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VERBATIM RECORD OF THE FIFTEEN HUNDRED AND NINETY-FIRST MEETING

Held at Headquarters, New York,  
on Thursday, 23 May 1985, at 10.30 a.m.

President: Mr. MAXEY (United Kingdom)

Examination of the annual report of the Administering Authority for the year ended  
30 September 1984: Trust Territory of the Pacific Islands

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

EXAMINATION OF THE ANNUAL REPORT OF THE ADMINISTERING AUTHORITY FOR THE YEAR ENDED 30 SEPTEMBER 1984: TRUST TERRITORY OF THE PACIFIC ISLANDS (T/1871) (continued)

Mr. BEREZOVSKY (Union of Soviet Socialist Republics) (interpretation from Russian): I should like to begin my questions for the Administering Authority with a general comment on its report and particularly on the way in which it is drawn up.

We have some problems understanding the Introduction. First, we should like clarification from the representative of the Administering Authority of the reference to the Marshall Islands on pages 5 and 6 of the Introduction, where it says:

"The Marshall Islands were placed under the United Nations Trusteeship of the Pacific Islands in 1947 with the United States as the Administering Authority. This trusteeship is the last remaining U.S. trusteeship in the world ..."

Thus, it would appear that the Marshall Islands are singled out as a separate Trust Territory. It is not at all clear why this has been done. I am reading it in English, not in translation.

Next I want to refer to a comment in this part of the report to the effect that in 1976 the Marshall Islands was severed from the administrative control of the Trust Territory. This is a quite symptomatic statement. The Council is dealing with the question of the Trust Territory of the Pacific Islands here, not with any separate territory singled out by the Administering Authority. So I should like to receive clarification and an explanation from the Administering Authority on this part of the report.

Mr. FELDMAN (United States of America): I think I shall turn this line of questioning over to the authors of the report. They are best able to explain both the method of organization and any such specifics as those just questioned. So I would request, Sir, that we pass the microphone to Mr. McPhetres.

Mr. MCPHETRES (Adviser): I should like to acknowledge gratefully the assistance of the representative of the Soviet Union. We had a great many problems in proof-reading this edition because of its length, and I confess to having been a little bit less than accurate in doing this. It should read "the last remaining United Nations trusteeship".

(Mr. McPhetres, Adviser)

As for the second question, we had an interpretation problem. I believe that the representative of the Soviet Union was talking about the Marianas and not the Marshall Islands, but it came across as the Marshall Islands.

As to the Marianas entry and the organization of the report, we at headquarters requested each of the Governments of the Trust Territory to make separate submissions and we included these submissions as they were given to us in order, as the High Commissioner stated in her opening address, to give them the maximum exposure possible. Therefore, what is seen under the Northern Marianas entry is what the Northern Marianas gave us, and it reflects the status of the Northern Marianas within the Trust Territory.

Mr. BEREZOVSKY (Union of Soviet Socialist Republics) (interpretation from Russian): The adviser to the Administering Authority was quite right; I was referring to the Mariana Islands. With regard to the explanation, it still is not satisfactory, because in the Trusteeship Council the Administering Authority reports on the situation in the Territory and, of course, it is responsible for the report. How or from whom the information was received is something that can be considered by the Council, but in principle the responsibility for drawing up the report rests with the Administering Authority and no one else.

We have said that we take into account the difficulties of the Administering Authority in drawing up the report, which is certainly very voluminous. There is a great deal of material here, and we shall come to that and how it is all set out and to what extent it is readable in due course. But I would draw particular attention to the fact that in the part relating to the Marshall Islands, beginning on page 5, the Marshall Islands is presented as a separate Trust Territory of the United States, not the United Nations, although there is but one Trust Territory, the Trust Territory of the Pacific Islands.

I shall now refer to part II of the report, headed "Status of the Trust Territory and its inhabitants". The status of the Trust Territory is defined by two basic documents, namely, the Charter of the United Nations and the Trusteeship Agreement. However, at the beginning, under the subheading "Status of the Territory", there is no reference to the United Nations Charter. Secondly, after the reference to the Trusteeship Agreement, there is a list of quite a number of legislative Acts of the United States which, though allowed by the Trusteeship Agreement, permit, we understand, the Administering Authority to extend its legislation and administration over the Trust Territory where necessary, but cannot be considered as definition of the status of the Trust Territory, the status of Micronesia. All the additions, from (b) to (j), derive, as it were, from the Trusteeship Agreement and they cannot correct, amend or change the status of the Trust Territory. I need hardly add that the legal documents and laws of the United States referred to in this section were not considered, as far as I know, in the Trusteeship Council; nor have they been considered in the Trusteeship Council with respect to their application to the Territory. We feel that these additions, even if they were appropriate, would be more appropriate in that part of the report where the Administering Authority deals with how it carries out its administration of the Territory. This certainly does not relate to the status of the Trust Territory. I should like to hear the representative of the Administering Authority's comments on this.

Mr. FELDMAN (United States of America): I shall be happy to comment. I did not quite understand the first point made with respect to the Marshall Islands. Reading from what is stated on page 5 of the report, it says:

"The Marshall Islands were placed under the United Nations Trusteeship of the Pacific Islands in 1947 ..."

I wonder what can possibly be objectionable in that statement. The implication drawn by our learned friend from the Soviet Union that a separate trusteeship was created for the Marshall Islands is belied by the plain language of the statement. Perhaps it might better have been phrased "were made part of", but it says "were placed under". Now, the United Nations Trust Territory of the Pacific Islands is just one thing, as we know, so to say that the Marshall Islands "were placed under" is another way of saying "were made part of", in 1947. I really do not understand the complaint. That certainly does not seem to me to imply that some separate trusteeship for the Marshalls was created; quite the contrary.

As regards the listing of legal instruments, the first one listed, the Trusteeship Agreement, is precisely the legal instrument which defines the status of the Territory, and I see no way of objecting to or controverting that. The Trusteeship Agreement is precisely the document that defines the status of the Territory and sets forth the principles on which it shall be administered. Perhaps for authentic purposes all the others, points (b) through (j), might have been done as Roman numerals under point (a), but that is simply a method of organization.

I think that what defines the status of the Territory is indeed given in the Trusteeship Agreement.

