



## Trusteeship Council

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LIMITEDT/L.1228\*  
26 April 1982

ORIGINAL: ENGLISH

Forty-ninth session  
Item 4 of the provisional agenda

OUTLINE OF CONDITIONS IN THE TRUST TERRITORY  
OF THE PACIFIC ISLANDS

Working paper prepared by the Secretariat

A. GENERAL

Land and people

1. The Trust Territory of the Pacific Islands consists of three archipelagos: the Marshalls, the Carolines and the Marianas. The island of Guam in the Marianas is not a part of the Trust Territory but is an unincorporated Territory of the United States. The three archipelagos include more than 2,100 islands and atolls scattered over an area of some 7.8 million square kilometres of the western Pacific, north of the equator. The islands and atolls of the Trust Territory have a combined land area of approximately 1,854 square kilometres.
2. In its annual report (T/1837), the Administering Authority states that the results of the 1980 census in the Trust Territory became available in March 1982 and that preliminary statistics showed a total population of 117,018, excluding the Northern Mariana Islands. According to the annual report for the preceding year (T/1830), the population of the Northern Mariana Islands totalled 15,970.
3. The people of the Trust Territory are broadly classified as Micronesians, except for about 1,000 inhabitants of the outlying islands of Kapingamarangi and Nukuoro and a scattering of individuals of other racial groups. Language

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\* This document contains sections A and B of the preliminary draft of part II of the report of the Trusteeship Council to the Security Council. Other sections will be issued in addenda to the present document. The complete report will be issued subsequently as Official Records of the Security Council, Thirty-seventh Year, Special Supplement No. 1.

differences exist in the Territory, although each island language has a common Malayo-Polynesian source. Nine major languages, with dialect variations, are spoken in the Trust Territory: two in Yap, two in Ponape and one each in the Marshall Islands, Palau, Truk, Kosrae and the Northern Mariana Islands.

4. At its forty-eighth session, the Trusteeship Council noted the Administering Authority's assertion that title to property held by the Trust Territory Government but physically located in the jurisdiction of the new Governments was being transferred to the latter.

5. The Council noted the provision which had been made by the Administering Authority for architectural and engineering work to be carried out in Ponape, in response to concern voiced by the President of the Federated States of Micronesia.

6. The Council took note of the continuing concern expressed by representatives of the Trust Territory about the possible dangers of the dumping of nuclear waste in the Pacific region. The Council noted in particular the appeal of the Special Representative of the Administering Authority from the Northern Mariana Islands, made at the forty-eighth session of the Council. In that connexion, the Council noted the observations of the Administering Authority contained in document T/OBS.10/50 concerning the communication contained in document T/COM.10/L.286.

7. The Council welcomed the steps taken towards upgrading the high-frequency telecommunications system and noted that agreements had been signed for the installation of a satellite communications system throughout the Territory.

8. The current annual report states that as of February 1982, it was expected that \$US 65 million <sup>1/</sup> worth of real property, including buildings, facilities and structures, would be transferred to the constitutional governments of the Northern Mariana Islands, Palau, the Marshall Islands and the Federated States of Micronesia.

9. The annual report points out that a total of \$2 million has been made available for fiscal year 1982 for the architectural and engineering work for the new capital of the Federated States of Micronesia in Ponape.

10. The annual report indicates that the Administering Authority is thoroughly cognizant of the concerns expressed by the representatives of the Northern Mariana Islands and the Federated States of Micronesia concerning possible nuclear dumping in the Pacific region.

11. According to the annual report, progress is continuing on the establishment of the ground stations for satellite communication throughout the Territory. An agreement has been signed between Palau and the Communications Satellite Corporation (COMSAT). Similar agreements for the Marshall Islands and the Federated States of Micronesia are in the final stages of approval.

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<sup>1/</sup> The local currency is the United States dollars (\$US).

