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VERBATIM RECORD OF THE FOURTEEN HUNDRED AND FIFTY-EIGHTH MEETING

Held at Headquarters, New York,
on Thursday, 8 July 1976, at 10.30 a.m.

President: Mr. SCALABRE (France)

Examination of the annual report of the Administering Authority for the year ended 30 June 1975: Trust Territory of the Pacific Islands (continued)

Report of the United Nations Visiting Mission to observe the plebiscite in the Mariana Islands District, Trust Territory of the Pacific Islands, June 1975 (cont'd)

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EXAMINATION OF THE ANNUAL REPORT OF THE ADMINISTERING AUTHORITY FOR THE YEAR ENDED 30 JUNE 1975. TRUST TERRITORY OF THE PACIFIC ISLANDS (T/1772; T/L.1200) (continued)

REPORT OF THE UNITED NATIONS VISITING MISSION TO OBSERVE THE PLEBISCITE IN THE MARIANA ISLANDS DISTRICT TRUST TERRITORY OF THE PACIFIC ISLANDS, JUNE 1975 (T/1771) (continued)

REPORT OF THE VISITING MISSION TO THE TRUST TERRITORY OF THE PACIFIC ISLANDS, 1976 (T/1774) (continued)

At the invitation of the President, Mr. Coleman, Special Representative, and Mr. Nakayama and Mr. Setik, Special Advisers, took places at the Council table.

The PRESIDENT (interpretation from French): The Council will now hear the final statements on the Trust Territory of the Pacific Islands.

I call on Mr. Setik, Special Adviser.

Mr. SETIK (Special Adviser): We have been most encouraged during the past few days to participate in the deliberations of this Council and to hear the views, observations, and recommendations of the Council members regarding the administration of the Trust Territory during the past year under review. In a day or so, we shall be returning to Micronesia, and we shall await the formal report of this Council and its specific recommendations relative to the multitude of complex challenges that lie ahead in Micronesia.

I wish at this time merely to elaborate further on several of our answers in response to certain questions raised by members of this Council and to comment further on several matters of concern to us.

We are most happy that this Council considers the preparation of an Indicative Plan for Micronesia to hold much promise in the resolution of many of our problems. The sentiments expressed by the representative of the Soviet Union assigning credit to the Congress of Micronesia in pushing for and advocating the preparation of an Indicative Development Plan for Micronesia are fully appreciated. The cautionary remarks expressed by the representative of the United Kingdom are also well taken. Crucial to such a plan will, in the final analysis, be the degree to which the administrative officials and the

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political leaders of Micronesia are able and prepared to translate the different segments and components of the plan into action and implementation. As political leaders of Micronesia we have the dual responsibility not only to ensure that the Indicative Plan is fully carried out but also to make certain that the proposed programme actions called for by the plan are in line with the practical political and social economic environment of Micronesia as well as represent faithfully the desires and the will of our constituents. It is with these thoughts in mind that we wish to acknowledge the wise counsel and practical advice of this Council as we proceed in formulating and carrying out our development plans.

In that spirit, a question on taxation was raised by the representative of France. The question was, I believe, whether any measures were being planned to increase the tax base and resources available in Micronesia to cover the cost of public services and other requirements of the people. Under the Indicative Development Plan, it is our hope to be able eventually to finance the plan through local resources to the greatest extent possible. It is of course difficult at this time to set forth the specific dollar amount that can be expected. This is due in part to the many variables and political uncertainties; we should like to see, however, a gradual increase in the tax rate during the plan period so that towards the end of the plan the tax rate would be about 10 per cent of the expected national income.

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The major sources of revenues for the central Government will continue to be the income tax -- personal and business -- and import taxes. Although these taxes will be levied in all districts, it is expected that some of the resultant revenue will be returned to the districts from which it originated. The central Government will retain only that much of the revenue that it needs to provide support to central government activities and functions and for development projects of a Micronesia-wide nature. The districts will be expected to finance from operating subsidies and local taxes all government operations and development projects and programmes not provided by United States government grants for capital improvement projects. For this purpose, the districts will have available to them a variety of revenue sources which include, among other things, the district income surtax, excise taxes on fuel and other consumption products, license fees, land and building taxes, head taxes, sales taxes, and user charges for government-provided services such as utility charges, health care and educational fees and related others.

Every district will be expected to formulate tax packages that will be in line with its potential tax base, traditions and local laws. Each district tax programme will also consider municipal taxes to finance community development and village governments.

The long-range objective of these tax programmes is to make each district government self-supporting in order better to utilize United States grants for income-producing projects, which in the long run will raise the income and living standards in each district.

These tax policies will need to go hand in hand with the concept of redirecting and shifting the expenditures of United States grant funds from paying for the administration of the Government, and free social services to developmental projects and productive programmes.

With respect to the desirability of decentralizing the present central Government, it is our wish to clarify further the views expressed in my opening remarks, lest there be misunderstanding. It is of course noteworthy that the Administration is in full agreement with the Congress of Micronesia and in favour of further decentralization to effect savings and to promote the effectiveness of the Government.

(Mr. Setik, Special Adviser)

We in the Congress of Micronesia consider such a move to be laudatory. In fact, it was the Congress of Micronesia which first initiated the concept by a report of one of its Committees in 1969. We think, however, that any action in this direction must carry with it full participation and involvement of the Micronesian leadership, both at the territorial level and at the district level. However, decentralization should not be allowed summary implementation in spite of the expressed consensus of the Micronesian leadership.

In this connexion, the Constitution of the Federated States of Micronesia can serve as the basis upon which decentralization of the central Government should take place. If the scope and structure of our Government is indeed to move towards greater Micronesian control and to vest greater political powers and administrative autonomy at the district level, then certain requirements would appear to us to be mandated.

First, more Micronesian control over its Government implies that the high level of United States aid that has served to support Micronesia must be gradually reduced. At the same time, the Micronesian economy must begin to assume a greater share of the burden of paying for such government. Given this objective, the whole structure of government in Micronesia must be examined with a view to scaling operations to Micronesia's actual needs. What is not necessary will have to go. Where there are inefficiencies or duplication or overstaffing or overspending, measures will be taken to make appropriate corrections. Where it is deemed necessary to trim the scope of government and raise its level of efficiency, measures will be taken to rearrange priorities away from costly social services and towards production-oriented activities. This latter objective, of course, will be given top priority.

The second determinative factor in the decentralization process is the strong desire now, from all districts, for a devolution of decision-making power from the central Government to the district level. This is partly economically motivated. It is also a principle avowed by the Constitution. It is compatible with the drive to streamline government, make it more production-oriented than before, and bring decision-making to the level where most of the development is expected to occur.

(Mr. Setik, Special Adviser)

In view of the foregoing, we wish to approach the decentralization issue, not with haste, but with deliberate speed as we see our particular circumstances warrant it. For one thing, as regards certain governmental functions, we do not have yet a sufficient data base, particularly in dollar costs, for firm guidelines to be laid down, although the areas where future study is needed are clearly indicated. Also, the intention to assign broad powers to district administrations will require that the structure of government in the districts will have to be decided, in large measure, by the districts themselves.

The concern thus expressed previously in this Council is well taken. We are concerned lest the Administering Authority decide to mandate the reorganization of the Micronesian Government in the name of expediency. This could have disruptive effects on the concept of unity. To decentralize rapidly now would also necessitate a second restructuring once the new Government of Micronesia is established under the Constitution for the Federated States of Micronesia.

