

UNITED NATIONS TRUSTEESHIP COUNCIL



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Forty-fifth 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.1208 and Add.1) based on supplementary information supplied to the Trusteeship Council at its

A. GENERAL

Land and people

1. In document T/L.1208/Add.1, at the end of item 1, add the following new paragraph:

The Special Adviser further said that one major capital improvement programme was the relocation of the Micronesian capital. He urged that funds be made available as soon as possible after the July referendum for the relocation of the capital.

War and post-war damage claims

2. In document T/L.1208/Add.1, at the end of item 4, add the following two new paragraphs:

At the same session, 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.

The representative of the United States further stated that his Government was aware of the strongly held view of the Micronesians that full compensation should be paid for Title I claims in accordance with the awards of the Micronesian Claims Commission. The Government of the United States was also aware of the interest of the members of the Trusteeship Council in this question. The Congress of the United States, in enacting Public Law 95-134, had expressed the desire of the United States to participate in such payment. The representative assured the Council that his Government, as the Administering Authority of the Trust Territory, was mindful of its obligations in that respect.

B. POLITICAL ADVANCEMENT

Territorial Government

Legislature

3. In document T/L.1208, paragraph 27: (a) in the second line, for 10 read 12; and (b) in the third line, for 18 read 22.

Executive

4. Delete paragraph 43 of document T/L.1208.

Civil service

5. In document T/L.1208, replace paragraph 62 with the following two new paragraphs:

At the forty-fifth session of the Trusteeship Council, Mr. Winkel, High Commissioner and Special Representative, stated that the number of government employees totalled 5,487 in March 1978, compared with 5,813 for the preceding year. The Special Representative pointed out, however, that there were in addition, 2,783 individuals classified as government employees which came under the category entitled "special grants". The Special Representative said that those employees were trainees, not necessarily in preparation for government employment but rather to acquire various skills.

The Special Representative further stated that between March 1977 and March 1978, the number of regular-programme employees, as distinct from special-grant employees had decreased by 326. The number of United States civil service employees had decreased by 20 and the number of other expatriate employees by 5.

6. In document T/L.1208, paragraph 64, the first line should read The Northern.

C. ECONOMIC ADVANCEMENT

General economy

7. In document T/L.1208, after paragraph 83, add the following new paragraph:

At the forty-fifth session of the Trusteeship Council, Senator Olter, Special Adviser, stated that, to date, the Trust Territory Administration had not provided sufficient resources to ensure a long-term viable economy for Micronesia. Micronesia faced a situation in which it was nominally self-governing but remained dependent on the United States, since the latter had not attempted to promote the necessary physical and productive infrastructure, or to foster the type of development that required additional skills.

8. In document T/L.1208/Add.1, after the first paragraph of item 14, insert the following new paragraph:

The Special Representative, referring to the observations that implementation of the Five-Year Indicative Development Plan might not have progressed as rapidly as many would have desired, said that the Trust Territory Government shared that concern and would continue to work with the Congress of Micronesia to develop policies and programmes to meet the objectives of the development plan.

9. In document T/L.1208, after paragraph 99, the heading should read as shown below:

Assistance from international institutions and other countries

10. In document T/L.1208, after paragraph 106, add the following two new paragraphs:

At the forty-fifth session of the Trusteeship Council, Mr. Sablan, Deputy High Commissioner stated that UNDP in New York had referred a number of applications to him for the position of UNDP project manager for Micronesia. Those applications were being reviewed with great care since the project manager would play a key role in assisting the Congress of Micronesia and the Trust Territory Government in the implementation of the various development plans in Micronesia.

At the same session, the representative of the United States assured the Trusteeship Council of the importance his Government attached to the work of the United Nations in regard to the Trust Territory. The work of UNDP in Micronesia deserved special comment. His Government supported the efforts of that body. The United States, in its capacity as Administering Authority, the Government of the Trust Territory and the peoples of Micronesia had all benefited from the presence of UNDP in the Territory and looked to the continuation of its work under a new project manager, who, they were confident, would be as well qualified and as able as his predecessor.

Land

11. In document T/L.1208/Add.1, at the end of item 21, add the following new paragraph:

At the same session, Mr. Winkel, High Commissioner and Special Representative, stated that, essentially, the indefinite land use agreements had involved land in the Truk and the Marshall Islands districts which had been taken in the 1950s primarily for public facilities. The conclusions of the study group indicated that each of those individual agreements, of which there were approximately 200, should be reviewed and renegotiated with the landowners by staff designated for that purpose. Agreements should be arrived at concerning the continued use of land that might be needed. Agreements should also be reached with regard to the procedure for the return of land that might not be needed. The Special Representative reported that the first step in that process had been taken with arrangements for the appointment of experts to undertake appraisals of all the land involved. The procedure had been agreed upon and had been co-operatively processed by the Congress of Micronesia and the Trust Territory Government. The resolution of the entire matter by the end of 1979 or early in 1980 was the objective.

