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PETITION FROM REPRESENTATIVE AMATA KABUA  
CONCERNING THE PACIFIC ISLANDS

(Circulated in accordance with rule 85 of the rules  
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Trust Territory of the Pacific Islands  
Majuro, Marshall Islands

August 25, 1959

United Nations Trusteeship Council  
United Nations Building  
New York, N.Y.  
U.S.A.

Dear Sirs:

As a follow-up to and clarification of our petition forwarded to you by cable on July 15, 1959<sup>1/</sup> we wish to reiterate the nature of said petition for which we earnestly request, honorable Sirs, your kind attention.

Primarily, please understand that the purpose of our petition is for the United Nations to solve problems which have arisen from unsuccessful attempts to settle the Marshallese land claims against the High Commissioner of the Trust Territory of the Pacific Islands and the United States Department of the Interior as agencies of the United States Government.

We have no doubt that the High Commissioner in his report to the United Nations has already indicated that the Kwajalein people, whose lands were taken for occupation by the United States Military Forces in 1944, and are being used to this date, utterly refused his offer of \$500.00 per acre to be given to them for the use of their lands on an indefinite use right agreement. The Kwajalein people do not want an indefinite use right agreement, but an agreement with a specified time limit with annual rent payments. Negotiations in order to reach a compromise between the people and the Administration were carried on for

<sup>1/</sup> T/PET.10/30, resolution 2006 (XXIV).

almost three years until recently, when, before the High Commissioner's appearance at the United Nations this year, the Interior Department decided ex parte to conclude the matter by reaffirming its previous offer.

The refusal of the High Commissioner's offer by the Kwajalein people three years ago shows clearly their conviction that this offer does not properly protect their rights and interests. They believe and they will always believe that in principle a piece of land occupied on an indefinite use right basis is no different from one that has been bought or annexed. The Kwajalein people consider the offer unfair and unjust and shall to the end seek the justice to which they are entitled under the Human Bill of Rights.

An analysis of the financial portion of the land settlement reveals that the lump sum offer of \$500.00 per acre will, by the end of this year, be but a compensation of \$33.33 per acre annually, or \$2.77 per acre monthly (\$500.00 divided by 15 years, and again divided by 12 months), i.e. should the cash settlement be based on a rental principle. We understand that the Administration believes that the offer was fair and just. However, we do not have the impression that they have taken into consideration the fact that a family can cultivate an acre of land and it will yield a sufficient crop to care for the daily basic needs and livelihood of all the members; whereas, a landless person can hardly support himself with a monthly salary of \$40.00, if he is lucky enough to get such a job. Even on \$40.00, he cannot support a family in a territory where almost everything has to be imported, unless he has land to draw from in addition to his salary. If he has signed his land away to the United States for \$2.77 a month per acre, he will not have enough on which to live. A new class of paupers will be created overnight. A sense of security is always enjoyed by those who have land and the Kwajalein people and the many landowners in the Marshall Islands involved in similar land claims are altogether determined not to deprive their future heirs of their God-given right to have such security. However, if they are obliged to let the United States use their lands, they do not wish to be compelled to starve their young and old folks by failing to obtain sufficient compensation to support them adequately now and in the future with what is rightfully theirs.

As previously mentioned, land claim payments on a rental basis were negotiated with the High Commissioner and the officials of the Interior Department.

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They have coldly turned down our claims without proper arbitration and consideration of the rights of the people. If the United States cannot give the Marshallese people the same terms as are enjoyed by the people of the Ryukyu Islands then occupying the Kwajalein lands on rental basis by the Administering Authority is completely unacceptable. The most desirable solution would then be returning of all lands being occupied by the United States for interests other than those directly benefitting the Marshallese people and payment for past use of said lands.

A considerable number of problems have developed from the mishandling of the Marshallese affairs which we also feel should be brought to the attention of the United Nations. Some concern the matter of compensation for the Rongelapese people, who had the misfortune of being affected by the Atomic fallout. They helplessly sustained physical injuries and the poisoning of their blood. Also they are extremely concerned by the taking of blood samples for the ostensible interest and study and purposes unknown to them.

During the visit of the last United Nations Visiting Mission, it was pointed out to the members that the Marshallese people have unanimously expressed through their Congress sentiments against the Administration Executive Order which deals with the Government expropriation of the people's riparian properties. It is restated here that the Marshallese people are very much perturbed about losing their individual rights to own private beaches and reefs which are, in their customs, rightfully theirs. The Marshallese people are very understanding and would consider surrendering their riparian rights for some good reason that benefits the people. Through customs, however, they already share their riparian properties with others and cannot perceive the need of such an executive order.

The question of eminent domain has been an important problem for which we shall appreciate a solution. We wish to know if the Administration can legally take possession of any individual land or property without reaching an agreement with the owners on terms of occupation and compensation.

Equally important is the question on the Government retained properties. The problem of lands retained to be destroyed by the Administration is most pressing. Although only a few strips of land are involved, the owners desire

that they be turned back to them, since they are of no apparent use to the Administration except for being dug out for construction purposes. The land area in the Marshall Islands is very limited and every small piece of it is highly valued by the landowners.

We hope that the preceding serves to stress the importance of our petition which is indicative of our sincere belief that in all fairness we feel we are being mistreated in the cases. With regard to matters, especially those ones pertaining to the over-all advancement of the people, we are happy to state that the Administration has diligently attempted to live up to its obligations under the Trusteeship Agreement.

If further explanation is required, we shall be most grateful if the United Nations will enable us to present these facts to the honorable members in person.

Respectfully,

(Sgd.) AMATA KABUA  
Amata Kabua  
Representative

Attachment

cc: Paul C. Aiken, Attorney  
Turner Smith, Attorney  
E.E. Wiles, Attorney  
Jalle Dolkain, Representative

Trust Territory of the Pacific Islands  
Majuro, Marshall Islands  
August 25, 1959

PETITION TO THE UNITED NATIONS TRUSTEESHIP COUNCIL

WHEREAS, the Administration has failed to justly and fairly compensate the Marshallese landowners for the use of their lands;

WHEREAS, the Administration has intentionally failed to receive the people's plea conveyed through negotiations in good faith for a just and fair treatment of their land claims;

WHEREAS, the people have severely suffered by loss of their lands long hardship and poverty for the past nearly 15 years; and

WHEREAS, the Administration, by power, has taken possession of the people's riparian rights against the will and expressed protest of the rightful owners.

NOW, THEREFORE, it is petitioned on behalf of all the landowners concerned that all Marshallese lands with unsettled claims in Bikini, Kwajalein and Majuro Atolls, which are now being retained and occupied by the United States for naval or military airfields, naval or military bases, atomic bomb test sites, or for any purpose other than those directly benefit the Marshall Islands people, be restored in their original condition and turned over to the rightful owners together with payment for past use.

It is further petitioned that the High Commissioner's Executive Order, which particularly deals with the Government expropriation of the Marshall Islands people's riparian rights, be rescinded.

Respectfully submitted,

(Sgd.) AMATA KABUA  
Amata Kabua  
Representative

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