Perhaps our misapprehension is ill-founded, but we find little comfort in the fact that Washington -- not Micronesia -- makes the day-to-day decisions for the Trust Territory.

While we regret to bring this internal matter before the Council, we feel obliged to do so since it was the Director of the Office of Territorial Affairs, Mr. Zeder, who cited the summary dismissal of one of our senior Micronesian District Administrators.

While we have yet to be fully apprised of the background of this personnel action, it should be noted that this particular position is subject to the advice and consent of the Congress of Micronesia. Thus, while no legal requirements exist that Micronesian leadership be consulted on such impending action, the making of such a decision would appear in retrospect to have required close co-ordination and consultation. In this connexion, it should be noted that the Congress of Micronesia leadership was consulted concerning changes in high-level Executive Branch positions held by expatriates. One would therefore wonder why in this particular instance no similar consultation took place.

(Mr. Setik, Special Adviser)

As regards the surtax issue, we reiterate our misgivings of the Administration's action to frustrate the efforts of the Congress of Micronesia to increase our tax base. We appreciate the answer provided by the Acting High Commissioner in response to a question raised on this issue by the representative of the United Kingdom, but it should be noted that the Administration's response regarding the issuance of the Secretarial Order amendment does not fully justify the act of nullifying an otherwise well-intentioned and well-motivated law. It represented our best effort at a compromise so as to foster unity and to raise revenues within the Trust Territory. The fact of the matter is that the legislative authorization for the levying of an additional 1 per cent tax by the district legislatures addressed itself to a more comprehensive, Territory-wide legislative objective. To stifle such an attempt on the narrow reasoning that the legislation followed "a questionable procedure of providing additional revenues to the Trust Territory" (1455th meeting, p. 26) ignores the overriding objective that the particular measure seeks to attain. In our view, if taxes must be enacted, they should be applied equally to all who are similarly situated and no exception should be made with regard to those persons or companies that may be present in Micronesia in connexion with United States military activities and earning taxable income.

In conclusion, it must have become quite clear, both from our previous appearances before this Council and our present appearance this year, that on more than several occasions those of us from the Congress of Micronesia have differed and disagreed markedly with what the executive branch of our Government or with what the United States as the Administering Authority has been or is doing. We have taken exception, in fact, on many substantive issues and procedural matters affecting the development and the future of Micronesia.

But if these differences have at times seemed insurmountable, they at least underscore one undeniable fact of life in Micronesia today. The people of Micronesia have now reached a point in their history at which the question of termination of the stewardship over them by the United Nations has become both timely and compelling. A Government that is ultimately responsible to

(Mr. Setik, Special Adviser)

the people which it governs cannot enjoy, for all time and on every issue, the unanimity of the segments of its constituency.

In this regard, the views and observations of the petitioners appear to us to be most informative and worthy of note. We have every confidence that, with continued dialogue and further discussions among ourselves, and among the different districts of the Trust Territory, a consensus of opinion will emerge that would accommodate and reconcile the different points of view on the future of Micronesia and the advancement of its people.

Finally, Mr. President, I wish to take this opportunity to express my personal thanks and gratitude for the warmth of your hospitality and for the many courtesies and considerations that the members of this Council have extended to us. We are truly grateful for the opportunity to share with you our thoughts and to represent the views of all of the people of Micronesia, whose common interest and well-being have been, and continue to be, our primary concern.

The PRESIDENT (interpretation from French): I thank Representative Setik for the kind words that he has addressed to me and to the other members of the Council.

The next speaker on my list is Senator Nakayama, on whom I now call.

Mr. NAKAYAMA (Special Adviser): I wish not only to address myself to the specific questions posed by our delegation but also to inform the Council as to matters raised by several of the petitioners. I hope that my supplemental remarks will be of help to the Council in ascertaining facts and many other aspects of various issues before this Council.

In addressing their remarks to the draft compact of free association, both the petitioners and the United States in its communiqué made reference to the draft compact as if it were a completed fact and a finished document. I think that it is important for the Council to know that the draft compact is a draft, and one that is incomplete. The document is lacking in so far as it fails to strike any agreement in one matter of fundamental importance,

(Mr. Nakayama, Special Adviser)

that is, provision for the vital matter of the maritime rights of the Micronesian people. The draft compact is also incomplete because by legislative mandate the Commission on Future Status and Transition had also to determine whether or not the draft compact conformed to the Micronesian Constitution. In point of fact, the members of the Joint Committee on Future Status agreed to put their initials on the draft document only after being expressly assured that their initialling would not in any way bind the new Commission that was to succeed the Joint Committee of the Congress of Micronesia. The Commission came into existence after the Convention had produced the Constitution, and one of the terms of reference was to bring the draft compact into line with the new Constitution. In my opening statement, I read to the Council the legislative mandate, which directed the new Commission to study and if necessary to renegotiate any portion of the draft compact which conflicted with the Constitution. That mandate includes, of course, any portions of the compact about which petitioners from the Marshalls and from Palau, and the other petitioners who have addressed the Council, have raised objections. Their remarks regarding ratification, trusteeship termination, and the assurances of the right of the Micronesian people to choose eventual independence will, of course, be closely studied and scrutinized, and we will make certain that the draft compact, as finally negotiated and presented to the Micronesian Congress and people, will be in strict conformity with the Constitution. As to the terms of the Constitution on these points, having attended the Convention that adopted the Constitution and having presided over it, I can assure this Council and the petitioners that the interests they want to protect and the aspirations they wish to see accommodated could perhaps be worked out within the framework of the Constitution as approved by the Micronesian Constitutional Convention.

(Mr. Nakayama, Special Adviser)

While we believe that the Constitution can still operate to allay the apprehensions of the Marshall Islands District in what they term "the tyranny of the majority", we believe that the Constitution has internal flexibility to ensure fair representation of the views of all districts and equitable distribution of those revenues obtained externally and those generated internally. Indeed, if the "marriage" of all five districts of Micronesia has come about through an accident of history, the last of all possible solutions is to terminate the marriage. Consummation of the marriage should be allowed inasmuch as the intent was at the outset matrimonial, certainly not meretricious. Consequently, as in marriage, there is much hope and much reason to push for and to seek unity for all of Micronesia.

Differently stated, we are still optimistic that the Constitution would protect the interests and concerns spoken of by the petitioners before this Council. Many of the provisions of the Constitution are as yet little understood throughout Micronesia, and, as other petitioners pointed out, the process of education on both the draft compact and the Constitution will be difficult and will take some time. But we believe we should be given the opportunity to have a careful review of the latest draft compact. We need it in order to add the important agreements to be negotiated with the United States respecting guarantees of our maritime rights and status. We also want to renegotiate any provisions of the 2 June draft compact that may be required. When those steps have been taken it may seem to the petitioners from the Marshalls and from Palau that it is worth taking another careful look at the resulting situation. By that time the meaning of the Constitution also will become clearer. The possibility of modifications to the Constitution can also be carefully considered in line with the suggestion of Ambassador Murray. But it is not yet time to rush in with amendments, before the Constitution is understood. We do not wish to do so before the basic agreement with the United States, which touches on the matters complained of by the petitioners, is worked out in accordance with the Constitution.

