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OUTLINE OF CONDITIONS IN THE TRUST TERRITORY OF
THE PACIFIC ISLANDS

Working paper prepared by the Secretariat

Addendum

Note: Draft amendments to the working paper on conditions in the Trust Territory (T/L.1214/Add.1) based on supplementary information supplied to the Trusteeship Council at its 1484th, 1485th and 1486th meetings.

D. SOCIAL ADVANCEMENT

Medical and health services

1. In document T/L.1214/Add.1, replace paragraph 194 with the following three new paragraphs:

There are seven main hospitals in the Territory and two subdistrict hospitals, one at Rota (Northern Mariana Islands) and the other at Ebeye (Marshall Islands). Plans are being made for the construction of a new hospital in Majuro (Marshall Islands). A new 116-bed hospital has been opened on Ponape. The construction of a new 50-bed hospital on Yap, which started in 1976, was completed in April 1979 and construction of a 35-bed hospital on Kosrae was completed in 1978. In addition, there are 173 dispensaries and medical aid posts scattered throughout the Territory.

At the forty-sixth session of the Trusteeship Council, Mr. Sablan, Deputy High Commissioner and Special Representative, stated that six dispensaries built in Palau under the Hill-Burton Dispensary Program had passed inspection in April 1979 by a group of officials from the Trust Territory and the United States Department of Health, Education and Welfare (HEW) and had been found to be both physically and operationally satisfactory. That completed the programme of construction of 38 dispensaries in the Trust Territory which had begun in 1975. In addition, new hemodialysis units had been completed for Palau and Ponape, thus providing in-territory services for end-stage renal disease patients.

At the same session, Mr. Camacho, Special Representative, stated that the Northern Mariana Islands' hospital had admirably served the community's needs during typhoon catastrophes, massive accidents and epidemics. He added that it was desirable to have it accredited according to United States standards so that, among other benefits, the Commonwealth would become eligible for Medicaid and Medicare support. In that connexion, a Medicaid accreditation team had visited the hospital for an initial survey and had found its structure and facilities to be deficient on every count. In their view, the hospital structure was antiquated, dangerous and impossible to renovate. Plans were now well under way for constructing an entirely new one that would meet all foreseeable standards, subject to securing supplemental appropriations from the United States Congress.

2. In document T/L.1214/Add.1, at the end of paragraph 196, add the following new paragraph:

At the forty-sixth session of the Trusteeship Council, Mr. Camacho, Special Representative, stated that the Northern Mariana Islands had established contractual relations with the School of Medicine, University of Hawaii, for professional support. Two staff specialist-physicians from the University were already working at the hospital and another was expected soon. The physicians had organized their activities so as to conform to various accreditation and professional review requirements. New in-service training programmes for nurses had also been organized and were under way.

3. In document T/L.1214/Add.1, at the end of paragraph 198, add the following sentence:

The campaign, which is expected to be completed by the end of September 1979, has already exceeded the 90 per cent goal in Palau and Kosrae. The Marshall Islands, Ponape, Truk and Kosrae expect to reach their respective goals by August 1979.

4. In document T/L.1214/Add.1, after paragraph 199, add the following seven new paragraphs:

In its report, the 1978 Visiting Mission notes that a problem was already arising with regard to the maintenance of infrastructure provided through the capital development programme. Given the limited budget of the Trust Territory and district governments, it is important that new facilities should be built on a scale, to a standard and of materials which do not impose excessive maintenance costs. That problem was particularly noticeable in respect of hospitals. The Mission was favourably impressed with the new 116-bed hospital at Ponape, but found that the hospitals at Truk and Koror, although opened only a few years ago, were already exhibiting signs of deterioration and lack of maintenance and that the hospital on Majuro appeared, during a brief visit by the Mission, to be in much need of improvement. There is now a hospital in each district centre and one on Ebeye. New hospitals are under construction in the district centres in Yap and Kosrae. There is also a 30-bed rehabilitation centre annexed to Majuro Hospital.