Mr. BEREZOVSKY (Union of Soviet Socialist Republics) (interpretation from Russian): I was saying that out of the overall Territory placed under United Nations trusteeship the Administering Authority somehow felt it had to single out one Territory. We have already heard an explanation that there was a mistake in the text where it speaks of "United States" trusteeship instead of "United Nations" trusteeship.

(Mr. Berezovsky, USSR)

My second point is that apparently the representative of the United States did not understand what I was talking about. I was talking about the status of the Trust Territory as defined by the Charter of the United Nations and by the Trusteeship Agreement, and those two documents are the very ones which determine the status of the Trust Territory; everything else is an addition, it is derivative, it is something that the Administering Authority is introducing into the section on the status of the Trust Territory, and we believe that that is wrong and that it distorts the truth and the sense of the status of the Trust Territory of the Pacific Islands.

Furthermore, when we come to the next section of the report, Part III - International and Regional Relations - we find more confusion. Here again I expect that we shall obtain an answer to my question, but in this case, in this section, we are told about only part of the Trust Territory, no mention being made of the Marshall Islands or Palau. So what are the arguments used by the Administering Authority to exclude the Marshall Islands and Palau from this part of the report?

Mr. FELDMAN (United States of America): In response to the first point made by our friend from the Soviet Union, I should like to read out Article 3 of the Trusteeship Agreement:

"The administering authority shall have full powers of administration, legislation, and jurisdiction over the territory subject to the provisions of this agreement, and may apply to the trust territory, subject to any modifications which the administering authority may consider desirable, such of the laws of the United States as it may deem appropriate to local conditions and requirements."

We thought it advisable to list in one place those laws which had been made applicable. I do not think there was any evil intent.

As regard the second point made, I note that there is a section on the Marshall Islands in Part III - it begins on page 29 - but I shall ask once again the author, Mr. McPhetres, to comment further.

Mr. MCPHETRES (Adviser): As I stated before, we requested submissions from each of these Governments. In some cases, we did not receive complete submissions and these were not included. In this particular case, we did not receive a submission on international organizations from Palau.

Mr. BEREZOVSKY (Union of Soviet Socialist Republics) (interpretation from Russian): Since we cannot divorce ourselves from the very first comments we made, I do have to return to them, namely, my comments on the status of the Trust Territory.

I understand Article 3 very well. That is why I did refer to it in my statement today. Indeed, the United States does have the right, under the Trusteeship Agreement, to extend its own laws to the Trust Territory of the Pacific Islands. However, I repeat again that those laws which have been extended to the Trust Territory by the Administering Authority are not an expression of the status of that Territory. They are derivative from the Agreement - of course, I can agree with that - they are adopted on the basis of what is permitted in this Agreement, that is true, but they do not determine the status.

Why do I draw attention to this again - if one wants to be perfectly frank about it? All right. We can take a careful look at these executive acts and laws listed here under United States law. Fine, in Part II we have "(g) - Secretarial Order 2989, establishing the Government of the Northern Mariana Islands". That is a law that was passed by the Administering Authority extending its domestic laws to the Territory. But for the Trusteeship Council it is not a law which defines the status of the Trust Territory; it is not the status of the Trust Territory.

I see that the representative of the Administering Authority agrees with me. I am happy about that. That is what I was trying to point out at the very beginning. If mention has to be made of laws which are extended by the Administering Authority to the Trust Territory, then they should be placed under a separate heading. I hope that will end the question for today.

By the way, as I have already said, I expected that the answer would be that the report was based on information received by the Administering Authority from the individual Micronesian entities. We have already heard that type of explanation. I would like to ask a question: suppose individual Micronesian entities did not provide any data at all to the Administering Authority, what would the Administering Authority do then and what would it report on here to the Trusteeship Council?

Once again I want to emphasize that this is the responsibility of the Administering Authority and it should not be thrown onto the shoulders of those to whom domestic United States laws have been extended, as is the case here.

Mr. FELDMAN (United States of America): I agree. I thought I had already agreed before, but perhaps I did not express myself forcefully enough. Of course the status of the Trust Territory of the Pacific Islands, as a Trust Territory, is described in the Trusteeship Agreement.



(Mr. Feldman, United States)

The definition of the Trusteeship System is, of course, given in the United Nations Charter. There is no disagreement. I also said in my first reply on this subject that it would have been better to list the several laws, points (b) through (j) as a sub-topic under point (a). I conceded that at the very beginning. Was it King Philip IV of Spain who is supposed to have said, "Had I been present at the Creation I should have ordered things differently"? All right, I agree. Nevertheless, as I also said, it seemed desirable to make a list of these laws so that people would know what they were and could look them up if they so chose.

I also agree with the second point made by our friend from the Soviet Union. The report, after all, is the report of the Administering Authority and it is certainly highly desirable and important, because, after all, article 6 obliges the Administering Authority

"to give to the inhabitants of the trust territory a progressively increasing share in the administrative services in the territory".

Certainly, we want to provide as much data as possible. I agree completely that the mere statement that we were not supplied with the data is not good enough; I have no argument at all with that statement.

Having said that and having thus cut the ground out from under his feet, I should like Mr. McPhetres to reply further.

Mr. McPHETRES (Adviser): There is really not very much that we can add to that. I can say that where key material was not submitted in the initial period every effort was made to go back to the appropriate agency and acquire that material. In some cases, because the statistics offices or agencies involved were themselves newly established, the data simply did not exist. In that case, we were unable to provide them. I think that is the best reply we can make.

Mr. BEREZOVSKY (Union of Soviet Socialist Republics) (interpretation from Russian): I apologize to the representative of the Administering Authority for asking questions in segments. We are already at part IV, but in general terms; I still have more specific questions to ask and they are related to those sections that we have already covered in a general way.

On page 9 of the report, there is the following statement:

(spoke in English)

"The U.S. House Committee on Interior and Insular Affairs warned that unless the mirror-image internal revenue code is implemented in the CNMI, future covenant funding after fiscal year 1985 could be jeopardized."

(Mr. Berezovsky, USSR)

(continued in Russian)

I should like to know what the problem was. Why was such a warning by the Administering Authority necessary in regard to the Marianas? It was a rather serious warning that the funds which were to be allocated for the 1986 fiscal year could be jeopardized.

Mr. FELDMAN (United States of America): With your permission, Sir, I should like to pass the baton first to High Commissioner McCoy and then to Mr. Guerrero of the Northern Marianas.