(Mr. Nakayama, Special Adviser)

What we seek, therefore, is the necessary understanding and time from both this Council and the Administering Authority. We now need to consider and to seek to solve our internal differences, to educate and to negotiate. We do not think it wise, after 400 years of waiting, to seek to settle our national destiny in a few short months, without adequate notice, reflection, education and time.

In this connexion we have continued to seek the guidance and support of the Council, as we have in other matters. We have sought its support concerning the law of the sea. Ambassador Murray has reported that the Visiting Mission's response to our appeal has so far been that it raises broad juridical issues. Of course it does. Everything done in this Council raises broad juridical issues, and often new issues. New law is the only kind of law that deals with the protection of small peoples under administration or occupation by foreign Powers. Settled precedents that accord with the principles of the United Nations Charter as to how to treat all trusteeships do not exist. We do not wish prematurely to hurry into decisions which our self-governing institutions cannot digest at quite the jet-speed to which the Administering Authority is accustomed. In the last year we have formulated and produced a Constitution. We have created a Commission to review and carry to completion the work of negotiating a new arrangement with the United States. We have settled and pursued our position on our maritime rights in the United Nations Conference on the Law of the Sea. We believe we have done everything we can to protect our maritime rights, for all of our districts and areas. We shall continue to do so. But that is not a bad record for a year. We are growing very fast in our capacity for self-government, including our capacity to negotiate on less uneven terms with our Administering Authority. As we become less unequal in that capacity, our negotiations also assume a higher quality of self-determination and should command more respect from this Council and from our people. We do not believe this to be the time for attempts at precipitate decisions, rapid resolutions or irrevocable positions. There is more work to be done, and we hope that the Council will agree with us and will likewise urge the Administering Authority to give us the time we need to be sure that we are pursuing a course that will benefit our people.

(Mr. Nakayama, Special Adviser)

On the subject of war claims, I wish to recapitulate the concern and desire of our people for an early and prompt accommodation and resolution of this long outstanding issue. While the degree of its conceptual importance may not be comparable to the broad issue of questions of future political status, the war claims issue amounts to more than just a means of enriching a few Micronesians because of their war damages. Indeed, from our point of view, both justice and equity demand that Micronesians be justly compensated and be awarded a full measure of restitution. The war that ravaged and wrought havoc on their islands, causing deaths, injuries and destruction of their property, was not of their own making, nor did it come to pass at their invitation. In point of fact, the Micronesians were innocent victims, wedged between two warring camps fighting a war on islands not their own. Consequently, these meritorious claims not only represent countless losses in private property but also claims for much suffering, mental anguish and loss of life and limb.

(Mr. Nakayama, Special Adviser)

Over 30 years have passed since the end of the war. Many of the most deserving Micronesians who were directly and adversely affected by the ravages of the war are now well into their twilight years; many have already passed away, never to know whether or not their rightful demands for justice would have been honoured.

To say, therefore, that Micronesians should not expect any more restitution, beyond a jointly agreed ex gratia payment, would in our view be tantamount to disregarding completely the inherent merit of the Micronesian claims. It would be to resort to political expediency and rhetoric. Surely, Micronesians should be entitled to their day in court.

We are of course not unmindful of what the Administration has done to date to settle these claims under existing United States law. We are compelled to observe, however, that the efforts on the part of the United States as an Administering Authority and on the part of Japan as a party principal to the last world war unfortunately have not solved the war claims issue with any degree of finality. Not only are the amounts to cover meritorious claims both under title I and title II of the Micronesian War Claims Act inadequate, but the prospect, as indicated by our High Commissioner, of securing further supplemental funds from the United States Congress to pay for these claims has been and continues to be dubious.

As this Council is well aware, the bilateral agreement between the Governments of Japan and the United States did not take fully into account any comments or recommendations by and from the people and Government of Micronesia. The terms and conditions specified by that agreement were understandably received by the Congress of Micronesia with certain misgivings. Now, in retrospect, it has become more obvious that the agreement should have contained adequate provisions to cover the contingency of the total actual amount required to pay for these war claims damages. As it stands, now, however, the inflexibility of this international treaty between Japan and the United States appears to preclude any recourse that would indemnify the Micronesians in connexion with their claims.

(Mr. Nakayama, Special Adviser)

Just last year the Congress of Micronesia decided to create a war claims commission to assist the Administration in securing possible additional funds from both Japan and the United States to pay for the claims over and above the amounts provided by the Micronesian Claims Act. Unfortunately, the Administration not only considered this action premature, but felt at the time and continues to feel that there is no possibility of securing additional money from the Government of Japan. It therefore decided on its own to veto the legislation that would have brought such a commission into existence.

Despite this setback, members of the Congress of Micronesia attempted to talk to the Japanese authorities on this issue. Regrettably, the State Department blocked our efforts and pointedly refused to raise the issue with the Government of Japan. We were told that the Government of Japan did not wish to revive the issue, and it was implied that if Micronesians persisted in their efforts the Government of Japan through its national companies might attempt to exercise its option to salvage sunken Second World War vessels, as provided for in the bilateral agreement. We were told by the Administering Authority that this was an area of foreign affairs over which the people of Micronesia had no jurisdiction.

However, in conversations with certain officials of the Japanese Government we were assured privately and informally that if the United States Government would support our claim, the Japanese Government might look favourably upon any request for full restitution of adjudicated claims.

This situation has implications which go beyond the question of war claims. It would tend to have a bearing on the advisability of having the Administering Authority represent Micronesian interests in the conduct of foreign affairs, as contemplated in the Draft Compact of Free Association. In fact our experience in this regard might well indicate to us a need to re-evaluate and reassess our thinking with regard to a future relationship between Micronesia and the Administering Authority whereby the United States would be granted the unfettered authority to control and regulate our foreign affairs and defence matters.

(Mr. Nakayama, Special Adviser)

Furthermore, although this was passed over in the Visiting Mission's report, we believe it is wholly inequitable and lacking in any common sense of justice for the Administering Authority to force Micronesians to waive their right to future claims in order to receive a partial payment of 16 per cent, on the pretext that no additional funds could be made available. To say the least, this is simply adding insult to injury.

We find this attitude astonishing in view of the fact that shortly after the war the Administering Authority granted billions of dollars in post-war aid to its former foes.

Finally, I want to add the following to the exposition by the representative of the United States on the possibility of legislative action in the United States Congress regarding title II claims. He noted that a proposal which had passed the House did not pass the Senate this year.

This war claims measure was attached to House Joint Resolution 549, which was the Covenant measure for the Northern Mariana Islands. Senate members-in-hearing expressed the view that while they were not opposed to the issue as such, they felt it could better be treated as a separate subject, and not in connexion with the Covenant.

I hope this sets the record straight, and gives the Council a clear statement of the Micronesian position regarding this long-standing issue.

At the time of the writing of this statement, we had yet to hear the clear statement of the Administering Authority's position on this matter that we and the United Kingdom representative have requested. Rather, we have heard a simple recounting of recent events and references to meetings. We therefore reiterate our desire for a clear statement of the Administering Authority's policy and proposed action and we express the wish that our position and our desire be included in the report and recommendations of this Council to the Security Council.

With regard to the law-of-the-sea issue, we believe that our position has been made clear to the Council and that it is well understood; that is evidenced by the lack of questions on or references to this matter. Considering the provisions of article 6 of the Trusteeship Agreement, we therefore look forward to favourable support from this Council in its report and recommendations to the Security Council.

