

# UNITED NATIONS TRUSTEESHIP COUNCIL



Distr.  
LIMITED

T/L.1205/Add.2  
17 June 1977

ORIGINAL: ENGLISH

Forty-fourth session  
Agenda item 4

## 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.1205 and Add.1) based on supplementary information supplied to the Trusteeship Council at its 1462nd, 1464th, 1465th, 1467th and 1468th meetings.

### A. GENERAL

#### Population movements

1. On page 1 of document T/L.1205/Add.1, item 1, first paragraph, fourth and fifth lines should read:

of the United States and had been made available in the supplemental appropriation in 1976/77. This measure had been approved by the President on 4 May 1977. ERDA was committed ...

2. On page 2 of document T/L.1205/Add.1, at the end of item 1, add the following two new paragraphs:

At the same session, the representative of the United States said that, at present, ERDA was conducting an intensive annual survey on Utirik Atoll, in which a team of specialists and technicians were participating. It also carried out quarterly examinations, and maintained its headquarters at Kwajalein Atoll for that purpose. The physician attached to the Kwajalein headquarters had an aircraft at his disposal to make the quarterly visits. In March 1977, the annual medical examination was carried out by a larger number of medical staff from ERDA; the people of Utirik had welcomed the team and had participated fully in the examination.

The representative of the United States further stated that, early in 1977, ERDA and the United States Department of the Interior had explored ways of providing general medical treatment during the quarterly and annual examinations undertaken by ERDA on both Utirik and Rongelap. Accordingly, the annual visit in March 1977 had been extended by three days to provide medical assistance of a general nature; the Trust Territory Government had provided the services of two specialists and ERDA had provided travel and per diem expenses. Arrangements had also been made to have the medical staff of the Trust Territory Government accompany the specialist from ERDA during the quarterly examinations. The United States public health staff would also be available for anyone requiring medical assistance.

## B. POLITICAL ADVANCEMENT

### Decentralization

3. On page 7 of T/L.1205/Add.1, after the fifth paragraph of item 8, add the following four new paragraphs:

At the same session, Mr. Winkel, High Commissioner and Special Representative, stated that the Administering Authority had taken steps to increase the autonomy and decision-making authority of the Trust Territory Administration in two fields.

In regard to work done under contract, all expenditures exceeding \$100,000 had previously required the approval of the Office of Territorial Affairs of the United States Department of the Interior. That ceiling had been removed.

With regard to personnel matters, the United States Department of the Interior no longer had to approve the appointment of expatriate or Micronesian personnel for the Government of the Trust Territory. The High Commissioner had been granted full authority to take final action on such personnel actions, except those which required the advice and consent of the Congress of Micronesia.

As far as federal civil service employees were concerned, the objective had been and would continue to be to reduce the number of such employees as quickly as their positions could be phased out or filled by Micronesian citizens. However, there was a ceiling on posts above GS-12, which would mean that positions at a higher level in that federal civil service category would have to be cleared by the United States Department of the Interior solely for procedural review in terms of meeting the requirements of civil service procedure.

The Special Representative informed the Council that the Director of the Office of Territorial Affairs had repeatedly enunciated the policy of the United States Department of the Interior to the effect that the Government of the Trust Territory could not be administered from Washington, D.C. and that the role of her Office, as she perceived it, was to provide technical and professional assistance to the Trust Territory Administration and to act as the Territory's advocate in the councils of the Administration in Washington. The Special Representative said that he had the assurance of the Director that further expansion of the authority of the Trust Territory Administration would be given full consideration as new areas for such expansion appeared desirable.

C. ECONOMIC ADVANCEMENT

General economy

4. At the end of paragraph 70 of document T/L.1205, add the following new paragraph:

At the forty-fourth session of the Trusteeship Council, Mr. Winkel, High Commissioner and Special Representative of the Administering Authority, stated that food items represented a very substantial part of the total imports of Micronesia, which amounted to 38 per cent of the total in 1975/76 and consequently their reduction would have an impact on the balance of imports over exports. He noted that one of the major elements of imports in the Territory was rice, some \$3 million worth of it being imported annually. He referred to the Ponape 80 hectare rice development project which aimed at producing at least sufficient rice to meet that district's needs.