Third United Nations Conference on the Law of the Sea

12. In document T/L.1208/Add.1, at the end of item 24, add the following new paragraph:

At the same session, the representative of the United States said that his Government had supported and continued to support observer status for Micronesia at the Third United Nations Conference on the Law of the Sea. With regard to Micronesian participation in the South Pacific Regional Fisheries Organization, it seemed logical, in view of the statement of agreed principles signed at Hilo, Hawaii, on 9 April 1979, for the United States to support the Micronesian application for observer or other appropriate status in international bodies or in negotiating forums. In that regard, however, the representative of the United States expressed the view that it would be inappropriate to make final decision on that matter until the results of the referendum on the draft Micronesian constitution were known. His Government was hopeful that at that time it would be possible to support such applications, and it intended to give the matter attention as soon as possible.

Transport and communications

13. In document T/L.1208/Add.1, at the end of item 27, add the following new paragraph:

At the same session, Senator Olter, Special Adviser, stated that the United States House Sub-Committee on Appropriations had allocated \$6.7 million for work on the Ponape airfield, and had restored the sum of \$1.9 million for operational costs.

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D. SOCIAL ADVANCEMENT

Medical and health services

14. In document T/L.1208, after paragraph 178, add the following four new paragraphs:

At the forty-fifth session of the Trusteeship Council, Dr. Charles Ross-Smith, representative of the World Health Organization (WHO) stated that for many years, WHO had awarded fellowships to candidates for courses not available in the Trust Territory and to health workers for refresher training or to obtain higher qualifications abroad. Moreover, a substantial number of health workers had been given opportunities to participate in WHO's intercountry group educational meetings.

The representative of WHO informed the Council that the Trust Territory was now within the jurisdiction of the WHO area office on Fiji which had led to an improved working relationship with the Territory. He pointed out that in 1977, two WHO consultants had carried out a feasibility study on the new Ponape hospital with special reference to the hospital's capacity to function as a referral and training institution. In the same year, the WHO Regional Adviser on Oral Health had served in the Territory as a consultant in a national dental health training programme. Another team of WHO consultants in medical education were currently visiting Ponape to assist in a refresher training course for Micronesian medical officers. WHO had also assisted the Territory in the preparation of a medium-term programme covering the period up to 1983, with a view of establishing a guide for possible areas of co-operation between the Territory and WHO in the years ahead.

The representative of WHO stated that some \$66,000 had been granted to the Trust Territory in 1977 for consultants and fellowships. Approximately \$106,000 had been earmarked for 1978 for the same purpose, and a total of \$97,000 had been allocated for fellowships for 1979. Those funds did not include expenditures incurred in sending Trust Territory inhabitants to various WHO seminars and training courses, nor did it include the costs of visits to the Territory of regular WHO staff. Such expenses were financed by the intercountry projects of WHO.

The representative of WHO further stated that his organization was entering into an agreement with the University of the South Pacific at Suva to sponsor health management courses in which representatives from the Trust Territory would be participants. Further, WHO had begun talks with the Government of the Trust Territory concerning the 1980/81 biennium programme for which WHO had allocated the sum of \$207,000 from its regular budget.

Labour

15. In document T/L.1208/Add.1, at the end of item 29, add the following two new paragraphs:

At the forty-fifth session of the Trusteeship Council, Senator Olter, Special Adviser, referring to the strike by the employees of the Continental Hotel

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at Koror, Palau, stated that, although the union had not been disbanded, the practical effect of the firing had been most demoralizing and presented a negative example to other workers in the Trust Territory who might attempt to organize and negotiate with management for better working conditions. The workers at Koror were maintaining a vigil near the hotel and the Palau delegation to the Congress of Micronesia had included in its district appropriation bill the sum of \$4,000 to assist them.

At the same session, Mr. Sablan, Deputy High Commissioner, referring to the labour union in Palau stated that, under the Trust Territory Code, the inhabitants of the Territory were guaranteed the right to assemble and to petition.

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

16. In document T/L.1208/Add.1, at the end of item 33, add the following four new paragraphs:

At the same session, the representative of the Administering Authority stated that for many years the United States had maintained the attitude that unity would be necessary among all the districts of the Trust Territory in the post-trusteeship period. In Palau and the Marshall Islands, however, the separatist movements had grown to positions of considerable prominence and authority and now dominated the respective legislatures. Those legislatures had insisted that they did not wish to be represented in status negotiations with the United States by the Commission on Future Political Status and Transition of the Congress of Micronesia.

The representative of the Administering Authority further stated that, in 1976, the negotiations on future political status between the United States and the previous commission designated by the Congress of Micronesia had come to a deadlock. Therefore, at the status negotiations held at Guam in July 1977, an understanding had been reached with representatives of all six districts and the Congress of Micronesia that each legislature would make its own decision about which commission it desired to represent it in the negotiations. It had been understood that the decisions taken by the respective legislatures would be made contingent on the outcome of the constitutional referendum to be held on 12 July 1978. The agreement of the United States Government to meet with separate commissions appointed by those two legislatures had therefore been designed to extricate the parties from an intractable impasse which had threatened to prevent the resumption of status negotiations. The United States awaited the outcome of the referendum, and would thereafter proceed with its negotiations in the manner indicated by the vote of the Micronesians.