Mrs. MCCOY (Special Representative): Under the original Covenant, the Internal Revenue Service code was to apply within one year. That point has been up for discussion and for jurisdiction.

Mr. GUERRERO (Adviser): The Northern Marianas Government has an obligation under the Covenant that we signed with the United States to implement the Internal Revenue code. For reasons that I can probably give the Council at a later date, we had some differences in terms of the implementation of the Internal Revenue code in the Northern Mariana Islands.

All I can say is that we had an obligation and that we are working diligently in an attempt to resolve this matter. The United States Government is still going to go ahead and give us financial assistance for fiscal year 1986.

Mr. BEREZOVSKY (Union of Soviet Socialist Republics) (interpretation from Russian): If it is too difficult for the representative of the Administering Authority to tell us now what the essence of this disagreement was, we are prepared to hear the answer later.

My next question relates to the same page of the annual report, page 9, where it says, under the heading "March":

"Twenty-three drums of dangerous chemicals were shipped to the U.S. mainland for permanent storage. They were stored in 55 gallon drums at the Trust Territory Government warehouse at Lower Base on Saipan."

I should like to ask the Administering Authority what those dangerous chemicals that were stored in the Trust Territory, were and where they came from?

Mrs. McCOY (Special Representative): This was part of the Environmental Protection Agency (EPA) Super Fund clean-up, and it is true they have gone through all of the Trust Territory removing old transformers that might be leaking. It was insecticides, fertilizers - all of this now has been removed under the EPA's Super Fund clean-up, and it has been handled throughout all of the Trust Territory.

Mr. FELDMAN (United States of America): I do want to make the point that these are civilian-use chemicals; as we have heard, they are insecticides, fertilizers and the catalytic chemicals from electric transformers. Exactly the reverse of what we so often hear charged is what took place; that is, these chemicals, these residues which were in civilian use in the Trust Territory were removed from the Trust Territory and transported to the mainland United States to be stored there and not in the Trust Territory.

Mr. BEREZOVSKY (Union of Soviet Socialist Republics) (interpretation from Russian): I should like to note particularly the statement of the representative of the Administering Authority with regard to the dangerous chemicals that were stored in the Trust Territory.

I now have yet another question: could we have some clarification of the last paragraph in the right-hand column on page 11 of the Administering Authority's report? As I understand it, this paragraph refers to the appropriation by the Congress of the Federated States of Micronesia of \$91,800 for an information programme in the United States on the Compact. I am sorry, but I do not quite understand that provision. Either there is a mistake or, if it is correct, then a whole series of further questions comes to mind. How are we to understand this provision? What is the paragraph talking about?

Allow me to read the relevant passage in English:

(spoke in English)

"Congress also passed bills appropriating \$91,800 for an information programme in the U.S. on the Compact".

(continued in Russian)

I should like some clarification of that statement.

Mr. FELDMAN (United States of America): I should first like to request that Mr. McPhetres, the editor, provide the answer and then, secondly, to hear a comment from Mr. Asterio Takesy of the Federated States of Micronesia.

Mr. McPHETRES (Adviser): As to the question posed by the representative of the Soviet Union, I really have nothing to say except that it is my understanding that the Congress of the Federated States appropriated this money in

(Mr. McPhetres, Adviser)

order to provide facilities for the leadership of the Federated States of Micronesia to come to Washington to discuss the Compact with the leadership there. I would pass the question on to Mr. Takesy for a more accurate answer.

Mr. TAKESY (Special Adviser): I am not sure my answer is more accurate. The money is to enable the leadership of the Federated States not only to come to Washington, but also to come to New York to discuss matters with the United Nations Trusteeship Council and the United States Mission here. It is this money that enables us to come to the United Nations.

Mr. FELDMAN (United States of America): I also want to point out that, as I read the paragraph, this sum of \$91,800 is not exclusively for an information programme in the United States on the Compact. The \$91,800 are for that purpose and for a whole series of other purposes which are listed, including telecommunications, revolving fund and so on. At least, that is the way I read the paragraph. I would have to be the first to say that I have no personal knowledge of this. Perhaps we can provide a clarification later on.

Mr. BEREZOVSKY (Union of Soviet Socialist Republics) (interpretation from Russian): I am ready to hear further explanations at a later stage. What causes me serious concern is the fact that money is being allocated for an information programme on the Compact in the United States. That, if I may say so, does not accord very well with the existing situation. We shall be ready to hear an explanation at a later stage, as promised by the representative of the Administering Authority.

Now, on page 10 of the report there is information to the effect that President Reagan signed a proclamation giving residents of the Commonwealth of the Northern Mariana Islands a broad range of civil and political rights in the United States. Could we have some clarification of the content of that proclamation?

Ms. SELBY (Adviser): Section 504 of the Covenant to establish a Commonwealth of the Northern Marianas, which is in effect, calls upon the President to appoint a Commission of Federal Laws to survey the laws of the United States and to make recommendations to the United States Congress as to which laws should be applicable and in what manner.

This is a transition measure, in part. The Commission did meet and made a number of recommendations as to certain United States laws the benefits of which should be extended to citizens of the Northern Marianas. I would note that this proclamation was reviewed very carefully for consistency with the Trusteeship Agreement before it was put into effect.

Mr. BEREZOVSKY (Union of Soviet Socialist Republics) (interpretation from Russian): Basically, the response of the representative of the Administering Authority should be understood, I believe, in the following way: the so-called covenant is being implemented.

I have another question. On page 17, under the events taking place in November in the Marshall Islands, we read the following:

"Doctors from Brookhaven National Laboratory conducted their semi-annual medical check-up and treatment of the Marshallese people living on Rongelap and Utirik who were exposed to nuclear radiation in the atomic and hydrogen bomb tests conducted by the United States during the 1940s and 1950s."

What were the results and what sort of medical check-up was carried out by the doctors from the Brookhaven National Laboratory? Would the Administering Authority's representatives please give us more details about this.

Mr. FELDMAN (United States of America): Before turning to the second part, dealing with the doctors from Brookhaven, I should like to respond to the question of the Marianas Covenant. The Northern Marianas Commonwealth Covenant becomes effective in stages. It will come into full force only after the termination of the Trusteeship Agreement.

However, the first section did go into effect upon the approval of the Covenant. It included provisions for the drafting and the approval of the Northern Mariana Islands Constitution and for the establishment of consultative procedures between the Government of the United States and the Government of the Northern Mariana Islands.

