana Islands which says that the Administering Authority continues to adopt a position whereby it can control

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the Commonwealth in conformity with the ancient colonial system. Well, what is this?

It is not serious. Should we let someone from the Marian Islands resolve this with the representative of the United States? That is just what the Trusteeship Council should deal with. But why is it here thrown together with any difficulties over the interpretation of any new status agreements? It is not a question of interpretation but one of fulfilling the obligations of the Administering Authority under the Charter of the United Nations and under the Trusteeship Agreement. Let us call a spade a spade here.

Furthermore, the Soviet delegation has already spoken about the report of the Visiting Mission, and we have made a number of comments on it. Even here, so to speak, in connection with some unevenness or, at any rate, some shortcomings, with regard to problems in Palau the Visiting Mission found only one thing: the concern of the government of Palau with regard to the violation of fishing rights by foreign fishing vessels. There is no doubt that this problem is important; but it is not the only one. It is possible to draw attention to the fact that someone's temperature had gone up but that one should not take a closer look to see what the problem was. Perhaps this comparison is not good enough, but the point is that, if we took an objective look at just one part of the Territory - Palau - even here we would have to be objective.

(Mr. Bykov, USSR)

I cannot agree with the arguments put forward by the representatives of the United Kingdom and France in support of the draft text. As I said before, my delegation is prepared to work seriously, together with the President, to reflect in the report all the various views, evaluations and shades of meaning offered, in conformity with the United Nations Charter, the Trusteeship Agreement and the Declaration on the Granting of Independence to Colonial Countries and Peoples. The present draft text takes none of that into account and we have had no opportunity to do what I have described, so we cannot vote in favour of it.

Mr. GAUSSOT (France) (interpretation from French): I should like to make two points. First, the Soviet delegation appears to regret that it was not associated with the preparation of the draft conclusions and recommendations. In the circumstances, I am rather surprised that the Soviet delegation did not express the wish to participate in the work of the Drafting Committee when the question first arose. When the Council established the Drafting Committee it would have been possible for the Soviet Union to ask to be a member. We regret that it did not do so.

Moreover, the Soviet delegation referred to paragraph 5 of the draft text of the conclusions and recommendations, which concerns the specific question of poaching. Having myself participated in the Visiting Mission to Palau, I can attest to the fact that poaching is a matter of profound concern of the authorities and citizens of Palau; practically all the people we spoke to referred to it. It would seem that this is a problem with respect to which Palau has a particular need of external assistance, since Palau is unable to solve it alone. In the circumstances, I believe it was quite right to refer specifically to the question in the draft conclusions and recommendations.

Mr. SMITH (United Kingdom): I do not wish to take up the Council's time, but the representative of the Soviet Union suggested in his most recent statement that my delegation was guilty of not listening to its interlocutors. I am afraid we have listened; we have listened extremely carefully to the statements made by the representative of the Soviet Union. But despite having listened carefully we have simply heard the same old arguments, arguments based not on any appreciation of the real situation in the Territory or any real concern for the people of the Territory, but based on the Soviet delegation's own particular agenda.

As for the draft conclusions and recommendations, we also listened very carefully to hear whether the representative of the Soviet Union would, for example, make any specific drafting suggestions. But no such suggestions were made. Instead, we simply heard a number of generalizations.

The PRESIDENT: We have now had a considerable discussion of this matter. I am of course in the hands of the members of the Council, but I had hoped that we could proceed shortly to a vote. We have heard a number of statements. We have been informed twice that the Soviet Union will vote against the draft text, and I see that the representative of the Soviet Union wishes to speak again.

Mr. BYKOV (Union of Soviet Socialist Republics) (interpretation from Russian): I have asked to speak, but not to say for a third time that we shall be voting against the draft text; the President's guess was not quite accurate.

I had to ask to speak because it seemed to me that certain statements made here cannot be explained by anything the Soviet delegation said, unless there was something wrong with the interpretation. I am thinking of the statement of the representative of France, in which he expressed surprise that the Soviet representative was complaining that he had not been included in the Drafting Committee. That at least is what I heard in the interpretation. I did not complain. I think our discussion would be, if not fruitful, at least more likely

(Mr. Bykov, USSR)

to be fruitful without the use of certain expressions - which might not have been interpreted accurately.

The Soviet delegation is not reproaching members of the Drafting Committee, whom we deeply respect. We pay a tribute to their efforts. Our criticism was of the substance of the draft conclusions and recommendations.

When I spoke of the work of the Drafting Committee, I was not speaking of the inclusion or non-inclusion of a Soviet representative on that Committee. My point was that since we have a draft text with certain shortcomings and flaws the Trusteeship Council ought to take the time to make a joint effort to improve the draft text by incorporating language that would be acceptable to all members of the Council and could be adopted by consensus.

I do not share the pessimistic view just expressed by the representative of the United Kingdom, that because of the wide divergence of views it is impossible to produce a text satisfactory to all.