Population movements

12. At its forty-eighth session, the Trusteeship Council took note of the statement made by the Acting Deputy High Commissioner of the Trust Territory that work would continue towards improving conditions for the displaced people of Enewetak and Bikini and towards strengthening the health and food programmes applying to those areas and other areas in the Marshall Islands affected by the nuclear problems.
13. The Council noted with regret that the health programme proposed under recent United States legislation had not yet been implemented. The Council noted that there was some doubt as to who would be covered by the programme and urged the parties concerned to find a speedy solution to that question. In that connexion, the Council wondered if a sample survey might be conducted among the people of the Marshall Islands without prejudice to the immediate implementation of the health programme for the peoples of Bikini and Enewetak.
14. The Council noted with regret that not all of the people of Enewetak Atoll had been able to re-establish their homes as they had hoped. However, the Council noted that interim measures had been taken, in close consultation with the people of Enewetak themselves, for their resettlement. The Council reiterated its concern that any resettlement proposal should take fully into account any remaining health hazards.
15. The Council noted that a master plan for the relocation of the Bikinians was currently under review. The Council welcomed the steps taken to improve the temporary conditions of the people of Bikini on Kili and Ejit islands, while recognizing their ultimate intention to return to Bikini Atoll when it was safe to do so. The Council welcomed the decision which had been taken to construct an airstrip on the island of Kili.
16. The Council reiterated its view that urgent attention should be given to the social, cultural and economic difficulties of the people living on Ebeye arising from the overpopulation of that island. In that connexion, the Council noted the completion of the sewerage project on Ebeye and took note of the suggestion that Ebadon Island might be developed with a view to relocating some of the population from Ebeye.
17. The current annual report states that at present, 2,139 persons on islands affected by radiation are benefiting from a feeding programme. In addition, there are special feeding programmes operating on Enewetak pending agricultural production from plants there. The Administering Authority is providing full support towards the rehabilitation of local food production on Enewetak and the other affected islands.
18. The question of long-term health care for the people affected by radiation is now under discussion by representatives of the Governments of the United States and the Marshall Islands and the peoples themselves. The parties are determined to develop a comprehensive and mutually acceptable solution to the problem.

19. The annual report points out that the people residing on Enewetak are being constantly monitored for radiation dosage and the surveillance programme is functioning well. The people of Enjebi have not been relocated to that island since there are certain restrictions that must be adhered to there for the next 25 to 30 years. All of the Enjebi residents have been provided with new homes in communities in the three southern islands of Enewetak.
20. According to the annual report, the airstrip on Kili Island was completed in 1981 and officially opened in March 1982. The Government of the Marshall Islands is providing regular air service to the island.
21. The annual report states that a master plan for the development of Guguegue and Carlson islands and for the redevelopment of Ebeye was drawn up by the Trust Territory Office of Planning and Statistics in 1978. It proposes to relocate some of the population from Ebeye to the nearby islands of Guguegue and Carlson, thus easing the pressures on Ebeye. Long-range planning for Guguegue and Carlson islands is now under review by the Government of the Marshall Islands.

#### War and post-war damage claims

22. War damage claims by the inhabitants of the Trust Territory fall into two broad categories: claims against the Japanese Government, mainly for damages sustained by the indigenous inhabitants during the Second World War, and post-war claims against the Government of the United States.
23. On 18 April 1969, the Governments of the United States and Japan signed an agreement providing for the settlement of Micronesian war claims, under the terms of which the two Governments joined in an *ex gratia* arrangement to make a contribution towards the welfare of the inhabitants of the Territory. Japan agreed to make available in grants to the United States, in its capacity as Administering Authority, 1.8 billion yen, then computed at the equivalent of \$5 million. The United States, for its part, agreed to establish a fund in the amount of \$5 million.
24. The Micronesian Claims Act of 1971 (United States Law 92-39) established a Micronesian Claims Fund to consist of the contributions of the United States and Japan pursuant to the agreement referred to above. The act also established a Micronesian Claims Commission with authority to receive, examine, adjudicate and render final decisions with respect to: (a) claims for damage directly resulting from the hostilities between the United States and Japan between 7 December 1941 and the dates of the securing of the various islands of Micronesia by the United States (Title I claims); and (b) claims arising as post-war claims between the dates of securing of the various islands by the United States and 1 July 1951 (Title II claims).
25. The Act authorized an appropriation of \$20 million for the settlement of post-war claims by Micronesian inhabitants against the United States or the Government of the Trust Territory because of personal injury or material damage, including claims for the acquisition, use or retention of property without adequate compensation, provided that the accident or incident out of which the claim arose occurred prior to 1 July 1951.