The second phase in the implementation of the Covenant took place on 9 January 1978, following the approval of the Northern Mariana Islands Constitution. The portions of the Covenant which became effective at that time provided for the installation of a locally elected government, for United States financial assistance, and for the availability of certain lands for United States defence responsibilities.

The final phase in the implementation of the Covenant would take place only following termination of the Trusteeship Agreement. At that time all the remaining portions of the Covenant would come into effect, including the establishment of a commonwealth status, the acquisition of United States citizenship and nationality by the peoples of the islands, the establishment of an integrated federal court system, matters regarding financial assistance, and the implementation of certain immigration provisions.

(Mr. Feldman, United States)

So what we have done in the first instance, in the Northern Marianas, is to apply those portions of the Covenant which are consistent with the Trusteeship Agreement and to place in abeyance those portions which are not, until after the dissolution of the Trust.

With your permission, Mr. President, I would like to ask Mr. Andrew Wilson to respond to the second part.

Mr. WILSON (Adviser): The examinations the representative of the Soviet Union inquired about were part of the quarterly examinations we referred to in our statement the day before yesterday that were carried out not only on Utirik and Rongelap but also Majuro and Ebeye, as well as those on persons that may have been affected by the nuclear testing.

As to the specifics of the last November quarterly trip, I believe the various medical sub-specialties were mentioned in the Ambassador's statement; so I will not take the time to repeat them here.

I am aware that there were no remarkable results of the trip last November into the Trust Territory.

Mr. BEREZOSVSKY (Union of Soviet Socialist Republics) (interpretation from Russian): Am I correct in understanding that this refers to the medical examinations performed on certain inhabitants of the Marshall Islands, sub-divided into four groups, and that the results of individual analyses were then combined and averaged?

Mr. WILSON (Adviser): That is incorrect, and I apologize if my statement was unclear.

The teams of physicians that visit each of these areas include specialists in a wide range of areas; not all sub-specialties go out on every trip. For instance, there might be one trip where the concentration is primarily that in the sub-specialty of dentistry, but there are also general physicians and some sub-specialists. On a dental trip, for instance there will be a sick call where any person in the area may go to the doctors and have his or her teeth examined. I hope that clarifies my answer.

Mr. BEREZOVSKY (Union of Soviet Socialist Republics) (interpretation from Russian): We have a question with regard to page 18, where we read that Commander Dale Hagen visited Majuro for the first time. We should like to know what was significant about that visit that it is mentioned in the report of the Administering Authority. Was it something special?

Mrs. McCOY (Special Representative): Commodore Hagen and I make frequent trips through the whole Trust Territory, purely on a "What can we do for you?" basis. I hesitate to use the words "on a social basis", because it is not that, but we go to continue our liaison work with the Trust Territory Governments and usually it turns out to be a very good exchange of information. Commodore Hagen and I are both interested constantly in what is going on in the Trust Territory, and it is only for that kind of purpose and for exchange of information that we go.

Mr. FELDMAN (United States of America): I want to add a bit of clarification. First, there is another mistake there. It is "Commodore", not "Commander". A Commodore in the United States Navy is the rank immediately under Rear Admiral, wearing one star. Commodore Hagen is resident in Guam and has the title "Commander, Naval Forces Marianas", which includes both Guam and the Northern Mariana Islands.

Mr. BEREZOVSKY (Union of Soviet Socialist Republics) (interpretation from Russian): I feel that this was indeed not a purely social visit. As I understood it, he exchanged information there. Taking into account his status in the United States Navy, his exchange of information evidently did have some significance, and it would be very interesting to the Trusteeship Council to have a clarification of what information was exchanged and what links or communications were established for the future by Commodore Hagen.

Mrs. McCOY (Special Representative): While I was not with Commodore Hagen on that particular trip, I can assure the Council and I feel absolutely confident that among the subjects discussed was search and rescue efforts. The Navy is responsible for the training in that sort of thing and in the Trust Territory this is extremely important. We are surrounded by water, and search and rescue missions are frequent. Also, the Navy helps us out with some fisheries enforcement and marine safety of every kind, and of course with our civil action teams, which are scattered throughout the Trust Territory. I feel confident those are the subjects that would have been discussed by Commodore Hagen.

Mr. BEREZOVSKY (Union of Soviet Socialist Republics) (interpretation from Russian): Still on page 18, it says that the year's first shipment of heavy equipment was received from Japan. We should like to know what this is referring to.

Mr. FELDMAN (United States of America): I think that perhaps the best person to reply would be Chief Secretary DeBrum.

Mr. DeBRUM (Special Adviser): I want to thank the representative of the Soviet Union for his interest in our welfare and in the reports that are submitted to the High Commissioner by the different governmental entities. We have a fishing agreement with the Government of Japan, which is one of the Governments that recognize and respect our exclusive economic fishing zone. Under agreement with the Government of Japan it pays a certain amount for its fishing rights. It has offered to make these payments, sometimes in the form of cash contributions or in whatever form is desired by my Government. We have asked for bulldozers, heavy equipment such as dragging machines or earth-moving equipment - things we can use to improve our infrastructure and further economic development in my country. Japan has been very responsive to requests for that type of exchange. I think this is referred to in the report.

Mr. BEREZOVSKY (Union of Soviet Socialist Republics) (interpretation from Russian): I come now to part IV of the report, entitled "International peace and security: maintenance of law and order". As in the past, we note the extreme gravity of the position with regard to one of the main tasks and obligations under the United Nations Charter; that of helping to ensure the maintenance of international peace and security. In the short introduction it is rightly stressed that, under article 5 of the Trusteeship Agreement, under which the United States is permitted to undertake military activities in the Trust Territory, such activities are allowed in the interest of the maintenance of international peace and security. Then it goes on to say that there is in the Territory, in accordance with article 5, a ballistic missile testing facility. It is not clear to me how these two things fit together. Are we to understand that Kwajalein Atoll is used by the United States to test United States missile technology and that this is in the interest of the maintenance of international peace and security, or is there some other explanation? We should like an explanation of this.