As to the text itself, my delegation does not and cannot have any specific proposals at this stage: this is a question of philosophical approach. It is not a matter of minor cosmetic alterations, but of substantial reworking, which requires considerable time and effort.

In my first comments I said that if the draft conclusions and recommendations were put to the vote we should vote against them because we had no other choice. If the document is not put to the vote now and if the Council is given time for further work on the text, we would be prepared to take part in that work, not as a member of the Drafting Committee but in the context of normal informal consultations with the members of that Committee.

I think I have expressed myself clearly enough to avoid any possible misunderstanding on the part of my colleagues. I would not like there to be any misunderstanding of what was said.

Mr. GAUSSOT (France) (interpretation from French): I do not want to prolong this debate unnecessarily, but in view of the statement just made by the Soviet Union I should like to clarify the point I made earlier. Without a doubt, there was a problem of interpretation or understanding, at least.

My point was this. In view of the criticism expressed by the representative of the Soviet Union as to the draft conclusions and recommendations, and since he had said he was ready to engage in a dialogue on their content, I merely expressed surprise that the Soviet Union had not expressed the wish to be represented in the drafting committee when its members were being nominated by the Council.

The PRESIDENT: It is my impression that the Council would now like to vote on the draft conclusions and recommendations. I therefore now put them to the vote.

The draft conclusions and recommendations were adopted by 4 votes to 1.

The PRESIDENT: The draft conclusions and recommendations we have just approved will constitute the second part of our report to the Security Council. The first part will contain a summary of our deliberations during the session of the Council in accordance with customary practice.

Does any member wish to speak following the adoption of the draft conclusions and recommendations?

Mr. WANG Guangya (China) (interpretation from Chinese): Mr. President, I should like to take this opportunity to reiterate the principal positions of the Chinese delegation on the question under consideration.

First, proceeding from its position of support for the Palauan people's right to self-determination, the Chinese delegation voted in favour of the draft resolution on the report of the United Nations Visiting Mission to Palau and the draft conclusions and recommendations for the Trusteeship Council's report to the Security Council. With regard to the future political status of Palau, we are

(Mr. Wang Guangya, China)

of the view that it should be settled properly on the basis of full respect for the wishes of the Palauan people.

Secondly, it is our hope that the Administering Authority will conscientiously discharge its obligation under the Charter and the Trusteeship Agreement so as to promote the development of Palau in all fields.

Thirdly, in view of the concerns expressed in the discussions on the prospect of the establishment of military installations in Palau, the Chinese delegation holds that that question should receive serious consideration.

ATTAINMENT OF SELF-GOVERNMENT OR INDEPENDENCE BY THE TRUST TERRITORIES (TRUSTEESHIP COUNCIL RESOLUTION 1369 (XVII) AND GENERAL ASSEMBLY RESOLUTION 1413 (XIV)) AND THE SITUATION IN TRUST TERRITORIES WITH REGARD TO THE IMPLEMENTATION OF THE DECLARATION ON THE GRANTING OF INDEPENDENCE TO COLONIAL COUNTRIES AND PEOPLES (GENERAL ASSEMBLY RESOLUTIONS 1514 (XV) AND 43/45) (continued)

CO-OPERATION 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 (GENERAL ASSEMBLY RESOLUTION 1654 (XVI)) (continued)

The PRESIDENT: As agreed by members of the Council at our meeting yesterday, we shall now resume consideration of these two items, which we agreed to consider jointly.

Members will recall that we decided at our meeting yesterday to take a decision today on these agenda items.

May I suggest that the Council decide to draw the attention of the Security Council to the conclusions and recommendations adopted by the Trusteeship Council at its fifty-sixth session concerning the attainment, in accordance with the relevant provisions of the Charter, and in particular Article 83, of self-government or independence by the Trust Territory, and to the statements made by members of the Trusteeship Council on those questions.

If I hear no objection, it will be so decided.

It was so decided.

SUSPENSION OF THE FIFTY-SIXTH SESSION OF THE TRUSTEESHIP COUNCIL

The PRESIDENT: In accordance with the procedure adopted at the Council's preceding sessions, we shall shortly recess and meet in a resumed session at a later date to consider the draft report of the Trusteeship Council to the Security Council. Members will be informed of the precise date as soon as possible.

Before we draw this part of the session to a close, I should like to say, on behalf of myself and the members of the Council, what a pleasure it has been to have the delegation of China with us and participating in our debate.

I should like to thank all members of the Council for the patience, understanding and co-operation they have shown me as President. I thank the Secretariat, including the interpreters and the conference officers, for all it has done for us.

Finally, I send to all the people of the Trust Territory our best wishes for their future under whatever form of self-government or independence they choose.

I declare suspended the fifty-sixth session of the Trusteeship Council.

The meeting rose at 11.50 a.m.