(Mr. Nakayama, Special Adviser)

I now wish to touch briefly upon the subject of the Service to Saipan case. I must express, on behalf of the Congress of Micronesia and all parties to this case, our appreciation to the Council for its past support and our gratitude at learning that President Ford has approved the recommendation of the Civil Aeronautics Board to award the route to Air Micronesia.

In closing we wish first to thank each member delegation of the Council for its interest and attention to the issues which we have discussed at this session. We also wish to thank the leader of the United Kingdom delegation, Ambassador Murray and, in absentia, his colleague Mr. de Lataillade for the concise and detailed report produced by the 1976 Visiting Mission, which has been supportive of Micronesian aspirations and which served as a comprehensive basis for our deliberations.

And while members will note that the views of the Special Advisers do not always converge with those of our friends from the Administering Authority, they can be sure that our comments are sincere and constructive in nature. We would in fact like to observe that dissent, minor or major, is one of the rights preserved under the Constitution of the Administering Authority. This fact has not been lost on us. We therefore owe our gratitude to the Administering Authority for allowing us to be here and to present the views of the people of Micronesia.

In closing, we are confident that, with the thoughtful recommendations of this Council, the positive support of the Administering Authority and the determined will of the Micronesian people, our long-sought goal of self-government will be achieved in the near future.

The PRESIDENT (interpretation from French): I call on Mr. Coleman, Special Representative.

Mr. COLEMAN (Special Representative): On behalf of the entire delegation from Micronesia, I should like to express our admiration for the perceptive and sensitive questions and comments made by the Trusteeship Council members in this chamber. You have all been very helpful to us and we appreciate that very much. We also appreciate this opportunity to submit more information which may be helpful to the members of the Council.

(Mr. Coleman, Special Representative)

Let me begin with good news. I am very pleased to report to the Council the approval by the United States Congress on 2 July of the appropriation for the clean-up of Enewetak Atoll. The first phase of the clean-up is scheduled to begin in September 1976. The Department of the Interior will now proceed with the request for funding for the rehabilitation and resettlement programme, which will be meshed to the maximum extent possible with the clean-up.

A related question is that of the aerial radiological survey of Bikini Atoll. The three United States Government agencies involved - the Department of Defense, the Energy Research and Development Agency and the Department of the Interior -- have all agreed that an aerial radiological survey similar to that which was done for Enewetak should be conducted for Bikini. However, none of the agencies concerned had money budgeted in the fiscal years 1976 and 1977 for the considerable costs involved in mounting and carrying out the survey. Accordingly, meetings were held with the Office of Management and Budget to determine how funding would be arranged. That Office requested full information on costs, timing and scheduling. A precise plan was prepared and submitted to the Office of Management and Budget. Preliminary clearances have been obtained and the recommendation has gone to the final decision level of the Office of Management and Budget for determination on which agency should fund the survey and in what manner. A decision is expected within the next several days.

With regard to the startling charges made before this honourable body by the Legal Counsel for the Marshallese petitioners that American doctors on Kwajalein did not come to the aid of the Marshallese during

> "... an outbreak of influenza at Ebeye, followed by numerous cases of spinal meningitis /which/ left 12 dead and two children with severe permanent brain damage", (1452nd meeting, p. 23-25)

we investigated this charge first with our District Administrator of the Marshall Islands, Mr. Oscar De Brum, who is present with us. Mr. De Brum said that, if such a thing had happened, he would have been the first to be informed.

Checking directly with Kwajalein and Ebeye on this matter, I learned that the outbreak of flu occurred in late 1975 and that there were no deaths reported.

(Mr. Coleman, Special Representative)

There were two recorded cases of a spinal meningitis-like disease during the period from January to June 1976. Two Marshallese were afflicted and both were sent to the Majuro Hospital. One patient died and the other was reported to be recovering upon being returned to Ebeye.

During the peak of the flu outbreak, the Marshallese Medical Officer on Ebeye had the assistance of the Department of Health, Education and Welfare specialist from Honolulu, the services of an Energy Research and Development Administration doctor from Kwajalein, who is assigned to the care of the people of Rongelap, and the assistance of a senior Medical Officer from the Trust Territory Headquarters on Saipan.

At no time have the medical personnel of Kwajalein failed to respond to any request for assistance for services or supplies. As a matter of fact, the Trust Territory Government spends from $20,000 to $30,000 a month on the referral of Marshallese patients to the Kwajalein medical facilities. In addition, the Kwajalein Missile Facilities assist in the evacuation of the most serious cases to hospitals in Hawaii.

In short, the Legal Counsel's specific allegations are completely unjustified.

Concerning overcrowding on Ebeye, a programme termed Operation Exodus has been under way for the past three months under which free transportation and other assistance is provided to the families who have come from outside the Kwajalein Atoll to enable them to return to their home islands. We estimate that some 350 people have taken advantage of this programme.

Improvements to water, sewerage and power facilities are planned for Ebeye.

In response to the concern expressed by the representative of the United Kingdom, we should like to make what we hope is a clarifying statement as to the final payment of claims under the Micronesian Claims Act.

As members of the Council know, certain percentages of the adjudicated claims are now being paid. Death claims are being paid in full as quickly as the proper paper work is completed. A total of over $10 million in cheques have been issued already.

We do have a serious concern over the inflationary impact that full payment of all claims would have on the fragile island economy if they were all made at one time. Therefore, I have personally issued a public statement urging all

(Mr. Coleman, Special Representative)

recipients to place their awards in savings accounts or invest them wisely in Micronesian enterprises. So, in retrospect, it may be a fortuitous circumstance that the entire $30 million now available will not all be paid out concurrently.

With regard to Title I, actual war damage, we know the approximate amount available for payment but, since there are still claims being appealed through the judicial process, we are uncertain as to the total amount of claims. When this information is obtained, we shall be able to pay those claims in proportion to the total amount available.

As for Title II, the total amount of claims is again in doubt. Although all claims have been adjudicated, there are still certain cases under appeal.

The United States Congress has appropriated $20 million to pay these claims. Based on presently adjudicated claims, there will be a shortfall of approximately $10 million.

(Mr. Coleman, Special Representative)

The Congress of Micronesia has passed a resolution requesting that the Administering Authority pay Title II claims in full, and some members of the United States Congress have expressed an interest in appropriating additional funds to this end. While it is my personal hope that additional funds can be made available, I have little cause for optimism.

The question regarding the exercise of the veto power by the High Commissioner over legislative measures enacted by the Congress of Micronesia has been the subject of continuing discussion at the Washington level, in the Congress of Micronesia and, of course, in the United Nations Trusteeship Council.

This issue has not been resolved to the satisfaction of all concerned, and the exercise of the veto by the High Commissioner is likely to become an increasingly lively issue in the coming years.

In addressing this question, I should like to state that I cannot do better than to reiterate the explanation offered by the Special Representative of the Administering Authority about a year ago, and it is substantially this:

As the Chief Executive of the Trust Territory Government, the High Commissioner is responsible for the enforcement of all the laws of the Government of the Trust Territory of the Pacific Islands and the proper maintenance and the protection of the best interests of the people of Micronesia.

On the other hand, the High Commissioner is also a presidentially-appointed representative of the Administering Authority and, in that capacity, his decisions and actions must be consistent with the policies and laws of the Administering Authority.