Mr. FELDMAN (United States of America): I shall be happy to try to clarify the matter. I shall do so by reading out article 5 itself:

"In discharging its obligations under Article 76 (a) and Article 84 of the Charter, the Administering Authority shall ensure that the Trust Territory shall play its part in accordance with the Charter of the United Nations, in the maintenance of international peace and security. To this end" - the end being the maintenance of international peace and security -

"the Administering Authority shall be entitled:

"1. to establish naval, military and air bases and to erect fortifications in the Trust Territory;

"2. to station and employ armed forces in the Territory; and

"3. to make use of volunteer forces, facilities and assistance from the Trust Territory in carrying out the obligations toward the Security Council undertaken in this regard by the Administering Authority, as well as for the local defence and maintenance of law and order within the Trust Territory."

So the answer to the question put by the representative of the Soviet Union as to what the linkage is between the maintenance of international peace and security and the establishment of bases - and whence doth it come? - is that it is so linked in article 5 of the Trusteeship Agreement.

Mr. BEREZOVSKY (Union of Soviet Socialist Republics) (interpretation from Russian): I am very well acquainted with article 5 of the Trusteeship Agreement. Indeed, I have referred to it from the very beginning. I would merely draw the attention of the representative of the Administering Authority to subparagraph 3 of that article, which speaks of making use of:

"Volunteer forces, facilities and assistance from the Trust Territory in carrying out the obligations toward the Security Council undertaken in this regard by the Administering Authority".

The testing of missiles on the Trust Territory of the Pacific Islands - including the well-known MX missiles - can hardly be regarded as action by the Administering Authority designed to carry out its obligations in the Trust Territory for the maintenance of international peace and security.

I turn now to my next question. On page 57 of the annual report, we read the following in the first paragraph:

"The United States Navy in Guam acts as an agent for the High Commissioner for the implementation of capital improvement programmes within the Trust Territory".

(Mr. Berezovsky, USSR)

Why is the United States Navy in Guam acting as an agent for the High Commissioner?

Mr. FELDMAN (United States of America): I shall request the High Commissioner to comment on that question. Before she does so, however, I want to say that I do not see anything particularly wrong: I assume that it is within the competence of the Administering Authority to designate any agency of its Government to carry out a lawful function.

I repeat that I do not see what the particular problem is, but I shall ask High Commissioner McCoy to comment further.

Mrs. MCCOY (Special Representative): The Navy section that is referred to here is its Office of Construction. It was the decision of the High Commissioner's Office that, in order that all of the funds for our Capital Improvement Programme might be handled in the most efficient manner - with all the various ongoing infrastructure projects - the Navy's construction organization would be the best group to handle the architecture and engineering, the letting of bids, the projects of enormous scope, and so forth. In the United States, a construction manager would probably do that type of thing. We have hired the Navy as our construction management team for some of our projects.

I would point out in this connection that, as we proceed to turn over responsibilities to the individual Governments, many of our projects are now being handled by those Governments themselves. Thus, the amount of work being done by the Navy is gradually being phased out. With the progress they are making, the Governments themselves are taking on this responsibility of handling their own construction projects.

Mr. FELDMAN (United States of America): I should like to make a further comment, which is perhaps a clarification.

In the United States it is quite common to involve military construction engineers in various projects. For example, the flood control work on the Mississippi River is done by the United States Army Corps of Engineers. Those who reside in New York and who have been following the tortuous history of a construction project known as "Westway" will perhaps know that the United States Army Corps of Engineers is quite considerably involved in that project.

That is one of the ways that we happen to handle construction in the United States. I suspect that other countries as well involve analogous organizations in

(Mr. Feldman, United States)

their construction projects. The People's Republic of China comes to mind as a country that involves analogous organizations in construction programmes.

Mr. MORTIMER (United Kingdom): I would request some information, Mr. President. Can you tell us how much time you intend to give delegations to ask questions of the Administering Authority?

The PRESIDENT: I had not reached a conclusion on that point as yet. I was proposing to ask the representative of the Soviet Union - certainly before the end of this morning's meeting - if he could give us an idea of how many more questions he might have to put to the Administering Authority. Perhaps I might put that question to him now.

Mr. BEREZOVSKY (Union of Soviet Socialist Republics) (interpretation from Russian): We are dealing with a serious matter here. These questions are not being put to the Administering Authority to pass the time or for my personal satisfaction. It seems to me that we must address this matter in an appropriate way.

We have a whole series of questions that we would wish to ask. They are serious questions. If the Trusteeship Council feels that there is a shortage of time, we could perhaps forgo asking a number of questions that might be called minor but which would tell us and everyone else what is going on in the Trust Territory.

(Mr. Berezovsky, USSR)

We should like to ask a whole series of questions, and we do not know how long that will take, because each question requires an answer and the appropriate time for that answer. I could simply read out the questions one after another, Sir, and then you could limit the time for the answers by the Administering Authority. But that would not be in our interest either.

Mr. MORTIMER (United Kingdom): Perish the thought that I was suggesting the questions were not serious or were somehow wasting time! I asked merely because I, too, have some serious questions to put to the Administering Authority. But I do not wish unnecessarily to delay the proceedings. We have a beginning and end to our session, and so far as possible should keep within our timetable. Therefore, Sir, I wondered how much time you intended to allot us to ask these questions, because I, too, have some questions to put, and my French colleague may have some as well.

The PRESIDENT: It is not my feeling - and I am new to the Chair - that I can dictate to the Council how long it should spend on any particular item. I do not feel able to restrict the right of members to put questions to the Administering Authority, but I ask that those with questions still to put should keep them to a minimum and ask them as concisely as possible, thus enabling the Council to reach the end of this part of the agenda as soon as possible. At present I am not prepared to put a limit on the questioning.

Mr. FELDMAN (United States of America): I think we have shown by our demeanour that we are quite prepared to answer questions put to us, and of course we shall continue to do so. I would not ask, Sir, that you put a time-limit or anything like that on the questioning, but may I inquire whether there is a time-limit for the completion of the agenda as a whole and, if so, when that would be. Perhaps we can work back from that to apportion our time, because although it clearly is important that we give careful and detailed answers to careful and detailed questions, some end must be envisaged to the entire session.

The PRESIDENT: I am not sure that such a procedure would really be a solution. I think the session is due to end on 7 June. I should not want to engage in an exercise of working backwards from a date as far in the future as that. I put to the Council yesterday an outline programme for today and tomorrow, and I should have appreciated a warning that I was unlikely to be able to stick to that programme if that were the case, as it now begins to seem to be. The only answer is to continue asking questions of the Administering Authority as rapidly as we can, and I shall review the situation at the end of the morning.