5. On page 8 of document T/L.1205/Add.1, at the end of item 11, add the following new paragraph:

At the same session, Mr. Winkel, High Commissioner and Special Representative of the Administering Authority, stated that attempts had been made to secure action by the Congress of the United States on preferential treatment to the Trust Territory but that they had not met with very substantial success. The Congress of the United States had provided for eventual preferential treatment for the Northern Mariana Islands when it approved the covenant to establish a Commonwealth in the Northern Mariana Islands.

6. On page 10 of document T/L.1205/Add.1, at the end of item 15, add the following four new paragraphs:

At the same session, Mr. Canham, Resident Commissioner and Special Representative of the Administering Authority, stated that there had been considerable progress made in the basic infrastructure of the Northern Mariana Islands. The presence there of the capital of the Trust Territory and such other factors had probably contributed to that progress and there was therefore a fairly solid infrastructural base on which to build and to move in the direction of self-sufficiency. That did not mean, however, that there was not a great deal being done and planned in the direction of improved infrastructure.

He noted that the annual budget of the Government of the Northern Mariana Islands included substantial sums for capital improvement and economic development. Currently, they were working on an extensive improvement of the electric power generating system, on the development of a water supply system and on the development of highways. Substantial steps had already been taken to improve the communications system.

In addition, the budget guaranteed by the United States Government to the Northern Mariana Islands under the covenant included an allocation of \$4 million for capital improvement, as well as an allocation of \$1.75 million for an economic development loan fund.

At the same session, Senator Borja, Special Adviser, stated that while the expenditure for the social infrastructure had been limited in the Northern Mariana Islands, capital expenditures were being increased to conform with projected plan by encouraging the private sector of the economy to increase productivity. The Government of the Northern Mariana Islands accorded priority to encouraging further development and growth of the tourist industry and to increase productivity in the agricultural and fishery industries.

#### Land

7. On page 11 of document T/L.1205/Add.1, at the end of item 17, add the following new paragraph:

At the same session, Mr. Winkel, High Commissioner and Special Representative, referring to the question of indefinite land-use agreements, stated that in June 1977 the United States Department of the Interior had informed the various parties and individuals concerned that a study of those issues of the Trust Territory would be given top priority by the Attorney-General. As High Commissioner, he would co-ordinate and oversee the conduct of the study to ensure that it was carried out, and he reassured the Council that he would expedite the review and provide information to the Trusteeship Council on its outcome.

#### Third United Nations Conference on the Law of the Sea

8. On page 12 of document T/L.1205/Add.1, at the end of item 22, add the following three new paragraphs:

At the same session, the Special Adviser referred to the position of the Congress of Micronesia, as outlined at the forty-third and forty-fourth sessions of the Trusteeship Council, and stated that the conclusions and recommendations of the Council as contained in its previous report to the Security Council had fallen somewhat more than short of the minimum expectations of the Congress. It had hoped for somewhat more substantial support in the Trusteeship Council.

The Special Adviser wished to suggest that the members of the Council should give very serious consideration and strong support to the Micronesian position on the law of the sea, a subject on which there was unanimity throughout Micronesia.

At the same session, the representative of the United States stated that his Government wished to reaffirm that it did not contest the fact that the full benefits from the marine resources off the coasts of Micronesia should accrue to the people of the Trust Territory and not to the United States. His Government also wished to indicate its willingness to work with the Micronesians to establish jurisdiction over marine resources in a 200-mile zone surrounding the Territory, and to devise institutions for Micronesian management of these resources and to ensure that benefits derived from their exploitation would accrue to the Micronesian people.



Transport and communications

9. On page 14 of document T/L.1205/Add.1, after the fourth paragraph of item 25, insert the following new paragraph:

At the same session, the representative of the United States said that agreement had not been reached between the United States and the Government of Japan on the initiation of service by Continental Airlines, and that the question was being negotiated by the two Governments. Negotiating sessions had been held in Washington, D.C. in April 1977 and in Tokyo in May 1977. At the session in April, representatives of the Congress of Micronesia and of the Northern Mariana Islands Legislature who had been invited to participate made statements in support of their position. The United States had stated that that question should be dealt with before the other bilateral questions under discussion were taken up in the negotiations.