The Council will be pleased to know that the High Commissioner does not, as a matter of policy, invoke his right of veto power on legislative acts that concern purely internal matters.

As the Acting High Commissioner, I can assure this Council that the exercise of this power will be resorted to only when it is absolutely necessary, keeping in mind our obligations under the Trusteeship Agreement.

(Mr. Coleman, Special Representative)

Much of the discussion of the past several days has centred on the need for expanded economic development in Micronesia, and the major thrust of the Administration's effort is now in that direction. The charge made by the petitioners from the Marshall Islands that the Administration has deliberately stifled economic growth, particularly in the Marshall Islands, is misleading as well as inaccurate. Within the past several years the Administration has built a modern international airport on Majuro; a major water system has been installed there; the power utility system has been upgraded; and the longest paved road in Micronesia has been completed through a joint funding venture with the Congress of Micronesia. A major capital improvement project to upgrade port facilities at Majuro has been approved. New secondary school facilities on Jaluit have been built, and other increments will follow.

The economic projects of the Marshall Islands Development Authority are adding measurably to economic development in the Marshalls. But I do wish to emphasize that, without a modern infrastructure of water and sewerage facilities, utilities, port development and an international airport, all accomplished through the Administration's funding, most of the economic projects of the Marshall Islands Development Authority would not have been possible. The same situation holds true throughout the Territory. The Administration will continue to strengthen the basic infrastructure, which is basic to all economic development, public or private.

In keeping with the shift in capital improvement project priorities by the districts and the Congress of Micronesia, priority has been shifted from social development programmes to economic development programmes which can provide a concrete basis for the development of a revenue-generating economy leading to economic self-sufficiency.

On 17 July 1976, the new International Airport on Saipan will be dedicated. The airport can service jet planes up to 747-size, and its new and modern terminal facilities have been designed to provide maximum comfort to visitors, as well as quick and efficient passage through customs and immigration. As was indicated earlier, President Ford, on 29 June 1976, announced that the Saipan-Tokyo route had been awarded to Continental/Air Micronesia Airlines.

(Mr. Coleman, Special Representative)

Service by Air Micronesia is authorized to start anytime after 28 August of this year. We hope also that Japan Airlines now will exercise its permit to fly to Saipan. Within the past year several new hotels have been constructed on Saipan; and with the new direct route to Japan now open, a considerable increase in tourism to the Northern Marianas and the rest of the Trust Territory is expected.

In closing, I would like to express our gratitude for all the courtesies extended to us by the members of the Council during this session. Everyone has been very kind and hospitable. We thank you very much.

The PRESIDENT (interpretation from French): I thank the Special Representative for his very kind words in our regard.

Mr. SHERER (United States of America): As in previous years, the United States delegation has been impressed by the thoughtfulness and constructive spirit which have characterized the deliberations of the Trusteeship Council as it considered the Trust Territory of the Pacific Islands. The United States delegation considers that this session of the Trusteeship Council has provided an especially fruitful opportunity for the examination of the current situation and the future prospects of the Trust Territory, for which the United States is proud to serve as trustee. Clearly -- and, we believe, quite properly -- the days of the Trusteeship System are numbered; and in line with United States responsibilities under the Charter and the Trusteeship Agreement, important steps have been taken during the past year towards the final determination of the post-trusteeship political status of the peoples of Micronesia. At this session not only have members of this Council spoken freely and knowledgeably on matters pertaining to the Trust Territory, but citizens of the Territory in greater number than ever have travelled the thousands of miles which lie between New York and Micronesia to speak just as freely in apprising the Council of their views.

(Mr. Sherer, United States)

During this session of the Trusteeship Council a number of issues have been raised by petitioners as well as by delegations, which I wish to address in my concluding remarks.

First, I will discuss the question of future political status. Attention has been directed to the question of whether the United States should undertake separate negotiations with the representatives of the Marshall Islands and the Palau Islands, and there have been allegations that the United States is attempting to "colonize" Micronesia by forcing the Caroline and Marshall Islands to remain unified against their will. The Micronesian negotiators and the leadership of the Congress of Micronesia have clearly stated that their preferred option is unity for the Marshall and Caroline Islands in free association with the United States. The initialled Compact of Free Association responds to that desire.

United States policy on the future political status of the Trust Territory is clear and well known: the United States supports the expressed desire for unity of the Carolines and the Marshalls, and views the Compact of Free Association as an instrument to accomplish this goal. We recognize, however, that sovereignty rests with the people of Micronesia and that it is for them to decide what political status they desire. The Compact, by its terms, will not come into effect in a district if the people of that district vote by a 55 per cent margin to reject the Compact. The people of Palau and the Marshall Islands have this option and may freely exercise their right of self-determination by approving or rejecting the Compact when the status plebiscite is held.

(Mr. Sherer, United States)

I also draw the attention of the Council to section 1102(b) of the compact, which provides for unilateral termination of the compact by either Micronesia or the United States after 15 years. These provisions were proposed by the Micronesian status negotiators and were accepted by the United States as early as 1974, and were most recently reaffirmed in June of this year when the compact was initialed by both parties. The assertion that the compact constitutes a breach of the Trusteeship Agreement and is a gross violation of the basic principles of self-determination cannot be reconciled with these facts and must be rejected.

One issue remains to be negotiated, the question of marine resources. We are confident that agreement will be reached on this matter, thus enabling the compact to be submitted to the Congress of Micronesia and the peoples of the Caroline and Marshall Islands, and then to the United States Congress for ratification.

I will now turn to the Northern Mariana Islands. The legal ramifications of the separate administration of the Marianas, in effect since 1 April, should be clear to all members of the Council. This action did not constitute a modification of the Trusteeship Agreement, which remains in effect for the entire Trust Territory. Care was taken in negotiating the Covenant to Establish a Commonwealth of the Northern Mariana Islands to ensure that the document would not conflict with United States obligations under the Trusteeship Agreement. The agreement will not become fully effective and the Commonwealth will not be established until termination of the Trusteeship Agreement, a subject which we intend to take up with the Trusteeship Council and the Security Council at the appropriate time.

I feel I must also comment on statements made by the Soviet representative on 7 July that the plebiscite on the Covenant in the Northern Mariana Islands was neither fully just nor an act of the free expression of the will of the people of the islands and that the Congress of Micronesia endorsed the Covenant as a result of coercion by the Administering Authority. As regards the plebiscite in the Mariana Islands, I refer members of the Council to the report of the Visiting Mission which observed the plebiscite, in which it is stated that:

(Mr. Sherer, United States)

"There was no improper interference by the Administering Authority. The campaign was freely fought. The poll was free and seen to be free". (T/1771, para. 131)

In view of this report, it is difficult to understand how one could reach the conclusion stated by the Soviet representative.

The question of why the Congress of Micronesia passed a resolution in support of the Marianas Commonwealth Covenant was discussed on 1 July by Special Adviser Nakayama, President of the Senate of the Congress of Micronesia. It is not for me to explain the actions of the Micronesian Congress, but members of this Council may recall that at no point did President Nakayama suggest that efforts were made by the Administration to coerce the Congress. Moreover, the Congress of Micronesia has never advocated imposing a political status on the people of the Marianas against their will. The Congress indicated as early as 1969 that it would not oppose a separate status for the Marianas if that were the will of the majority of the people of that district.