The 1979 Visiting Mission states in its report that it had been deeply disturbed by an account of the state of hygiene and the working conditions in the Marshall Islands District Hospital at Majuro, contained in a letter dated 19 July 1978 addressed to the Trusteeship Council by a surgeon from the United States on the staff of the hospital who subsequently resigned (T/PET.10/134). It was also aware that the High Commissioner of the Trust Territory had subsequently ordered an inquiry and in September 1978 had appointed an emergency task force.

During its visit to the Marshall Islands to observe the referendum, the Mission visited the hospital to see for itself what improvements had been made. At the time of the visit, many of the improvements recommended by the task force had already been undertaken. The entire hospital had been cleaned and repainted, the grounds had been cleared of debris and a new parking area had been made to free the hospital entrance from obstruction. Some structural alterations had also been made to keep visitors away from working areas.

Other improvements undertaken included urgent plumbing and electrical repairs, reorganization of the medical records office, the drawing up of an inventory for the medical warehouse and the removal of drugs whose expiration date had passed. A card index system had been introduced to ensure that all dates of expiry would in future be properly recorded. The Mission was informed that all orders for drugs and equipment from the hospital were now being promptly met.

The members of the Mission were also shown the renovations undertaken in the polio rehabilitation ward and the X-ray department.

The Mission asked about staffing problems, which were unfortunately still a serious cause for concern. Efforts were being made to find a new surgeon, an internist and a fully qualified hospital administrator. The members of the Mission were impressed by the energy with which the task force appeared to be trying to overcome the problem of transforming the hospital into a hygienic, well-run establishment. They noted with approval that steps were also being taken to train the present staff in methods of maintenance, which was particularly important in the climatic conditions of Majuro. In that context, they also noted that the High Commissioner had recommended that the site of the new hospital (the old airport at Dalap) should be as far from the sea as possible to minimize the process of corrosion from the ocean spray which had had a damaging effect on the present building.

The Mission also paid a brief visit to the hospital on Ebeye; its attention was drawn to the inadequacy of the surgical equipment in the hospital.

Labour

5. In document T/L.1214/Add.1, after paragraph 210, add the following three new paragraphs:

The 1978 Visiting Mission notes in its report that the most pressing social problem is that of unemployment, particularly among school and college leavers. There is universal primary education and a high level of secondary education, but

only a small proportion of those who graduate from school or college can expect to find employment. The problem is exacerbated by the past practice of emphasizing liberal education as opposed to vocational training. A programme for the reorganization of government is under way. It is clearly desirable that a greater proportion of the population should be employed in the productive sector rather than in government service.

In its report, the 1979 Visiting Mission notes that, in the Marshall Islands, the low level of economic activity has resulted in considerable unemployment: 24 per cent of the labour force (which totals some 7,000 people) is unemployed. The unemployment rate is even higher on Majuro and Ebeye (approximately 40 per cent).

At the forty-sixth session of the Trusteeship Council, Senator Olter, Special Adviser, stated that at the current growth rate, the population would almost double in the next 15 years. Forty-five per cent of the population was 15 years of age, or younger, and that growth not only would require the immediate expansion of the Territory's health and education systems, but would also require an expanding economic base which would provide employment opportunities for its young workers.

E. EDUCATIONAL ADVANCEMENT

General

6. In document T/L.1214/Add.1, at the end of paragraph 231, add the following sentence:

The Community College's nursing school has begun its accreditation process.

7. In document T/L.1214/Add.1, at the end of paragraph 232, add the following paragraph:

At the forty-sixth session of the Trusteeship Council, Mr. Sablan, Deputy High Commissioner and Special Representative, stated that during 1978, the Department of Education had undertaken a major new educational work to develop and standardize the Micronesian Achievement Test Series, covering mathematics, English reading and English listening comprehension for elementary grades 3 through 7. The tests had been developed within the Territory by specialists in English and mathematics from all districts of the Territory under the supervision of the Federal Program Title I Co-ordinator, personnel of the Trust Territory Department of Education and with the assistance of testing experts from the United States and Australia.

Vocational education

8. In document T/L.1214/Add.1, after paragraph 252, add the following new paragraph:

In its report, the 1979 Visiting Mission notes that the pace of economic expansion in the Marshall Islands is such that there are still too few openings in

the productive sector. The educational authorities are aware of the problem and an effort has been made to provide more useful training by developing more practical and technical curricula.

