



Trusteeship Council

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OUTLINE OF CONDITIONS IN THE TRUST TERRITORY
OF THE PACIFIC ISLANDSWorking paper prepared by the SecretariatAddendumF. CONSTITUTIONAL DEVELOPMENTS AND PROGRESS TOWARDS
SELF-GOVERNMENT OR INDEPENDENCE

268. At its forty-eighth session, the Trusteeship Council reaffirmed the inalienable right of the people of Micronesia to self-determination, including the right to independence, in accordance with the Charter of the United Nations and the Trusteeship Agreement. It noted that, in 1980, substantial progress had been made in the negotiations on political status. It also noted in that respect that on 31 October 1980 the compact of free association had been initialled by the representatives of the United States on the one hand and those of the Federated States of Micronesia and the Marshall Islands on the other, and that the President-elect of Palau had also initialled the compact on 17 November 1980.

269. The Council, while appreciating the need for the Administering Authority to review its policy on the Trust Territory, nevertheless noted that it had not been possible, during the forty-eighth session, to confirm the United States' intention to seek to terminate the Trusteeship Agreement by 1981.

270. The Council noted that once the compact of free association was signed, the Government of the United States and the constitutional Governments would submit it to a referendum, which would be held simultaneously in each of the areas to which the compact applied. It took note of the stated intention of the Administering Authority to invite the international community to observe the referendum through the intermediary of the appropriate United Nations organs. The Council strongly reiterated its opinion that all the people of Micronesia should be given the fullest opportunity, before the referendum, to inform themselves about the various

political choices open to them, including independence. To that end, it expressed the wish for a programme for political education to be undertaken seriously and speedily.

271. The Council took due note of the intention of the United States to conclude the negotiations and seek termination of the Trusteeship Agreement in the near future. It noted that the United States Government had reaffirmed its intention to proceed in a manner fully consistent with the Charter and to take up the matter of termination of the Agreement at the appropriate time with the Trusteeship Council and the Security Council.

272. The Council urged the Administering Authority to consider maintaining the amount of its aid, after the end of its mandate, at a level comparable to that which obtained at present.

273. The Council again expressed the hope that the Micronesians would take all necessary steps to establish, after termination of the Trusteeship Agreement, the all-Micronesian entity which they had agreed upon at Molokai in October 1977.

274. The current annual report states that the Northern Mariana Islands, also a part of the Trust Territory, voted in 1975 after similar negotiations with the Administering Authority to become a commonwealth in political union with the United States. It is now self-governing and will officially become a commonwealth when the Trusteeship Agreement is terminated.

275. According to the current annual report, events of 1981, particularly those concerning negotiations on political status, demonstrate that the peoples of the Trust Territory are seriously preparing for an opportunity to exercise their right to self-determination. The Administering Authority reaffirms its previous statements that, throughout the political status negotiations, a relationship between the peoples of the Territory and the United States consistent with the political status of independence could have been negotiated if such had been the desire of the peoples of the Territory. However, the negotiations have concentrated on the political status of free association in accordance with the mutual desire of the parties in the negotiations.

276. With the inauguration of a constitutional Government in Palau in January 1981, each of the political components of the Trust Territory has achieved full constitutional status under the Trusteeship Agreement. Each is now prepared for the final step in the process, which is the termination of the Trusteeship Agreement and the assumption of a new political status based upon the freely expressed wishes of the people.

277. The annual report points out that the United States completed its review of the future political status negotiations for the Trust Territory in September 1981 and immediately requested a formal, multilateral status-negotiating session with representatives of the Governments of the Federated States of Micronesia, the Marshall Islands and Palau. At that session, held on Maui, Hawaii, from 3 to 9 October 1981, the representative of the United States formally conveyed to

the Micronesian Governments the basic determinations reached during the policy review: (a) that the United States desired to move promptly to terminate the Trusteeship Agreement on terms satisfactory to itself and to the Governments and peoples of the Federated States of Micronesia, the Marshall Islands and Palau; and (b) that of all the available political status options, the United States preferred the status of free association, as set forth in the initialled compact and the subsidiary agreements thus far initialled. The annual report states that during the negotiating session, concepts and subsidiary agreements still requiring resolution were discussed and that a work plan was developed in subsequent bilateral and multilateral discussions for the timely completion of the remaining subsidiary agreements. The Administrring Authority reaffirms its pledge to keep the Trusteeship Council fully informed of the status of the negotiations and the approval process of the compact of free association.

278. The annual report further states that during the session in October 1981, the Government of the United States and the Governments of the Federated States of Micronesia, the Marshall Islands and Palau each reaffirmed its desire to complete the political status negotiations on the basis of the initialled compact of free association. They agreed that the political status negotiations would be complete only when all of the subsidiary agreements called for in the compact had been negotiated to the satisfaction of the signatory parties. According to the annual report each party to the negotiations had expressed satisfaction that its particular needs have been met and its identity respected.