My delegation has taken careful note of the 1976 Visiting Mission's recommendations, reiterated yesterday by the representative of the United Kingdom in his general debate statement, that the Administering Authority should dispel, as soon as possible, any uncertainty about the amounts that will be available for payment of claims under the Micronesian Claims Act and that the Administering Authority should state clearly how it intends to proceed. While we have made repeated efforts to keep the people of Micronesia informed about the complex questions of Title I and Title II claims, there is clearly more that can and should be done.

On the question of payments under Titles I and II of the Micronesian Claims Act, the outlook for additional funding under either Title is not bright. However, the possibility of increased funding under Title II cannot be completely excluded. The level of funding under Title I is the result of negotiations which we do not expect to reopen. It would, therefore, be unrealistic to expect any additional funding under this Title. Title II funding is a matter which can be resolved within the United States Government, and certain members of Congress have indicated their support for the appropriation of funds sufficient for full payment of awards under this Title. However, while an

(Mr. Sherer, United States)

authorization for such an appropriation was considered by the United States Congress, it was not approved.

Acting High Commissioner Coleman has already categorically rejected the allegations of one of the petitioners that "conditions of ... apartheid" (1452nd meeting, p. 27) exist at Kwajalein and that American medical doctors employed there did not come to the aid of the people of Ebeye at the time of an outbreak of influenza said to have been followed by "numerous cases of spinal meningitis". (Ibid., p. 23-25) I wish only to reiterate that these shocking charges are completely without foundation. Discrimination on the basis of race is abhorrent to my Government, which does not and would not under any circumstances condone such a policy in the Trust Territory or anywhere else under United States administration.

The question has been raised as to what steps have been taken to grant preferential tariff treatment to the Trust Territory. I apologize that I was unable to answer this question at the time it was asked and will take this opportunity to do so. Legislation which would accord preferential tariff treatment to the Trust Territory has been considered several times by the appropriate committees of the United States Congress. The Congress has not acted favourably on such legislation and it does not appear likely that favourable action will be taken in the near future. I reminded the Council, however, that a determination has been made that certain products of Micronesian origin are eligible for preferential tariff treatment when imported into the United States under the Generalized System of Preferences as provided in the Trade Act of 1974. I also note that the Marianas Commonwealth Covenant and the Compact of Free Association each deal with the tariff question. Section 603 (C) of the Covenant provides that imports from the Northern Marianas will be accorded the same treatment as imports from the American Territory of Guam. Section 602 (A) of the Compact provides that the "United States will, to the greatest extent feasible, give sympathetic consideration to requests for preferential conditions for the importation of goods of Micronesian origin into the United States".

(Mr. Sherer, United States)

My delegation is highly gratified to have been able to report to this Council the substantial progress which we feel has been made during the past year towards the fulfilment of our obligations and responsibilities under the Trusteeship Agreement. In concert with the peoples of the Trust Territory, we have moved forward together towards a determination of future political relationships consonant with the requirements of the Trusteeship Agreement. We look forward to being able to report to the Council next year the full achievement of our common efforts.

The PRESIDENT (interpretation from French): Does any member wish to speak at this stage of the general debate? It appears not.

I wish to inform the Council that I have received a letter dated 24 June 1976 from the Legislative Secretary of the Government of the Northern Mariana Islands. It reads as follows:

(spoke in English)

"Dear Mr. President,

On behalf of the Membership, I am again pleased to forward your copy of Resolution No. 155-1976, a resolution designating two Senators from the Northern Marianas Legislature to appear with the Resident Commissioner before the United Nations Trusteeship Council to represent the interest of the people of the Northern Marianas, duly adopted by the Legislature on May 25, 1976, for your kind consideration."

The attached resolution reads as follows:

"Whereas, the Northern Mariana Islands became administratively separated from the other districts of the Trust Territory of the Pacific Islands by authority of a Departmental Order of the Secretary of the Interior, dated April 1, 1976; and

"Whereas, in the past it has been the usual practice for members of the Congress of Micronesia to represent the people of Micronesia at the UN Trusteeship Council as special advisers to the High Commissioner; and

"Whereas, in consonance with this practice, representatives of the Northern Mariana Islands have appeared before the Trusteeship Council during the past several years as petitioners in order to present progress reports on status negotiations between people of the Northern Mariana Islands and the United States Government; and

"Whereas, it is anticipated that the Resident Commissioner of the Northern Mariana Islands will attend the 43rd Session of the Trusteeship Council in New York this year in order to inform the Council of the particular circumstances of the Northern Mariana Islands;

"Now, therefore, be it resolved by the Fourth Northern Mariana Islands Legislature, Eighth Regular Session, 1976, that two persons be

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designated by the Legislature of the Northern Mariana Islands to appear before the 43rd United Nations Trusteeship Council as special advisor to Resident Commissioner to represent the interests of the people of the Northern Mariana Islands;

"And be it further resolved that the Speaker certify to and the Legislative Secretary attest the adoption hereof and that copies of the same be transmitted to Resident Commissioner of the Northern Marianas and to the President of the United Nations Trusteeship Council."

The letter is dated 24 June; the Secretary transmitted it to me this morning, at the opening of this meeting.

(continued in French)

I believe the two persons referred to in the resolution have not yet been named. The legislative has reserved its right to specify the names at a later stage.

Mr. MURRAY (United Kingdom): It might be useful if the representative of the United States could tell us whether any question of some separate representation for the Marianas has ever been considered by his special advisers.

Mr. SHERER (United States of America): I am informed that the Resident Commissioner of the Northern Marianas had expected to be present but is unable to be here because of his duties in the Northern Marianas.

The PRESIDENT (interpretation from French): If no other member wishes to speak on this matter, I would propose that the Council take note of the communication from the Government of the Northern Mariana Islands. If there is no objection, it will be so decided.

It was so decided.

The PRESIDENT (interpretation from French): The general debate has now come to a close.

I should like sincerely to thank Mr. Peter Coleman, the Special Representative, and Senator Tosiwo Nakayama and Representative Setik, the Special Advisers, for their co-operation. I wish also to say that we have

(The President)

been pleased to have with us Mr. Oscar De Brum, the District Administrator; Mr. Strik Yoma, Director of the Department of Public Affairs of the Trust Territory Government; Mr. Udui, Legislative Counsel of the Congress of Micronesia; Ms. Mary Vance Trent of the Office for Micronesian Status Negotiations; Mr. Brian Farley, staff member of the Office of the Legislative Counsel, Congress of Micronesia; and Mr. James Hall of the Executive Branch of the Trust Territory Government.

Mr. Coleman, Special Representative; Mr. Nakayama and Mr. Setik, Special Advisers; and Mr. Zeder, Director, Office of Territorial Affairs, withdrew.

The PRESIDENT (interpretation from French): Members will recall that at our meeting yesterday it was agreed that agenda items 10 and 11, on the one hand, and 12 and 13, on the other, would be dealt with together. Furthermore, it will be recalled that I was requested by one delegation to make a brief introduction of those items.

CO-OPERATION WITH THE COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION /GENERAL ASSEMBLY RESOLUTIONS 2106 B (XX) AND 3266 (XXIX)/

DECADE FOR ACTION TO COMBAT RACISM AND RACIAL DISCRIMINATION /GENERAL ASSEMBLY RESOLUTIONS 3057 (XXVIII) AND 3377 (XXX)/

The PRESIDENT (interpretation from French): The Secretariat has already provided each delegation with documentation containing background information on the items we are now discussing.