9. In document T/L.1214/Add.1, after paragraph 255, add the following two new paragraphs:

At the forty-sixth session of the Trusteeship Council, Mr. Sablan, Deputy High Commissioner and Special Representative, stated that specialized education programmes to meet the needs of Micronesian children had been developed within the Territory over the past several years.

The Special Representative further stated that a Young Adult Conservation Corps had been established in the Trust Territory, employing over 300 young men and women, to build, maintain and improve public facilities. A total of 67 projects valued at more than \$635,000 had been completed. The Summer Youth Conservation Corps had employed 174 Corps members on 14 public works projects valued at \$70,000.

F. CONSTITUTIONAL DEVELOPMENTS AND PROGRESS TOWARDS
SELF-GOVERNMENT OR INDEPENDENCE

10. In document T/L.1214/Add.1, after paragraph 284, add the following seven new paragraphs:

In its report, the 1978 Visiting Mission concludes that the referendum was well organized by the Trust Territory Constitutional Referendum Board in Saipan and by the special district referendum commissioners and boards. Many people, in all the districts, complained to the Mission that the referendum was being held too early and that more time should have been allowed for campaigning and explanation. Bearing in mind that the draft constitution had been drawn up some two and a half years earlier, that the date for the referendum had been set 12 months in advance and that the ESG programme was devoted entirely to explaining the constitution and referendum procedures for the four months preceding the referendum, the Mission did not share that view, which it took to be another manifestation of the reluctance to face decisions about Micronesia's future.

With regard to the complaints of the proponents of the "no" vote that the wording of the ballot was prejudicial, the Mission concluded that it seemed as fair as any which could be devised.

The Mission saw no sign of improper intervention in the political campaign by the executive branch of the Trust Territory Government. Indeed, the Administration sought to maintain a position of complete impartiality, and the Mission believes that it succeeded in doing so.

The Mission received several complaints about the financing of the campaign. In its view, there appears to be little doubt that more money was available to one side than to the other and to different sides in different districts. In general, however, those who wished to make their views known found the means to do so. The

major medium of communication in all districts was the Government radio to which all who wished had free access. If irregularities are shown to have occurred, the Mission hopes that appropriate action will be taken by the Trust Territory authorities, but it has no reason to believe that the availability or lack of funds was a determining factor in the outcome of the referendum.

Nevertheless, since campaign finances were the subject of much suspicion, recrimination and complaint, the Mission would suggest that the Government of Micronesia give consideration to setting fixed limits for campaign expenditures in future elections or referenda.

Regarding the ESG programme, in general, the Mission believes that the programme contributed valuably to people's awareness of the importance of the referendum and the broad outlines of the constitution.

The questions put to the Mission at meetings in all districts demonstrated that the average voters, including the more educated people, were more concerned about the impending changes in Micronesia's status as implied by the referendum than about the actual provisions of the constitution. The Mission explained to the public at numerous meetings that the present referendum concerned only the constitution and that the people of Micronesia would have a later opportunity to decide on their status in the world community after termination of the Trusteeship Agreement. The Mission therefore considers it important that a plebiscite on future political status should be held, as planned, before any final decision is taken concerning arrangements to end the Trusteeship Agreement, and that such a plebiscite should be observed by the United Nations.

11. In document T/L.1214/Add.1, after paragraph 285, add the following new paragraph:

At the forty-sixth session of the Trusteeship Council, Senator Olter, Special Adviser, stated that despite agreement among the Governments of the Federated States of Micronesia, the Marshall Islands and Palau, to retain and share the authority of the former Congress of Micronesia over the executive branch of the Trust Territory in areas such as advice and consent, personnel appointments, administrative organization and salary schedules, the Administering Authority had arrogated those powers back to itself. With little advance warning to the leadership of the Federated States of Micronesia, the legislative authority of the Congress of Micronesia had been hastily divided among the jurisdictions of the Federated States, Palau and the Marshall Islands by Secretariat Order No. 3027.