26. The Micronesian Claims Commission completed its work on 30 July 1976 and issued its final report shortly thereafter. In that report, the total amounts awarded and certified by the Commission were \$34,349,509 under Title I and \$32,634,403 under Title II, leaving unpaid balances of about \$24.3 million and \$12.6 million respectively.

27. At the forty-fifth session of the Trusteeship Council in 1978, the representative of the United States stated that article III of the 1969 agreement between the United States and Japan concerning the settlement of war claims provided that all claims against Japan had been fully and finally settled, and that in the accompanying exchange of notes the United States had confirmed that Japan and its nationals were fully and finally discharged from all liability for Micronesian claims falling under article III of the agreement, including claims arising out of the involvement of the Trust Territory in the Second World War. Accordingly, the United States did not consider that Japan was legally obliged to provide further payment.

28. At its forty-eighth session the Trusteeship Council reiterated its concern that war damage claims had not yet been fully settled as determined by the Micronesian Claims Commission and called upon the parties concerned to make further efforts to resolve that long-standing issue in the best interest of the innocent victims.

29. According to the current annual report, the President of the Federated States of Micronesia has appointed a task force to review the question of war damage claims under Title I totalling \$24.0 million.

30. The annual report reiterated that \$11.0 million of the \$34.0 million awarded by the Claims Commission under Title I has been paid. Both diplomatic and legislative avenues are being explored by all parties to settle the question of claims under that Title.

#### B. POLITICAL ADVANCEMENT

##### General political structure

31. Executive and administrative authority for the Government of the Trust Territory and responsibility for carrying out international obligations undertaken by the United States with respect to the Territory are vested in a High Commissioner appointed by the President of the United States and confirmed by the United States Senate.

32. In the annual report under review, the Administering Authority confirms that constitutional Governments are now in place and fully functioning in Palau, the Marshall Islands, the Northern Mariana Islands and the Federated States of Micronesia. The United States retains the necessary authority to comply with its responsibilities under the Trusteeship Agreement, the Charter of the United Nations and applicable United States laws and treaties.

33. The current annual report states that over the past year, the exercise of suspension power granted to the High Commissioner by Secretarial Order No. 3039 has been used sparingly. The Administering Authority considers that this represents a recognition on the part of the Trust Territory Administration and the new Governments of their mutual responsibilities pending termination of the Trusteeship Agreement.

34. According to the current annual report, representatives of the Trust Territory attended the annual planning and evaluation meeting of the South Pacific Commission (SPC) held at Noumea, New Caledonia during the period under review. Representatives of the Territory also attended the twentieth South Pacific Conference held at Port Moresby, Papua New Guinea. The Governments of the Federated States of Micronesia, the Marshall Islands and the Northern Mariana Islands were separately accepted as member of SPC in their own name and right. Further, as an associate member of the Economic and Social Commission for Asia and the Pacific (ESCAP), representatives of the Trust Territory attended the thirty-seventh session of the Commission and participated in a number of conferences and training programmes sponsored by it.