Mr. BEREZOVSKY (Union of Soviet Socialist Republics) (interpretation from Russian): I shall try to complete my questioning as quickly as possible in the light of your request, Sir. This morning when I laid my documents on the table in front of me in order to prepare my questions, none of my colleagues expressed a desire to put any questions, and so I had to work quickly. In this case I am prepared at any time to yield to my colleagues if they wish to put questions.

Mr. FELDMAN (United States of America): I should have mentioned that some members of the United States delegation will have to leave after the conclusion of tomorrow afternoon's meeting. In fact, they would prefer to leave after the conclusion of the morning meeting, and they also have statements that they wish to make. As we have heard during the course of the questioning, Chief Secretary DeBrum and others will reply in their closing statements to some of the questions they have been asked. Therefore, I think we need to factor that into our organization of work as well.

The PRESIDENT: Those are certainly considerations that we must keep very much in mind.

Mr. MORTIMER (United Kingdom): Perhaps I may go straight on to my questions, thanking my Soviet colleague for the opportunity to do so. In giving him the floor this morning, I was not indicating that I had no questions; I was merely out of politesse giving him the opportunity to ask his questions before me.

My first question relates to page 3 of the statistical summary annexed to the Administering Authority's report. I was fascinated by the statistics regarding birth rate and infant mortality. For example, I see that infant mortality in the Marshall Islands is almost twice as high as that in the Republic of Palau and the Federated States, although the ratio of doctors to patients is not significantly worse in the Marshalls than in the other States. Indeed, it is better than that of the Federated States.

I know it is a difficult question, but can the Administering Authority give some indication of the reason for this substantial difference in the rates recorded?

Mr. FELDMAN (United States of America): I think the person best qualified to answer is Chief Secretary DeBrum.

Mr. DeBRUM (Special Adviser): I am not sure that I am qualified to answer. What went into the report was what was reported to us by the various agencies responsible for the information to be submitted to the Council. I do not know why the rates are so high in one instance and low in the others. I believe

(Mr. DeBrum, Special Adviser)

there are many reasons. There are similarities between our health and medical care systems throughout the islands. I know that in many instances we have imported food and that in others we have locally grown food. It would be necessary to seek expert advice in order to give a complete explanation. The figure is alarming, and we are as concerned as the representative of the United Kingdom, whom I thank for his keen observation.

Mr. MORTIMER (United Kingdom): I am grateful for that answer. I think we are dealing with a significant matter because, after all, per capita health expenditure in the Marshalls seems to be about the same as that in the Federated States, yet infant mortality is that much higher.

On the basis of those figures, I would also comment that if one is sick the Commonwealth of the Northern Marianas is clearly the place to be, since per capita health expenditure there is about four times as high as that in the other three entities of the Trust Territory.

I move on to another matter - education. It has always been important to the Council, but it is a sector we have not discussed in great detail so far. Can the Administering Authority give some indication of improvements in the education system over the past year - in particular, in primary education, an area to which we paid particular attention in our recommendations last year?

Mrs. McCOY (Special Representative): As far as education goes, we have present in this room - and we have over the past week, and, in fact, the past years, heard from - the products of the educational system in the Trust Territory. They are presidents, governors, legislators, judges, businessmen and just plain citizens.

Prior to transferring the responsibility for education to the new constitutional Governments, the Administering Authority made education a top priority. Compulsory elementary education, teacher training, secondary schools in major population centres, scholarship and training loans, have been available to Micronesians for several decades. At the present time, there are 43,321 students enrolled in Trust Territory schools. This is excluding the Northern Marianas. Again excluding the Northern Marianas, from the count, there are at this time an estimated 4,136 students in post-secondary institutions in the United States and countries such as Papua New Guinea and Fiji.

Of course, there are problems in education, but I note that right here in New York there is a major controversy over the standard of education in many elementary schools. But I think we can rightfully take pride in education as it has been conducted under the Administering Authority. We have only to observe the Micronesian leadership, the level of awareness of the peoples of the Islands and the confidence with which they are taking on their new responsibilities under self-government.

Mr. MORTIMER (United Kingdom): If I may be allowed to leap from one subject to another, given that we are under time constraints at the moment, the opening statement made by, I think the Lieutenant-Governor of the Northern Marianas, raised the familiar problem of war claims, which has been raised here before but has not actually been discussed in the course of this session.

I see that in answer to our recommendation on war claims last year the Administering Authority said that under the 1971 Micronesian Claims Act payment is subject to the provisions of United States Public Law 95-134. Would the Administering Authority be so kind as to refresh my memory as to what that law actually says.

Mr. FELDMAN (United States of America): The short answer is, No, I cannot, Sir. I do not have a copy of Public Law 95-134 with me. I can tell you what it does. Public Law 95-134, enacted on 15 October 1977, authorized the appropriation of sums necessary for the full payment of Title 2 Claims. A total of \$32.6 million has been paid by the United States in settlement of these adjudicated claims under this bill, and all these Title 2 claims are considered to be settled, except for some unclaimed and returned cheques.

I am quite sure that the representative of the United Kingdom is going to ask me what is a Title 2 claim, and I must say that I do not know, but perhaps someone else can enlighten me.

Mr. MORTIMER (United Kingdom): I am in fact aware of what Title 2 claims are, but my question was in relation to Title 1 claims, the claims that relate, I think, to the actual war period. Our question was about Law 95-134. The answer referred to legal technicalities of part of the laws of the United States, and unless they are changed by appropriate legislation payment cannot be effected until existing legal requirements can be met. That is why I asked what Public Law 95-134 in fact said. I am not concerned about Title 2 claims. I am aware they have been paid almost in full. It is the Title 1 claims I am concerned about.

Mr. FELDMAN (United States of America): I also have an answer, which I shall read out, and perhaps this afternoon we can bring with us the text of the legislation referred to.

As regards the status of Title 1 claims, in addition to the \$10 million for Title 1 claims which were authorized under the Micronesian Claims Act of 1971, the United States also authorized, in Public Law 95-134, funds to satisfy all adjudicated claims and final awards made by the Micronesian Claims Commission. The total adjudicated amounts to \$34 million for Title 1 claims.