12. In document T/L.1214/Add.1, after paragraph 286, add the following three new paragraphs:

In its report, the 1979 Visiting Mission states that on 1 March 1979, the people of the Marshall Islands adopted a new constitution through a free, democratic referendum by a substantial majority. During the electoral campaign, which was free from any incident or act of violence, the party in favour of and the party opposed to the draft constitution were able to defend their points of view before the voters.

Despite the short time available, the organizers of the referendum did their utmost to enable all the voters to participate; their efforts were successful. The poll was secret and no pressure was exerted on the voters. Observers from both sides were allowed to be present during the electoral process and the counting of votes.

The Mission observes that the report submitted by the Election Commissioner to the Marshall Islands Nitijela has not been contested and the Nitijela has endorsed the results of the referendum.

The Mission hopes that the new political institutions in the Marshall Islands will help to strengthen the unity of the district and promote its economic and social development. At the same time, it also hopes that determined and resolute efforts will be made by the people of the Marshall Islands to maintain and strengthen their links with the rest of the Trust Territory.

13. In document T/L.1214/Add.1, after paragraph 292, add the following 13 new paragraphs:

At the forty-sixth session of the Trusteeship Council, Senator Olter, Special Adviser, recalled a statement made in 1978 by the Personal Representative of the President of the United States for Micronesian Status Negotiations to the effect that an interagency task force on transition would be established to co-ordinate transition policy. The Special Adviser stated that the task force had not been created to date.

At the same session, Mr. Sablan, Deputy High Commissioner and Special Representative, stated that the Administering Authority was attempting to transfer as quickly as is practicable all appropriate functions, programmes and administrative authority to the governments of the Federated States of Micronesia, the Marshall Islands and Palau. To that end, negotiations were continuing between the High Commissioner and representatives of the new governments.

At the same session, Senator Olter, Special Adviser, said that at the negotiations held in Saipan in January 1979 between representatives of Micronesia and the United States on the Territory's future political status, agreement had been reached in matters dealing with foreign affairs, including jurisdiction in marine resources. It seemed fair to expect that if agreement could be reached on the two remaining major points of contention, a complete draft compact would emerge in a reasonable period of time. The first of those outstanding issues related to the absolute requirement of the Micronesian delegation that, notwithstanding the complete authority given to the United States for security and defence in Micronesia, there must be provisions in the compact that gave Micronesians effective recourse against possible unreasonable exercise of that authority in ways injurious to Micronesian interests in internal or foreign affairs. One of the most crucial of such interests concerned the environmental protection of their lands and waters.

The Special Adviser pointed out that the issue relating to the financial support that the Administering Authority was willing to provide to Micronesia separated the negotiating parties widely. The Commission on Future Political Status and Transition of the Federated States had prepared a report on the economic needs

of the Federated States over a 15-year period which it believed presented the minimum external assistance required to build a viable economy. The Administering Authority had indicated that it would not be in a position to meet those identified minimum needs. However, they were informed that the Administering Authority was preparing to make a second offer of financial support and they were awaiting that offer with hope.

At the same session, Mr. Anton DeBrum, Special Adviser, stated that as part of the relationship of free association, the Administering Authority had indicated a willingness to assist the Marshall Islands government to reach its development goal, which was the transformation of their economy from one of substantial dependence on outside aid to one that was autonomous and self-sustaining. However, it had not yet offered a level of economic assistance that the Marshall Islanders considered even marginally adequate to meet their needs. The United States was currently re-evaluating its economic assistance proposals. The Marshall Islanders hoped that it would present an offer of assistance that was truly responsive to their needs and consonant with the trust responsibilities solemnly undertaken by the United States.

The Special Adviser further stated that the other unresolved issue in the negotiations was one that the Marshall Islanders considered to be even more vital to the creation of a workable relationship of free association. Their concern in that area stemmed from the defence authority that their government would give to the United States under free association and from the manner in which that authority had been exercised during the Trusteeship period. The Trusteeship Council was aware of the tragic results of the nuclear-weapons tests in the Marshall Islands. The government of the Marshall Islands could not enter into an agreement with the United States that did not provide it with an adequate mechanism to stop any future action before they produced further tragic and irreversible results for which there could be no compensation.