Proposal for a super-port at Palau

10. After paragraph 156 of document T/L.1205, add the following new paragraph:

At the forty-fourth session of the Trusteeship Council, Mr. Winkel, High Commissioner and Special Representative, stated that the Government of the United States and the Trust Territory Administration, in conjunction with the Palau District Legislature, were making arrangements for their own feasibility study of the concept of a super-port. In that respect, the United States Department of the Interior had constantly emphasized that any action on that matter should be consistent with the free choice of the Palauans and that the most complete, objective, unbiased information that could possibly be obtained must be available to them.

D. SOCIAL ADVANCEMENT

Medical and health services

11. In paragraph 170 of document T/L.1205, delete the first and second sentences and insert the following words at the beginning of the third sentence, as follows:

170. The annual report further states that in July 1976, the Trust Territory ...

E. EDUCATIONAL ADVANCEMENT

General

12. After paragraph 199 of document T/L.1205, insert the following new paragraph:

At the forty-fourth session of the Trusteeship Council, the representative of the United States stated that in the service-oriented programme, there appeared to

be a prevailing opinion that education should be made more relevant to Micronesian cultural and economic needs, and that other non-income-producing programmes should be held within agreed limits.

13. After paragraph 200 of document T/L.1205, add the following two new paragraphs:

At the forty-fourth session of the Trusteeship Council, Mr. Winkel, High Commissioner and Special Representative of the Administering Authority, stated that during 1976 the Department of Education of the Trust Territory Government had started to develop a series of textbooks, the first two of which dealt with tropical horticulture for secondary-school use. Subsequent texts would cover additional areas in the field of agriculture, including agricultural marketing.

He also pointed out that the Five-Year Indicative Development Plan was based, among other things, on the belief that the educational system of Micronesia should not necessarily be changed substantively in every respect but should be developed with greater emphasis and concentration on the type of education which could best prepare students for Micronesian life and culture.

F. ESTABLISHMENT OF INTERMEDIATE TARGET DATES AND FINAL  
TIME-TABLE FOR THE ATTAINMENT OF SELF-DETERMINATION  
OR INDEPENDENCE

14. After paragraph 240 of document T/L.1205, insert the following new paragraph:

At the forty-fourth session of the Trusteeship Council, Senator Iehsi, Special Adviser, stated that article II, section 1, of the draft constitution declared the constitution to be the supreme law of the Federated States of Micronesia which would become fact upon the adoption of the constitution. That would be and would remain the fundamental expression of Micronesian sovereignty. It was subject to compromise only to the extent that, if the constitution in its adopted form permitted, another instrument such as the draft compact might substitute temporarily the exercise of certain functions by some authority other than the normal one. In that regard, section 101, title I, of the initialled compact in effect "renders the exercise of the responsibilities and rights vested by the compact in the Government of the United States and the Government of Micronesia and its States preemptive of the governmental power in specified areas pursuant to any other authority." Thus the two draft documents in their present form were potentially in conflict over that aspect.

15. On page 18 of document T/L.1205/Add.1, after the third paragraph of item 36, insert the following five new paragraphs:

The representative of the United States pointed out that one of the questions that must be resolved before negotiations could be resumed and to which his Government hoped to address itself at the meeting in July 1977 was which body or bodies might negotiate on behalf of the Micronesians. His Government continued to believe that the common interests of the various Micronesian districts and of the United States could best be preserved if it was possible to maintain common links

among the districts, and it was working to that end. The problem resulted partially from the refusal of the representatives of the Marshall Islands and Palau to participate in the work of the Commission on Future Status and Transition of the Congress of Micronesia. He said that it was a Micronesian decision to determine the precise form that the common links should take. His Government was optimistic that those matters would be tackled by the Micronesians themselves in the coming months and that they could be discussed at the meeting in July 1977.