#### Territorial government

##### Legislatures

35. The Congress of the Federated States of Micronesia is a unicameral body. The Congress consists of one member elected from congressional districts in each state apportioned by population. Members elected on the basis of state equality serve for four years and all other members for two years. A state may provide for one of its seats to be set aside for a traditional leader. Members of the Congress are elected by residents of the Federated States of Micronesia who are 18 years of age or older. The first general election under the new Constitution took place on 27 March 1979.

36. The Northern Marianas Commonwealth Legislature is a bicameral body consisting of a Senate and a House of Representatives. The Senate has nine members elected at large for four-year terms from the three senatorial districts. The House of Representatives has 14 members elected for two-year terms. Members of the Legislature are elected by residents of the Commonwealth of the Northern Marianas, 18 years of age or older, who are registered voters. The second general election took place on 4 November 1979.

37. The legislative power in the Marshall Islands is vested in the Nitijela, consisting of 33 members. A general election is held every four years. The President of the Marshall Islands may, however, dissolve the Nitijela at any time if a motion of no confidence in the Cabinet has twice been carried and has twice lapsed, and if no other president has held office in the interval between the two votes of no confidence. He may also do so if no cabinet has been appointed within 30 days after the date on which the Nitijela has proceeded to elect a president for any reason other than the resignation of the president following a vote of no confidence. Members of the Nitijela are elected by citizens of the Marshall

Islands, 18 years of age or older, who are qualified voters. The first general election under the new Constitution took place on 10 April 1979. There is also a Council of Iroij (traditional leaders) of the Marshall Islands consisting of 12 eligible persons. It considers, inter alia, bills affecting customary law, any traditional practice, land tenure or any related matter adopted by the Nitijela.

38. The legislative power in Palau is vested in the Olbiil Era Kelulau, consisting of a House of Delegates and a Senate, the members of which are elected for a term of four years. One delegate is elected from each state and the delegation so elected composes the House of Delegates. The Senate is composed of the number of senators prescribed from time to time by a reapportionment commission as provided by law. The enactment of laws requires adoption of bills by each house. The President is empowered to veto a bill, but the veto may be overridden if the vetoed bill is subsequently approved by a two-thirds majority of each house.

39. At its forty-eighth session, the Trusteeship Council noted that there was a jurisdictional dispute between the Marshall Islands Government and the Nitijela on the one hand, and the High Commissioner's office on the other, on the procedure associated with the forthcoming plebiscite on future status. The Council noted that the case was under review by the Department of the Interior of the United States and hoped that a speedy solution would be found to that question.

40. The current annual report states that during the political status negotiations held in Maui, Hawaii, in October 1981 the United States announced that the Governments of Palau, the Marshall Islands and the Federated States of Micronesia should each enact legislation for the plebiscite information programme and the plebiscite itself in their respective jurisdictions. Past differences of view between the Governments of the United States and the Marshall Islands are expected to be resolved through such legislation.

#### Executive

41. According to the current annual report, all chief executives of the constitutional Governments are Micronesians and almost all of the key administrative posts in the new Governments are held by Micronesians.

42. The executive power of the Government of the Federated States of Micronesia is vested in a President elected by the Congress for a term of four years and not more than two consecutive terms. The Vice-President is elected in the same manner as the President and serves for the same term of office. He may not be a resident of the same state as the President. The President appoints his four-member Cabinet with the advice and consent of the Congress.

43. The executive authority of the Government of the Northern Mariana Islands is vested in a Governor elected for a four-year term who must be at least 30 years of age, qualified to vote and a resident and domiciliary of the Commonwealth for at least seven years immediately preceding the date on which he takes office. In the performance of his duties, the Governor is assisted by a jointly elected Lieutenant Governor and by heads of executive departments.

44. In the Marshall Islands, executive authority is vested in the Cabinet, whose members are collectively responsible to the Nitijela. The Cabinet consists of the President, who must be a member of the Nitijela, and from 6 to 10 other members of the Nitijela, appointed as ministers by the Speaker on the nomination of the President. The President is elected by the Nitijela following each general election. The President is the head of State of the Marshall Islands. He is required to resign whenever a vote of no confidence is carried by the total membership of the Nitijela. His resignation might lapse, however, if no successor has been elected within 14 days following his resignation.