The Special Adviser pointed out that under free association, the United States had a guaranteed right to retain its defence authority for 15 years. Under the proposed terms of the compact, unlike a sovereign independent nation entering into a defence treaty with the United States, the Marshall Islands could not terminate the defence authority within the 15-year period. In such a relationship, access to United States courts to enforce United States laws was not only a completely reasonable request but was also critical to the ability of the Marshall Islanders to protect their land and people from potential destruction by unlawful action taken in the name of defence and security.

According to the Special Adviser, the Administering Authority had given the following six reasons for its opposition to allow the Marshall Islands access to United States courts: (a) given the length of time required by United States courts to act on environmental matters, the possibility existed that Micronesians operating under motivations other than concern for the environment might utilize any court access mechanism to force prolonged delays of proposed United States actions in the defence field; (b) application of United States environmental legislation to the Micronesian context, for which it had not been designed, could lead to expensive and cumbersome substantive and procedural requirements not in the true interests of either Micronesians or the United States; (c) third countries might perceive United

States Government environmental undertakings concerning Micronesia as constituting a precedent for United States governmental actions elsewhere; (d) to hold the United States to unreasonable environmental standards while not applying the same standards to third countries in Micronesia would amount to unfair discrimination against the United States; (e) to hold the United States to unreasonable environmental standards while the Micronesian Governments themselves had not undertaken to uphold such standards would expose the United States Government to criticism from United States environmentalists; and (f) under the compact, the legal status of Micronesia would change, the previous basis for Micronesian court access would cease and it would no longer be appropriate for Micronesians to have the same access to courts as United States citizens.

In response, the Special Adviser said that they had discussed with representatives of the Administering Authority the formulation of a compact provision so that the availability of court access would not create an unacceptable risk of excessive litigation. The language of the compact which they had proposed balanced their need for judicial access with the United States interest in avoiding prolonged delays of its operations. The United States had, in compact provisions already offered, agreed to adhere to standards applicable to environmental protection equivalent to those established by United States law. The language of the proposed compact imposed no additional standards of conduct on the Administering Authority, but merely added some meagre flesh to the commitments of the United States and added the availability of judicial scrutiny to ensure compliance. As to the additional procedural burdens, the United States would only be obligated to follow the procedures which the United States Congress viewed as necessary to ensure protection of environmental interests.

According to the Special Adviser, it was the essence of the compact of free association to create a special relationship, distinguishable from independence, in the intergovernmental relations between the United States and the three new governments of the Trust Territory. It did not create a precedent which the United States need feel obligated to follow in its relationship with independent entities.

The Special Adviser reiterated that the environmental standards under discussion were standards of environmental protection duly adopted by the United States Congress and accepted by the United States Government in the draft compact. The compact would provide that only the United States might have a military presence in the Territory, unless the United States invited others to use its facilities. Consequently, there could be no third countries against whose opportunities the burdens imposed on the United States by the environmental laws could be measured as discriminatory.

The Special Adviser pointed out that the proposed provisions did not attempt to provide to citizens of Micronesia the same access to courts as was available to United States citizens. Access to courts to enforce the specifically applicable environmental laws would be available only to the Government of the Marshall Islands.

The Special Adviser further stated that another major unresolved issue in the status negotiations was how to take proper account of the legacy of nuclear contamination and disease from weapons tests conducted by the United States in the

Marshall Islands between 1947 and 1958. Recently there had been indications that that problem was far more serious than had originally been believed. Even more disturbing, there were indications that certain agencies of the United States Government were intent on suppressing critical information on that subject until after the political status negotiations had been completed. The Marshall Islands could not accept that position and would seek the assistance of the Congress of the United States in protecting them against that intolerable approach to the negotiations.