At the same session, the representative of the United States said that his Government intended to be responsive in working closely with the Congress of Micronesia and all the districts of the Territory to develop a practical and realistic format which could provide mutually beneficial relations between the districts and at the same time protect the vital interests and concerns of each district. The United States intended to make every reasonable effort to find a commonly acceptable basis for terminating the Trusteeship Agreement by 1981. It was optimistic that, given mutual respect and a constructive spirit of flexibility, conciliation and compromise, as urged by the President of the United States in his message to the Conference in Honolulu, they could achieve that goal. With regard to financial assistance to the Government of Micronesia, which had been referred to at the meeting in Honolulu, it was the view of his Government that the manner in which that assistance by the United States to Micronesia in the post trusteeship period would be shared among the districts was primarily a matter for decision by the Micronesians themselves.

At the same session, Senator Iehsi, Special Adviser, asked the Trusteeship Council whether an appropriate United Nations agency could assist Micronesia in developing an information programme for the referendum, and in monitoring the current efforts by the Trust Territory Task Force on Education for Self-Government.

The Special Adviser said that it was the position of the Micronesian representatives that they should also be involved in determining which termination procedure would be followed by the Trust Territory of the Pacific Islands. In that regard, they wished to learn from the Council to what extent Micronesians could be involved in the actual termination process of the Trusteeship Agreement.

The Special Adviser further stated that although they preferred that the Trusteeship Agreement end as soon as possible, they still believed that termination depended on the achievement of the goals set forth in the Charter of the United Nations and the Trusteeship Agreement. They did not believe that the termination of the Trusteeship Agreement was or should be dependent upon an arbitrary timetable that did not reflect the progressive development of their people towards the attainment of self-government or independence. Rather than bind them to an arbitrary date, they believed that the year of the termination of the Trusteeship Agreement must take into account the resolution of the major issues of the times. In that connexion, they believed there was still time to bring the initialled draft compact into conformity with the constitution; there was still time to preserve Micronesian unity; there was still time to propose amendments to the constitution and that it was possible to amend the constitution once adopted. They believed there was still time for the rule of law to prevail in Micronesia in a responsive and responsible fashion.

16. On page 20 of document T/L.1205/Add.1, after the eighth paragraph of item 36, add the following sentence:

The purpose of such a request would be to ensure that the United Nations become involved as closely as possible in the process whereby the people of Micronesia collectively determined their future.

17. On page 20 of document T/L.1205/Add.1, after the eighth paragraph of item 36, insert the following new paragraph:

The Special Adviser said that it had been and continued to be the position of the Congress of Micronesia that all the people of Micronesia should have an opportunity to vote on the draft constitution of the Federated States of Micronesia and that the option of unity should not be foreclosed in any district prior to that opportunity. The insistence that all the people of Micronesia should be provided an opportunity to accept or reject the draft constitution prior to the recognition of any district as a separate entity did not constitute a denial of the right of any district to seek separate status. The Special Adviser believed that the process of self-determination, which had begun at the Constitutional Convention should be completed, and that the entire concept of unity which that Convention had accepted should be presented to the people before other forms of self-determination were explored.

18. On page 20 of document T/L.1205/Add.1, at the end of item 36, insert the following six new paragraphs:

At the forty-fourth session of the Trusteeship Council, the representative of the United States quoted from a letter transmitted to a number of representatives of the Congress of Micronesia from the Chairman of the Senate Select Committee on Intelligence of the Congress of the United States. In his letter, the Chairman said that that Committee had investigated allegations about the activities of the Central Intelligence Agency (CIA) in Micronesia which had jeopardized the successful completion of that long series of discussions. Although the Select Committee had not obtained the names of those Micronesians who had unwittingly become involved with the CIA, it was sure that none had been associated with the Joint Committee on Future Status or with the present Commission on Future Political Status and Transition of the Congress of Micronesia. The Select Committee was also certain that the CIA was not acting in Micronesia at the present time. The Chairman of the Select Committee sincerely hoped that a feeling of amity and goodwill would prevail and that the Conference would lead to discussions mutually beneficial to both Micronesia and the United States.

The representative of the United States also quoted from a letter dated 16 May 1977 from the Acting Permanent Representative of the United States to the United Nations, addressed to the President of the Trusteeship Council. In his letter, the Acting Permanent Representative said that his Government had taken steps to ensure that no such activities would be conducted in the Trust Territory in the future and that it would fully endorse the view expressed in the statement by the Select Committee to the effect that all parties should make every effort to



restore those vital elements of common trust and confidence which were essential to a successful resolution of the negotiations on the future status of the Trust Territory. It was the desire of his Government to base its relationship with Micronesia on mutual trust and open discourse which had traditionally characterized relations between the United States and Micronesia.