45. The executive power in Palau is vested in a President, elected in nation-wide elections, together with a Vice-President, for a term of four years and not more than two consecutive terms. The Vice-President serves ex officio as a member of the Cabinet, and succeeds the President if his office becomes vacant. The members of the Cabinet are appointed by the President with the advice and consent of the Senate. A Council of Chiefs advises the President on matters concerning traditional laws and customs. The President or Vice-President may be impeached and removed from office for serious crimes by a vote of not less than two thirds of the members of each house of the Olbiil Era Kelulau. The President or Vice-President may be removed from office by a recall, if it is so decided by a recall referendum held pursuant to a resolution to that effect adopted by not less than two thirds of the members of the state legislatures of Palau in not less than three fourths of the States.

46. The annual report under review states that the policy of the Administering Authority is to support and encourage the assumption of greater responsibility by the new Governments by vesting in them all functions of administration which could be delegated according to the provisions of the Trusteeship Agreement and applicable laws and treaties of the United States. Most of these functions have already been transferred to the Federated States of Micronesia and the Marshall Islands. A similar effort is under way for Palau to assume greater responsibilities.

#### State governments

47. In 1980, the Administering Authority reported that the new state Governments of Truk, Ponape, Kosrae and Yap were carrying out their functions in accordance with the terms of their charters with fully elected executive and legislative branches of government. They exercised those authorities granted by their charters, the Constitution of the Federated States of Micronesia and Territory-wide laws which were applicable.

48. The current annual report states that state national leadership conferences were held in the Federated States of Micronesia to resolve jurisdictional disputes between the States and the national Government, to discuss transitional problems and to formulate the use of funds to be provided under the compact of free association.



### State administrators

49. The four states constituting the Federated States of Micronesia (Yap, Truk, Ponape and Kosrae) are headed by elected Governors. Each of the states installed its first elected Governor during 1979 except Truk, which did so in 1978.

### State legislatures

50. All the entities of the Trust Territory have popularly elected legislatures. The powers of the state legislatures in the Federated States are defined by the Constitution of the latter. In the Marshall Islands, the Nitijela has all legislative powers delegated to it by its Constitution. The qualifications for membership in the legislative bodies are defined in the relevant charters and constitutions.

### Municipal governments

51. According to the current annual report, the Constitution of the Marshall Islands specifically recognizes the right of each populated atoll, or island not a part of an atoll, to a system of local government.

52. Seven of the 25 local governments in the Marshall Islands possess charters granted during the Trust Territory administration, which automatically became their first constitutions. Most local governments have chosen to draft new constitutions. Power to amend former charters is now exercised by the Cabinet and will continue after the new constitutions become effective.

53. The current annual report states that the Commonwealth of the Northern Mariana Islands is divided into four municipal jurisdictions, each headed by an elected mayor.

### Civil service

54. The Constitution of the Federated States of Micronesia provides for the establishment of executive departments by statute. The President, with the advice and consent of the Congress, appoints the principal officers of those departments and such other officers as may be provided for by statute.

55. The Constitution of the Northern Mariana Islands provides for a civil service system which operates under a Civil Service Commission. The Commission administers personnel policies for the Government.

56. Under the Marshall Islands Constitution, the civil service, headed by a Chief Secretary, comprises the employees necessary to assist the Cabinet in exercising executive authority and to perform other duties as required. The Constitution also contains provisions for the establishment of a civil service commission.

57. The Constitution of Palau provides for the appointment of national officers by the President with the advice and consent of the Senate.

58. At its forty-eighth session, the Trusteeship Council recalled its concern that the Administering Authority should provide all possible intensive training programmes to prepare Micronesians to take on new responsibilities and hoped that specialists could be made available in technical and other specialized fields where necessary until qualified Micronesians had been trained to replace them.