14. In document T/L.1214/Add.1, after paragraph 294, add the following four new paragraphs:

At the forty-sixth session of the Trusteeship Council, Senator Olter, Special Adviser, stated that he had concentrated on the delays in and limitations on the development of self-government imposed upon the Micronesian people by Secretarial Order No. 3039. Those were the problems he had in mind when requesting a review of the progress towards self-government that was being permitted the Micronesian people. The limitations on self-government which the Administering Authority regarded as enshrined in the executive order of 1962 were not relevant to current circumstances in which constitutional governments were coming into being. The Special Adviser asked the Council's assistance in consulting with the Administering Authority to ascertain whether a change in the 1962 executive order might not be called for at the present time.

At the same session, Mr. DeBrum, Special Adviser, stated that severe over-reaching constraints were still being imposed upon the constitutional government of the Marshall Islands by the Administering Authority. Those restrictions were defended by the Administering Authority as being required to carry out its authority and responsibility under the Trusteeship Agreement. The Marshall Islands would continue to strive for the greatest degree of self-government possible under those circumstances with a view to effecting the highest level of preparedness and confidence that could reasonably be obtained prior to the termination of the Trusteeship Agreement.

At the same session, Mr. Silmai, Special Adviser, said that the people of Palau desired a close and enduring future relationship with the United States, and that free association would nurture that relationship without obstructing Palau's legitimate and undeniable progress towards full self-government. It was a unique relationship that they were forging, and he believed that it could be uniquely beneficial to his people. The people of Palau would make the ultimate decision on free association in a plebiscite, and he was hopeful that that plebiscite would be monitored by the United Nations.

The Special Adviser pointed out that the major remaining issue in the negotiations was the plan by the Government of the United States for acquitting itself of its recognized obligation to assist Palau in the development of a productive economy. The people of Palau desired the termination of the Trusteeship and were confident that that termination would occur as promised by 1981. However, the Administering Authority would not have fostered an even

minimally self-sufficient economy by that time. It was therefore appropriate for the Administering Authority to undertake to do so in the period of free association under discussion.

15. In document T/L.1214/Add.1, after paragraph 295, add the following new paragraph:

At the forty-sixth session of the Trusteeship Council, the representative of the United States said that his Government continued to believe that the peoples of the Marshall Islands and the Caroline Islands would benefit from common links among the districts. However, as the Council had recognized, the question of political unity was clearly one to be decided by the Micronesians themselves. Those who had criticized the United States for permitting the Micronesians to make that decision might not share their view that such freedom was one of the elemental requirements of democracy. He said that his Government regretted that developments did not appear to permit political unity for now. At the same time, it hoped that the peoples of Micronesia would none the less strive to maintain and develop bonds in the economic, social and cultural spheres. Those bonds would be to the betterment of all the inhabitants of the Trust Territory.

16. In document T/L.1214/Add.1, after paragraph 296, add the following new paragraphs:

At the forty-sixth session of the Trusteeship Council, Senator Olter, Special Adviser, stated that in many respects the United States approach thus far to the transition to constitutional government was so unco-ordinated and so penurious that the Micronesians had begun to wonder whether it was realistic to conceive of a termination of the Trusteeship within the next year or two. The Micronesians believed that progress in negotiations was meaningless if, upon termination of the Trusteeship, they were still struggling to establish a fully functioning, competent federal government. He pointed out that they were finding it difficult to support fully the goal of the United States of terminating the Trusteeship by 1981, when it appeared that the primary achievement of that agreement would be to relieve the Administering Authority of a burdensome charge.

The Special Adviser said that the Micronesians did not seek indefinite extension of the Trusteeship period; rather they sought early fulfilment of the obligations by the Administering Authority.

At the same session, Mr. DeBrum, Special Adviser, said that the Marshall Islanders were moving forward and that they were satisfied that their government was living up to its responsibilities and commitments to prepare the people for the termination of the Trusteeship, which the President of the United States had promised would take place by 1981.

At the same session, Senator Olter, Special Adviser, said that the people of the Federated States of Micronesia regretted the role played by the Administering Authority in the partitioning of Micronesia. They felt that the dismemberment of the Trust Territory was not, in the long term, in the best interests of the

Federated States, of those districts separating or of the Administering Authority. The Special Adviser said that fragmentation would compound the already overwhelming problems of economic and political viability. He felt that a firmer and wiser hand on the part of the Administering Authority could have guided the Territory to its destination intact.