The representative of the United States referred to a message from the President of the United States which had been transmitted to the Conference in Honolulu in May 1977. In that message, the President had assured the participants that actions by the officials of the United States such as those described in the report of the Select Committee would not occur under his Administration.

At the same session, Senator Iehsi, Special Adviser, referring to document T/PET.10/109 submitted to the Trusteeship Council by the President of the Senate and the Speaker of the House of Representatives of the Congress of Micronesia, requested the Council neither to consider nor act upon that petition. He said that several developments had occurred subsequent to the submission of that petition. The Select Committee on Intelligence of the Senate of the United States had conducted an investigation of the matter. They very much appreciated the efforts of the Chairman of the Select Committee and they also acknowledged what they believed to be the very sincere comments of the representative of the United States and the assurances they had received from the President, the United States Secretary of State and others that surveillance activities would not be conducted in the future. Although they welcomed those assurances, they were not entirely satisfied that the present Administration of the United States had taken all the necessary steps to mitigate the distrust and suspicion which the actions of the previous Administration had created.

The Special Adviser also stated that the United States had thus far failed to disclose to the leaders of Micronesia any but the most general information concerning its prior surveillance activities. They believed it was essential that Micronesia should receive a more detailed accounting of those activities so that they could make their own independent judgement on their effect upon the draft compact.

The Special Adviser further stated that they believed that progress had been made and that they were hopeful that the problem could be resolved in that manner. Consequently they believed it would be in everyone's best interest if the petition were to be withdrawn.

19. On page 21 of document T/L.1205/Add.1 after the sixth paragraph of item 37, insert the following new paragraph:

At the same session, Mr. Canham, Resident Commissioner and Special Representative, stated that it was important to remember that the separation of the administration of the Northern Mariana Islands from the Trust Territory Administration had nothing whatever to do with its relationship with the Trusteeship Council. The separation was an internal matter, and the Government of the Northern Mariana Islands was still part of the Administering Authority and would remain so. However, it was most gratifying to be able to report that steady

rapid progress was being made towards constitutional self-government. The Special Representative further stated that the first elected constitutional officers would be chosen later in 1977 and would take office in 1977 or early 1978. The status of the Northern Mariana Islands had been carefully negotiated by chosen representatives of its people. They had ratified it by an overwhelming vote and had elected the delegates to their own Constitutional Convention. They had drafted their own constitution, and had adopted it by another overwhelming vote. The separate administration and the constitutional Government in the Marianas had enabled its people to find their identity and to build stable institutions for their future.

20. On page 21 of document T/L.1205/Add.1 at the end of item 37, add the following three new paragraphs:

The Special Adviser, referring to the question of the unity of Micronesia, said that the members of the Trusteeship Council were fully aware that the movement for the separation of the Northern Marianas Islands from the other districts of the Trust Territory and for the institution of self-government and the termination of the Trusteeship Agreement had started as early as 1950. Several plebiscites had been conducted to determine the wishes of the majority. The people of the Northern Marianas had consistently voted in favour of becoming closely affiliated with the United States. The last plebiscite, in 1975, had showed that 78 per cent of the people were in favour of commonwealth status in political union with the United States.

The Special Adviser further said that, given such an overwhelming desire by the Northern Mariana Islands to join the United States political system, the fact of the administrative separation and eventual integration of the Northern Mariana Islands as a commonwealth of the United States had become a foregone conclusion. Thus, they shared the view of the United States Government that the separate administration of the Northern Mariana Islands was within its authority to effectuate. In that connexion, the movement of the Northern Mariana Islands to become a permanent part of the United States had been accepted by the Congress of Micronesia.

The Special Adviser pointed out, however, that it had been and continued to be their fervent desire and public policy to engender, advance, and foster further economic and social co-operation among all the districts of the Trust Territory and the Northern Mariana Islands in order to strengthen, nurture and perpetuate the historical bonds of friendship and common heritage which had been forged and developed over the past 100 years.

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