I should like to draw members' attention to General Assembly resolution 3057 (XXVIII), and in particular to operative paragraph 3, in which United Nations organs are invited

"to participate in the observance of the Decade by intensifying and expanding their efforts towards ensuring the rapid eradication of racism and racial discrimination".

I shall now call on any members who wish to comment on the two items now before us.

Mr. SHERER (United States of America): With regard to items 10 and 11 of the Trusteeship Council's agenda, the United States wishes initially to reaffirm its strong and continuing opposition to racial discrimination in any form. The position of the United States on this question is well known to all members of the Trusteeship Council, and we would only say that in this bicentennial year we are proud of our record.

In addition, the United States would like to state again for the record its complete support of the statement made last week by Acting High Commissioner Coleman categorically rejecting allegations of racial discrimination in the

(Mr. Sherer, United States)

Trust Territory and affirming that if there were evidence to support those allegations, immediate and affirmative action would be taken to eliminate such discrimination.

The position of the United States with regard to the Decade for Action to Combat Racism and Racial Discrimination - - which was most recently stated in detail by Ambassador Scranton, the United States representative to the United Nations, in the Economic and Social Council on 28 April 1976 -- remains unchanged. For reasons that have been made abundantly clear in the past, the United States cannot participate in or support the observance of the Decade.

Mr. KOVALENKO (Union of Soviet Socialist Republics) (interpretation from Russian): The position of the Soviet delegation on the present question has been stated repeatedly and is therefore very well known.

It is the Soviet delegation's opinion that the Trusteeship Council should consider questions connected with action to combat racism and racial discrimination and in that respect should co-operate with the Committee on the Elimination of Racial Discrimination.

In December 1975 the President of the Trusteeship Council, speaking at the commemoration of Human Rights Day, stated that the Trusteeship Council would give full consideration to the requests made by the General Assembly in connexion with the Decade for Action to Combat Racism and Racial Discrimination and would continue to make every possible effort to ensure the total implementation of the Decade's Programme and objectives.

As is well known, in the past the Trusteeship Council has adopted recommendations concerning co-operation with the Committee on the Elimination of Racial Discrimination in which the Administering Authorities' attention has been drawn to that Committee's requests and observations and in which the Administering Authorities have been requested to take that into account in their future reports to the Trusteeship Council. Unfortunately, those reports have not contained all the necessary information on this question. Hence future reports should devote some attention to the matter.

(Mr. Kovalenko, USSR)

With regard to the Decade for Action to Combat Racism and Racial Discrimination, last year, as is well known, the Trusteeship Council took a decision in which it drew the attention of the Administering Authorities of Trust Territories to the provisions of resolution 3057 (XXVIII) and the Programme annexed thereto, as well as to resolution 3223 (XXIX), and requested those Administering Authorities to take the necessary measures and to report to the next session of the Trusteeship Council.

In conformity with past practice, it would be desirable for the President of the Trusteeship Council to make a statement during the commemoration of Human Rights Day in December in which he would refer to the question of the observance of human rights in Trust Territories.

Mr. GARRIGUE-GUYONNAUD (France) (interpretation from French): The delegation of France wishes to state that France attaches particular importance to the struggle to combat racism and to the attainment of the objectives of the Decade for Action to Combat Racism and Racial Discrimination. The French delegation believes, however, that that struggle must be carried out under the Programme annexed to General Assembly resolution 3057 (XXVIII) and in conformity with the definition in article I of the Convention on the Elimination of All Forms of Racial Discrimination. France ratified that Convention on 19 July 1971.

Mr. MURRAY (United Kingdom): The position of the United Kingdom delegation with regard to the elimination of racism and the Decade for Action to Combat Racism and Racial Discrimination is clear. We support the Decade as it was defined in General Assembly resolution 3057 (XXVIII). We are determined to pursue our own efforts against racism, as it is defined in article I of the Convention on the Elimination of All Forms of Racial Discrimination.

We have noted the statement by the Administering Authority for the Trust Territory of Micronesia that no racial discrimination exists there. Speaking as the representative of the United Kingdom, I would say that on the basis of all the evidence available to us we would entirely accept the Administering Authority's contention.

The PRESIDENT (interpretation from French): As no one else wishes to speak on these two items, I propose that the Trusteeship Council should take note of the statements which have just been made.

It was so decided.

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 3481 (XXX)/

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)/

The PRESIDENT (interpretation from French): May I first suggest that, as was the case during last year's consideration of the same items, the Council draw attention to the fact that throughout its examination of conditions in the Trust Territory members paid particular attention to the measures being taken to transfer power to the peoples of the Territory in accordance with their freely expressed will and desire, in order to enable them to accede to self-government or independence within the shortest time possible.

Mr. SHERER (United States of America): My delegation believes that, in the light of Article 83 (1) of the Charter, which vests all functions of the United Nations relating to the strategic Trust Territory of the Pacific Islands in the Security Council, and in view of the fact that there no longer exists any Trust Territory with respect to which the General Assembly may exercise jurisdiction under Article 85 of the Charter, the question of co-operation by the Trusteeship Council with the Committees of the General Assembly does not arise.

Mr. KOVALENKO (Union of Soviet Socialist Republics) (interpretation from Russian): The representative of the United States speaking before me made reference to paragraph 1 of Article 83 of the Charter. But there is also a second paragraph to that Article, which states that

"The basic objectives set forth in Article 76 shall be applicable to the people of each strategic area ",

and they directly involve basic questions on the adoption of measures in accordance with the United Nations Charter with regard to all basic issues which are now considered by the General Assembly, in keeping, naturally, with the provisions of Article 80.

In this way the Charter clearly states that the basic objectives of Article 76 concern the peoples of each of the strategic areas.

Secondly, with regard to co-operation with the Committee of 24, even in previous years the Pacific Islands were recognized as constituting strategic territory. Nevertheless, the Trusteeship Council adopted recommendations on co-operation with the Committee of 24 regarding, among other things, questions relating to the Pacific Islands. Last year's report states that

"... the President of the Council, in a letter dated 2 September 1975 (A/AC.109/509) informed the Chairman of the Social Committee that the Council, at its forty-second session, had examined conditions in the Trust Territories and that the Council's conclusions and recommendations, as well as the observations of the Council members representing their individual opinions only, were contained in its report to the Security Council relating to the Trust Territory of the Pacific Islands ...", (A/10004, chap. V, p. 6)

and that

"The President also expressed his willingness to discuss with the Chairman of the Special Committee any further assistance which the Special Committee might require from the Trusteeship Council." (Ibid.)

The Soviet delegation feels that decisions and recommendations similar to those adopted in previous years should also be adopted at the current session of the Trusteeship Council.

Mr. GARRIGUE GUYONNAUD (France) (interpretation from French): The French delegation wishes to recall its position of principle which was stated at the beginning of the session and in accordance with which, under Article 83 of the Charter, all the functions of the Organization relating to Trust Territories referred to as "strategic areas" should be exercised by the Security Council. Therefore, agenda items 12 and 13 fall under that category.