279. The current annual report indicates that the compact provides for self-government by the three Micronesian Governments, recognizes their authority in internal and foreign affairs, accords defence and security authority and responsibility to the United States and provides for economic assistance by the United States. The compact further addresses a series of specific issues with respect to the governmental, economic, defence and security and administrative aspects of the free-association relationship.

280. The annual report also states that once in effect, the compact will allow for unilateral termination of free association by any party according to established procedures; the Governments, however, have agreed that the compact's defence and security provisions as well as those relating to economic assistance will continue for a period of 15 years and thereafter as may be mutually agreed. The agreements subsidiary to the compact will each survive according to their own terms.

281. In the annual report under review, the Government of Palau indicates that initialling the compact and the three subsidiary agreements was not a final step for either the United States Government or the Government of Palau. It was "authentication of the text" which signified agreement of the negotiators and their commitment to recommend the agreement to their respective Governments.

282. The current annual report states that, in a memorandum dated 23 September 1981, the President of Palau presented the official position of his administration regarding the negotiations on future political status. His position coincided with that of the United States Government in that he agreed that the compact of free association and the three subsidiary agreements on maritime

jurisdiction and sovereignty, harmful substances and United States military (land) use and operating rights, as initialled on 17 November 1980, were complete and would not be reopened. Furthermore, his administration was in basic agreement with the view of the United States that successful conclusion of the negotiations would require completion of all remaining subsidiary agreements to the mutual satisfaction and benefit of the United States and Palau. The President of Palau had instructed the new Palau negotiating team to the negotiating session held on Maui in October 1981 to continue where the now defunct Palau Commission on Status and Transition had left off in 1980, and to complete the six remaining subsidiary agreements under the compact of free association.

283. The annual report states that one element of the approval process of the compact of free association is a plebiscite to be held throughout the Trust Territory. In that plebiscite, which will be held on a date to be determined by the Administering Authority after consultations with the Governments of the Federated States, the Marshall Islands and Palau, the people will exercise their right to self-determination. The United States has previously stated its commitment to provide funds and technical support for an objective, fair and thorough public education programme to precede the plebiscite. That commitment is reaffirmed in the annual report. The Administering Authority has already made funds and technical support available for the translation of the text of the compact of free association into the major languages of the Trust Territory. In October 1981, it invited each of the Governments of the Federated States of Micronesia, the Marshall Islands and Palau to enact legislation for the public education programme and the plebiscite in their jurisdiction.

284. In the current annual report, the Government of the Federated States of Micronesia states that during the interim it has completed translation of the text of the compact into the eight languages officially recognized by the Federated States.

285. The current annual report states that the United States reaffirms its intention to invite the international community, including official representatives of the United Nations, to observe the plebiscite and the events preceding and succeeding it. Further, it reaffirms its intention to take up the matter of termination of the Trusteeship Agreement at the appropriate time with the Trusteeship Council and the Security Council.

286. According to the annual report, discussion at the session held on Maui also focused on procedures by which the negotiated documents would be approved. The process, as now envisioned, will involve a plebiscite by the voters of the Federated States of Micronesia, the Marshall Islands and Palau under the observation of the United Nations; approval by the three Governments according to their constitutional processes; and approval by both houses of the Congress of the United States. Upon completion of this approval process, the United States will take up the matter of termination of the Trusteeship Agreement with the United Nations.

287. At its forty-eighth session, the Trusteeship Council noted with interest the statements of the representatives of the constitutional Governments who, like last

year, had emphasized their desire to maintain preferential and close relations with the Administering Authority after the termination of the Trusteeship Agreement.

288. In its annual report, the Administering Authority states that it is honoured by the statements of the Governments of the Federated States of Micronesia, the Marshall Islands and Palau. The compact of free association is consistent with the intent of these statements.

289. The Trusteeship Council, at its forty-eighth session, reiterated its view that free association was an option that was not incompatible with the Trusteeship Agreement, provided that the populations concerned had freely accepted it.

290. The current annual report states that the Administering Authority appreciates the importance of this position and reaffirms its own commitment to a future political status for the inhabitants of the Trust Territory which is consistent with the aims of the Trusteeship Agreement and the Charter. The Administering Authority believes that the compact of free association fulfils that objective.

291. The annual report states that the level of economic assistance to be provided to the Federated States of Micronesia, the Marshall Islands and Palau by the Government of the United States under the compact of free association is a matter for discussion and agreement between those Governments. The agreed levels of assistance set forth in the compact are consistent with the levels of assistance provided by the Government of the United States during the Trusteeship period.

292. The annual report states that the United States supports the formation of an all-Micronesian entity by the Government of the Federated States of Micronesia, the Marshall Islands and Palau after termination of the Trusteeship Agreement. It notes the written agreement regarding such an entity entered into by those Governments in 1977.