Funding under this Congressional authorization is contingent upon the Japanese Government first making a contribution of one-half the outstanding amount. The contribution may be made in goods and services as well as in cash.

The official policy of the Government of Japan is that the 1969 Agreement between Japan and the United States, together with an exchange of diplomatic notes, in which the United States confirmed that all claims against Japan were fully and finally discharged, absolves the Japanese Government of any further responsibility.

Irrespective of these claims, however, and desirous of improving its relationship with the newly emerging Micronesian entities, the Government of Japan, beginning in 1981, has concluded a series of Government-to-Government aid



(Mr. Feldman, United States)

agreements with Palau, Marshall Islands and the Federated States of Micronesia. These aid agreements, many of which are in the area of road construction and fisheries development, have provided several million dollars worth of aid annually to the three Governments. In direct consequence of the sizeable amount of ex gratia assistance already given, the United States is actively examining ways to accomplish the liquidation of the remaining Title 1 claims.

I do wish to assure the Council that there is a positive effort being made to evaluate the aid programmes and projects provided by the Government of Japan to the Trust Territory. If the value of the aid efforts approximates the Japanese share of the compensation, then we hope to persuade the Congress to amend the law and to release the United States share, which would thus close the books on this very important issue for good and all.

I do not know if this satisfies the request. If it is desired, we shall bring the text of the legislation with us this afternoon.

Mr. MORTIMER (United Kingdom): I am very grateful for that explanation.

Mr. BEREZOVSKY (Union of Soviet Socialist Republics) (interpretation from Russian): I refer to the information given on page 63 of the report of the Administering Authority under the headings "Employment" and "Unemployment", referring to the Northern Marianas. Under the heading "Unemployment", it is stated that total unemployment for July 1984 was 11.74 per cent of the total labour force.

(Mr. Berezovsky, USSR)

Going back to page 62, under the heading "Population", we read:

(spoke in English)

"The Commonwealth population continues to grow compared to the 1980 Census survey, both through natural increase and through immigration or importation of aliens of working age to supplement the labour force."

(continued in Russian)

It appears that on the one hand there is unemployment of 11.74 per cent and on the other hand manpower is being imported into the Territory. We should like to ask the Administering Authority to explain that situation.

My second question - and I think the representative of the Administering Authority could answer both questions at the same time - is the following. In the same section there is a paragraph dealing with people not in the labour force, including people "not actively looking for work". That apparently means that the unemployment figures are actually shown lower than they are in reality, because a new factor is being introduced; there is a new element in the statistics - "people who are not actively looking for work". This is not very clear. It leads us to think that the unemployment figure given by the representative of the Administering Authority for the Northern Marianas are lower than they really are.

Mr. FELDMAN (United States of America): Mr. President, before requesting, your permission, that first High Commissioner McCoy and then Mr. Guerrero of the Northern Marianas reply, I should like to observe simply that it is not uncommon for numerous people of working age not to be actively seeking work: for example, students of working age who are in school; and wives who choose not to work or whose husbands perhaps do not wish them to seek work. In addition - although I am not clear whether this is reflected in that particular paragraph - these are also societies in which a certain portion of the population lives by subsistence agriculture or subsistence fishery. I am not sure whether they are counted in the labour force. But these are general observations, not specific ones, and for specificity I ask, Sir, that you call on High Commissioner McCoy and Mr. Guerrero.

Mrs. MCCOY (Special Representative): This is a perennial question in this Chamber - employment and unemployment. The response is also basically the same. Last year I cited an ESCAP document, (E/ESCAP/920) from the Commission on Development Planning to demonstrate the difficulty in arriving at some sort of dependable figure. My purpose was also to show that we in the Trust Territory are

(Mrs. McCoy, Special  
Representative)

not alone in this problem. This year we have data in the annual report ranging from 11 per cent to over 30 per cent unemployed. Let me again quote from last year's document:

"It was also noted that it was not easy to assess the employment/unemployment situation in many of the countries owing to the importance of the subsistence sector. Many people, especially women, were working to supply basic needs, but were not recorded as gainfully employed in available statistics."

Each of these Governments has determined its own definition of unemployment to serve its own statistical and planning needs. Varying approaches to the subsistence sector of the economies will result in different criteria and standards. I will defer to each of the spokesmen here for detailed responses, with the caution that, to get anything useful, the basic definitions and criteria utilized should be fully understood before alarm is taken at any particular figure expressed.

Mr. GUERRERO (Adviser): When the unemployment statistics came out they surprised the Commonwealth Government itself. The unemployment survey was done by an outside consultant and we are still examining it in terms of why it is that high, because our figure last year was different. I would like to add that this unemployment survey was done in the early summer, when a large number of high school graduates had just graduated. Of course, the Northern Marianas Government cannot guarantee that students who graduate from high school can go directly into gainful employment. So there are reasons why the statistics are high. Some of those students who had graduated were probably waiting to go on to higher education and were spending their summer on the island. Again, as Ambassador Feldman said, there are also wives who do not want work and those living by subsistence agriculture or fishing who would rather do that than be identified as gainfully employed. We do not have a very good reason why the figure is high; this is just speculation that our officials are looking at and currently studying.

Mr. BEREZOVSKY (Union of Soviet Socialist Republics) (interpretation from Russian): Again, as a result perhaps of the interpretation, a substantive part of the question has not been answered. We wanted the Administering Authority to explain the juxtaposition of two things in the report: namely, the importation of workers on the one hand and unemployment statistics on the other. How does the Administering Authority explain this situation?

Mr. GUERRERO (Adviser): The Northern Marianas have only a very limited pool of people they can tap for skilled labour. It is true that we do import workers from other countries to do certain jobs in the Northern Mariana Islands. At the same time, the Government, through its education system and higher education, is doing something to provide the vocational training that high-school leavers in particular need in order to be gainfully employed in the various job markets in the Northern Mariana Islands. I wonder if that is the answer the Soviet representative wanted?

Mr. FELDMAN (United States of America): I want to add that it is quite common, in many newly independent States, not only in the Pacific but elsewhere as well, for there to be a lack of certain types of skilled labour and for them to import, under contract or through some other means, this skilled labour from outside, even though they may have unemployment - and in some of the newly developing countries, quite substantial unemployment - at home. This is in any case not unusual and is quite a common phenomenon in fact and is often seen in quite wealthy countries as well. One is quite aware, for example, that Saudi Arabia - to cite one example - imports very, very large numbers of skilled workers from the outside to work on various projects.