At the same session, Senator Olter, stated that the single critical area of concern lay with the potential further partition of Micronesia, which he recognized, should be left to the ultimate decision of the Micronesians. The concern of the Congress of Micronesia was that the decision in the referendum might

not be made solely by the necessary majority but might be dependent on some undefined interpretation of the results of that referendum by the United States, other than a mere vote count administered by the Congress of Micronesia. The Congress also felt that the decision could be made through another unexpected change in United States policy similar to that which had led to the acceptance of the separatist factions as legitimate and equal negotiating entities, irrespective of the exclusive mandate given to the Congress of Micronesia and its legally designated representative, the Commission on Future Political Status and Transition.

Referring to the participation of the Congress of Micronesia in the status negotiations at Guam in 1977, the Special Adviser pointed out that since only representatives of the Congress had been invited and not its legally designated status commission (see above), the participants attended only to receive proposals from the United States and not to enter into any commitments or understandings. Thus, the statement of the representative of the United States that the negotiating format was mutually agreeable to all parties had in reality been imposed on the Congress by the inflexible position taken by the United States. The Special Adviser stated that the continued participation of the Commission in the multilateral talks which had occurred subsequent to the status negotiations on Guam should not be construed as an acceptance by the Congress of Micronesia of the participation of the separatists.

17. In document T/L.1208/Add.1, at the end of item 35, add the following two new paragraphs:

With regard to the question of independence, the representative of the Administering Authority pointed out during the forty-fifth session of the Trusteeship Council that the subject of the statement of agreed principles signed at Hilo was itself a status to be known as free association. However, the precise definition of that status and the subsequent distribution of powers based on that status was subject to agreement among the parties themselves. As was clear from an analysis of the Hilo statement itself, the parties had not looked beyond the creation of a status of free association. However, the ultimate ability of any Micronesian entity to opt for independence at any time was incorporated in the Statement of the Agreed Principles. The ability to opt for independence was not subject to the consent of the United States, either in its present capacity as Administering Authority, or in its future capacity as the free association partner of one or more Micronesian entities.

The representative of the Administering Authority added that the agreement of free association spoke in terms of that status alone, and in that regard there was a clear statement, in Principle 1, that the status was to be differentiated from the status of full independence.

18. In document T/L.1208/Add.1, after the sixth paragraph of item 36, add the following two new paragraphs:

At the same session, the representative of the Administering Authority stated

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that the votes in the referendum would constitute a free expression of will on the part of the peoples of Micronesia, both as to the specific terms of the draft constitution and on the issue of unity. His Government intended to preserve its absolute neutrality on the issues before the voters in the referendum and to respect the outcome. He said that the Micronesians had been informed that the draft constitution would be compatible with a status of free association with the United States if its provision allowing for a grant of the necessary powers to the United States was implemented.

The representative of the Administering Authority assured the Trusteeship Council that it would have the full co-operation of the United States in working out the details associated with the visit to observe the referendum. In that regard, the Administering Authority supported the proposal that observation of the voting on Ebeye should be included in the itinerary of the visiting mission.

19. In document T/L.1208/Add.1, at the end of item 36, add the following new paragraph:

At the forty-fifth session of the Trusteeship Council, the representative of the Administering Authority said that the following procedure was at present under consideration. If the draft constitution for the Federated States of Micronesia should be rejected in one or more districts of the Trust Territory, it would become necessary for those districts to draft a constitution to take its place. It was assumed that if the constitution were rejected, at least in those districts whose elected legislatures had been dominated by separatist elements, in recent years, it would mean the rejection of the whole concept of unity as well as of the constitution in question. Those districts would then proceed, as the United States understood the intention of their present elected legislatures, to prepare constitutions which in due course would require ratification by the citizens of the districts concerned. Such other steps as might be necessary to ensure a proper ratification subject to all the necessary administrative arrangements would be undertaken at that time.

20. In document T/L.1208, after paragraph 266, add the following new paragraph:

At the forty-fifth special session of the Trusteeship Council, Senator Guerrero, Special Adviser, stated that the people of the Northern Mariana Islands looked forward to continuing co-operation with their Micronesian neighbours in many important areas - cultural, trade and commerce, educational and scientific - as well as a number of others of common interest in the Western Pacific.

21. In document T/L.1208/Add.1, at the end of item 37, add the following two new paragraphs:

At the same session, the representative of the Administering Authority said that 1981 had been established by the United States as a target for the termination of the Trusteeship Agreement. His Government felt strongly that an early termination of the agreement was necessary in order to achieve compatibility

between the actual status of the Trust Territory and the ideals which had often been espoused by his Government with respect to the self-determination of peoples and human rights. The United States continued to believe that it would be possible and was in fact desirable to terminate the Trusteeship Agreement in 1981. It envisaged that the termination would place on terms acceptable to both the peoples of the Trust Territory and of the United States.

The representative of the Administering Authority, in reaffirming previous statements made by representatives of his Government, said that it was the intention of the United States to take up the matter of termination with the Trusteeship Council and the Security Council at the appropriate time.