59. The Council also reiterated its conviction that the size of the civil service throughout the Trust Territory remains a cause for concern, placing a heavy burden on territorial budgets and absorbing a disproportionate share of trained personnel. The Council urged the Administering Authority to give all possible assistance in creating jobs in the private sector, so that the civil service could be rationalized and reduced without exacerbating the unemployment problem.

60. The current annual report states that the Administering Authority is aware of the uneven employment situation between the government and private sectors. In its training programmes funded under the Comprehensive Employment and Training Act (CETA), the United States has emphasized training to meet shortages in trades and to develop skills for the private sector. A major objective of the various economic development programmes is expansion of the private labour market.

61. During fiscal year 1981, there was a decrease of more than 7 per cent in civil service employment in the Trust Territory Government. The developing private sector should reinforce this trend. Under the decentralization programme there is no longer a territory-wide civil service. Employment practices are now within the responsibility and authority of the constitutional Governments.

#### Political education

62. At its forty-eighth session, the Trusteeship Council expressed its concern at the slow pace of the political education programme in preparation for the plebiscite due to be held in the imminent future. The Council insisted that the people of Micronesia must be made fully aware of the options open to them and noted the assurances of the Administering Authority that such a programme would be set in train, in co-operation with the constitutional Governments, in good time.

63. The current report states that the Administering Authority has sponsored and paid for the translation of the text of the compact of free association into 12 local languages. The Administering Authority will support and assist in conducting a programme when the negotiations are completed to help the voters of the Territory to understand the implications and alternatives available to them on the ballot.

### Decentralization

64. At its forty-eighth session, the Trusteeship Council welcomed the reduction in staff of the Administering Authority's establishment at Trust Territory headquarters on Saipan, and noted the statement by the Special Representative of the Administering Authority, that his office would function in the future as a technical and management assistance institution, handing over the responsibility for direct administrative tasks to the new constitutional Governments.

65. The current annual report states that during the reporting year, the constitutional Governments of Palau, the Marshall Islands and the Federated States of Micronesia consolidated their operations and that most of the functions and responsibilities of the Trust Territory Government were turned over to them. During the period 1 October 1980 to 31 September 1981, the number of employees of the Trust Territory Government at headquarters was reduced by 59.

66. During the past year, several Trust Territory headquarters activities were dissolved, including resources and development, public affairs and several small offices. Most of the other departments were also reduced substantially.

### Judiciary

67. The judicial power of the Federated States of Micronesia is vested in a Supreme Court and subordinate courts established by statute. The annual report states that in October 1980, the Congress of the Federated States of Micronesia confirmed Mr. Edward King as Chief Justice of the Federated States of Micronesia Supreme Court. It also confirmed Mr. Richard Benson as Associate Justice in January 1981. On 12 July, the Supreme Court was inaugurated at a ceremony in Truk held in conjunction with the opening of the first special session of the Second Congress of the Federated States of Micronesia. Yap was the first State in the Federated States of Micronesia to enact legislation establishing a state court to take over the functions of the Trust Territory District Court.

68. In the Marshall Islands, judicial power is vested in a Supreme Court, a High Court, a Traditional Rights Court, district courts, community courts and other subordinate courts. During the period under review, the Marshall Islands took steps to establish and make operational its court system. The Chief Justice of the High Court of the Marshall Islands has been appointed and has promulgated rules of procedure for civil and criminal cases. Transfer of judicial functions to the new Government is expected to occur as soon as the Chief Justice of the High Court has been confirmed.

69. Judicial power in Palau is vested in a unified judiciary consisting of a Supreme Court, a National Court and such inferior courts of limited jurisdiction as may be established by law.

70. Judicial authority in the Northern Mariana Islands is vested in the Commonwealth Trial Court, which has original jurisdiction over matters involving land in the Northern Mariana Islands and other civil actions.