Mr. MURRAY (United Kingdom): Perhaps I should make the views of the United Kingdom delegation clear on this point. At our meeting on 29 June this year, it was agreed to delete from the agenda an item which would have provided for a report to the General Assembly. This decision was taken on the grounds that Article 83 of the Charter clearly provides that

"All functions of the United Nations relating to strategic areas... shall be exercised by the Security Council."

Since we are now dealing with a strategic Trust Territory, the competence of the General Assembly and its Committees clearly cannot be involved in any way.

But our Soviet colleague has drawn attention to the fact that Article 83 concerns a second provision that says:

"The basic objectives set forth in Article 76 shall be applicable to the people of each strategic area."

I suggest that we might be able to meet his point by drawing the attention of the Security Council -- the body to which we now report -- to the fact that is is our view that the objectives of Article 76 are being discharged in the Trust Territory.

The PRESIDENT (interpretation from French): I should like to summarize the situation as follows: Three out of the four members of the Council are of the opinion that Article 83 applies to this matter, and are of the view that the Trusteeship Council need not address a report to the General Assembly. This means that no report can be addressed to any of the Committees of the General Assembly.

One member of the Council expressed the opposite view. I can assure him that his view and the reservations he expressed will, of course, be recorded in the verbatim records. If at this stage he does not wish the President to propose any other solution, then I would propose that the Council decide to draw the attention of the members of the Security Council to the conclusions and recommendations that have been adopted concerning the attainment of self-government or independence by the Territory under our care, as well as to the statements made by members of the Trusteeship Council on this question.

Mr. KOVALENKO (Union of Soviet Socialist Republics) (interpretation from Russian): I have only one comment to make. Two concepts are involved here -- first, submission of the report to the General Assembly, which we have already discussed, and, second, co-operation with the Committee of 24, which would not involve submitting a report, but rather sending a letter. As stated in paragraph 40 of the Trusteeship Council's report, the President of the Council, in a letter dated 2 September 1975, informed the Chairman of the Special Committee of the action taken in the Council. Do the other members object to continuing to follow such a procedure?

Mr. SHERER (United States of America): In accordance with our decision not to refer this matter to the General Assembly, it seems to me that such a letter would be inappropriate in the circumstances.

The PRESIDENT (interpretation from French): I would recall that the President can not address a letter to anybody on a controversial matter without having the unanimous support of the members of the Council -- or at least without a vote authorizing the President to do so.

Mr. GARRIGUE-GUYONNAUD (France) (interpretation from French): It seems to me that, since we have recognized the fact that all such functions should be exercised by the Security Council, in future it is up to the Security Council to take a decision of this kind -- namely, to transmit to a subsidiary committee of the General Assembly any elements of a report, or even a letter containing observations made by the members of the Council.

Mr. MURRAY (United Kingdom): I support generally the position set forth by the representative of France. It seems to me that a letter reporting on our proceedings would in fact be a report and, as such, come within the scope of the decision we have previously taken.

The PRESIDENT (interpretation from French): Under these circumstances, and after the discussion that has just taken place, I do not feel that I am authorized to address to the President of the Committee of 24 the letter which was referred to. I shall therefore once again propose that the Council decide to draw the attention of the members of the Security Council to the conclusions and recommendations that have been adopted concerning the attainment of self-government or independence by the Territory under our care, as well as to the statements -- and I emphasize this -- the statements made by members of the Trusteeship Council on this question. That means that the reservations voiced by the representative of the Soviet Union will be duly taken into account.

Mr. MURRAY (United Kingdom): Presumably, you should draw the matter to the attention of the Security Council -- not its members. It is for the attention of that body collectively.

The PRESIDENT (interpretation from French): I thank the representative of the United Kingdom for his comment, which is quite right. We will, therefore, draw this matter to the attention of the Security Council itself, rather than to the attention of its members.

If I hear no other comments, it will be so decided.

It was so decided.

REPORT OF THE UNITED NATIONS VISITING MISSION TO OBSERVE THE PLEBISCITE IN THE MARIANA ISLANDS DISTRICT, TRUST TERRITORY OF THE PACIFIC ISLANDS, JUNE 1975 (T/1771)

REPORT OF THE VISITING MISSION TO THE TRUST TERRITORY OF THE PACIFIC ISLANDS, 1976 (T/1774)

The PRESIDENT (interpretation from French): Two draft resolutions dealing with the present agenda items are before the members of the Council in documents T/L.1202 and T/L.1203. I suggest that the Council discuss these draft resolutions at its Monday meeting so that all members of the Council may have sufficient time to become acquainted with these texts.

At the request of the representative of France, I now call upon him to introduce those draft resolutions.

Mr. GARRIGUE-GUYONNAUD (France) (interpretation from French): I should like to request a very brief suspension of the meeting. The present wording of one of the draft resolutions seems to have led to certain objections.

The PRESIDENT (interpretation from French): If there are no objections on the part of the Council, I shall grant the request made by the representative of France. I wish to point out, however, that it is 12.50 p.m.

The meeting was suspended at 12.50 p.m. and resumed at 12.55 p.m.

The PRESIDENT (interpretation from French): I call on the representative of France, who will present the draft resolutions.

Mr. GARRIGUE-GUYONNAUD (France) (interpretation from French): I should like briefly to introduce the two draft resolutions circulated this morning, the first contained in document T/L.1202 deals with the report of the Visiting Mission to observe the plebiscite in the Mariana Islands District, Trust Territory of the Pacific Islands, June 1975.

I should like to propose two amendments to this draft as it stands. In the first preambular paragraph, after the words "Having examined at its forty-third session the report of the United Nations Visiting Mission" the next part of the sentence will be deleted and replaced with the words "charged with observing the plebiscite in the Mariana Islands District of the Trust Territory of the Pacific Islands".

The second amendment relates to operative paragraph 2, which will also be deleted.

Now I should like to proceed to the second draft resolution in document T/L.1203. This deals with the report of the United Nations Visiting Mission to the Trust Territory of the Pacific Islands, 1976. The first and second preambular paragraphs take note of the report and of the statements made by the representatives of the United States. The Administering Authority has made some supplementary clarifications on the items raised in this report, and it is logical for us to take this into account.

Operative paragraph 1 "takes note of the report of the Visiting Mission and of the observations of the Administering Authority thereon".

Operative paragraph 2 expresses the appreciation of the Council "of the work accomplished by the Visiting Mission on its behalf".

I had the opportunity to appreciate the work carried out by Mr. de Lataillade and Ambassador Murray in the preparation of this report, and can personally attest to the care which they exercised in preparing it. As a member of the drafting committee, I should like to say that this report considerably facilitated our task, to the point that it inspired most of our recommendations.

(Mr. Carrigue-Guyonnaud, France)

Paragraphs 3 and 4 are normal for resolutions of this type. I should like to recall that the periodic missions that are carried out to the Trust Territories are among the obligations of our Council under Article 87 of the Charter. These two drafts are brief and balanced, and will be put to the vote next Monday.

The PRESIDENT (interpretation from French): I thank the representative of France.

As I said, the Council will pronounce itself on these draft resolutions as amended at our Monday meeting. If there is no objection, it will be so decided.

It was so decided.

The PRESIDENT (interpretation from French): The Council will hold the final meeting of its forty-third session on Monday, 12 July, at 3 p.m., when it will deal with the two draft resolutions and adopt its report to the Security Council.

If no one wishes to comment on this, it will be so decided.

It was so decided.

The meeting rose at 1 p.m.