Mr. BEREZOVSKY (Union of Soviet Socialist Republics) (interpretation from Russian): It is clear to me that the reason for the import of additional workers to the Trust Territory is because the Administering Authority could not ensure sufficient education and training of such workers.

I have one more question, one of those which the High Commissioner, Mrs. McCoy, has called "annual". So this will not be new to her. I would like to ask a question, which is related to the earlier question, with respect to the training of national personnel - Micronesians. I have carefully looked at the statistics but I have not found the data. We have asked this question earlier and it continues to interest us. Could we not be told how many Micronesian doctors there are in Micronesia? I remember a few years ago I asked this same question and I was told there were two Micronesian doctors in the whole Territory. Enough years have now gone by - maybe the national manning tables have grown - and we should like to know how many Micronesian doctors there are in the Trust Territory

Mrs. MCCOY (Special Representative): I am not altogether certain that I understand the question, but I can offer the information that we have two Micronesian doctors in Micronesia. If there was further information as far as

(Mrs. McCoy, Special  
Representative)

training is concerned, I would defer to the individual Governments, since they now handle that type of problems.

Mr. FELDMAN (United States of America): I should like to note that of the number of physicians at work in the Trust Territory - which is so widely scattered over the Pacific Ocean, agglomerated in so many small communities - aside from the number of ethnically Micronesian doctors, there are, of course, many non-Micronesian doctors at work. I would join my colleague from the Soviet Union in wishing that there were more Micronesians who had chosen to go into the field of medicine and to return to Micronesia to practise their skills, but a combination of factors seems to have resulted in a situation in which Micronesians who enter medical training in the United States do not often return. And to be fair and frank, not too many enter medical training. They tend to go into other fields.

Mr. BEREZOVSKY (Union of Soviet Socialist Republics) (interpretation from Russian): I am grateful for the explanation I have received from the representative of the Administering Authority. Thus, over the period under discussion, not one Micronesian physician has been added to the two that were there earlier.

With reference to medicine, since we have already touched upon that generally, I have a further question in connection with the building of a hospital in Palau.

(Mr. Berezovsky, USSR)

In paragraph 53, part IX, of the report, page 212, it says that \$9 million was proposed in the 1985 budget for a new hospital but that the Senate took out that sum owing to the lack of justification details. Could we have an explanation of what this means? Is it that the hospital is not necessary, according to the Senate? Is a hospital not needed in Palau?

Mrs. McCoy (Special Representative): The design for the hospital in Palau has now been completed. As the Council will perhaps recall, there was both an appropriation for the renovation of the old hospital and an appropriation of close on half a million dollars for the architectural and engineering design of a new hospital. That has finally been completed. It was submitted to the Congress in the budget hearings about two weeks ago, and there is discussion under way now as to what the final appropriation will be.

In addition, however, to the design that has been completed, Palau is due to send in a certificate of need which goes through the regional health services to be certain that it is meeting all the criteria that it should.

Mr. RAPIN (France) (interpretation from French): As we shall soon be ending our morning meeting, I should like to interrupt the debate briefly to make a few comments on the organization of our work.

I would say, first, that my delegation has no further questions to ask the Administering Authority. Secondly, as you have already stressed, Mr. President, it is customary for the Council not to limit the right of delegations of Member States to speak, much less limit the number of questions they can ask the Administering Authority.

For my part, I have followed with great interest this morning's debate and the questions asked by my colleagues from the United Kingdom and the Soviet Union, which show that they have a very thorough knowledge of the report and serious concerns, which seem to me to be justified. Furthermore, we feel that the debate we are having this morning is of a very high standard and very useful.

Nevertheless, many of us in the delegation know that every year our work is organized in almost exactly the same way: namely, various representatives of Trust Territory with day-to-day responsibilities in their territories are obliged to leave us at the end of the second week - that is, tomorrow evening.

The other comment I should like to make is that we have all had the report of the Administering Authority for at least a month. It therefore seems to me that if the delegations of the United Kingdom and the Soviet Union still have many

(Mr. Rapin, France)

questions to ask the Administering Authority - and I say this in a very friendly spirit - we should have been told this earlier. We could then have organized our work in a more efficient manner.

During last week and this week there have been two days on which we did not meet and it seems to me we could have used those days more effectively for the present debate.

In the final analysis, my concern is the following. Several representatives of the Territory are leaving us tomorrow evening, if I have understood the position correctly. I should like between now and then to be able to speak in their presence in the context of the general debate that we have every year. I have various things to say on behalf of my Government which I should like them to hear. Similarly, I should like to hear the final statements they have scheduled, and I quite understand that they want to make these final statements only after they have familiarized themselves with all the questions that delegations wish to ask them or the Administering Authority.

I should therefore like to appeal in a friendly spirit to my colleagues in other delegations to try as far as possible - they may be able to use the lunch hour to arrange this - to limit their final questions at this afternoon's meeting to those points that seem to them essential, so that we may be able to adhere to the suggestions you have made, Mr. President, concerning the use of our time. Thus we would devote tomorrow morning's meeting to the general debate, and tomorrow afternoon at the latest hear the final statements of the representatives of the Trust Territory.

Mr. BEREZOVSKY (Union of Soviet Socialist Republics) (interpretation from Russian): I fully agree with and share the representative of France's concern and understand his desire and that of everyone here that this session of the Trusteeship Council should have the full participation of those persons needed for the Council's work. We must bear in mind, however, that the Trusteeship Council, although it must take into account all factors and the needs of the members of all delegations, must at the same time fulfil its obligations.

(Mr. Berezovsky, USSR)

Therefore, to subordinate the work of the Trusteeship Council to the necessity for some members of some delegations to absent themselves from the session of the Council would in my opinion be wrong. My comment relates to principle, not to the proposed work plan, particularly since I would say that the session is still in its early stages. To express concern at this point as to whether we can conclude our work on time would be premature.

With regard to the number of questions delegations may have, I would say that the time required for questioning is a matter less of the quantity of questions asked than of the answers given. However, in view of the requests by the delegation of France and by the President, my delegation will try to cut down on our questions, although, to our great regret, we may not be able to give complete satisfaction in this regard. Nevertheless, we are an integral component of this Council and we must take into account the feelings expressed here.

The meeting rose at 1 p.m.