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Forty-fifth Session

VERBATIM RECORD OF THE FOURTEEN HUNDRED AND SEVENTY-SECOND MEETING

Held at Headquarters, New York,
on Wednesday, 17 May 1978, at 10.30 a.m.

President: Mr. GARRIGUE-GUYONNAUD (France)

Examination of the annual report of the Administering Authority for the year ended 30 June 1977: Trust Territory of the Pacific Islands (continued)

Examination of petitions listed in the annex to the agenda

Organization of work

This record contains the original text of speeches delivered in English and interpretations of speeches in the other languages. The final text will be distributed as soon as possible.

Corrections should be submitted to original speeches only. They should be sent in quadruplicate within three working days to the Chief of the Official Records Editing Section, Department of Conference Services, room A-3550, and incorporated in a copy of the record.

AS THIS RECORD WAS DISTRIBUTED ON 17 MAY 1978, THE TIME-LIMIT FOR CORRECTIONS WILL BE 22 MAY 1978.

The co-operation of delegations in strictly observing this time-limit would be greatly appreciated.

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The meeting was called to order at 11.05 a.m.

EXAMINATION OF THE ANNUAL REPORT OF THE ADMINISTERING AUTHORITY FOR THE YEAR ENDED 30 JUNE 1977: TRUST TERRITORY OF THE PACIFIC ISLANDS (T/1786; T/L.1208) (continued)

The PRESIDENT (interpretation from French): At our meeting last Monday afternoon, the Secretariat received some documents concerning the Northern Mariana Islands, that were presented to the Council by Senator Guerrero. They are as follows: the Constitution of the Commonwealth of the Northern Marianas; Agenda for the Commonwealth - A Government Plan for the Northern Mariana Islands; Socio-economic Development Plan for the Northern Marianas; and the Covenant to Establish the Commonwealth of the Northern Mariana Islands in Political Union with the United States of America.

We have in our possession enough copies of the Constitution, the Analysis of the Constitution, and the Covenant, for each member of the Council, and I understand these have already been distributed. The rest will be kept by the Secretariat and will be available to members of the Council for consultation.

EXAMINATION OF PETITIONS LISTED IN THE ANNEX TO THE AGENDA (see T/1788/Add.1)

The PRESIDENT (interpretation from French): In accordance with the Council's decision of yesterday, we shall now conduct the oral hearings. The requests for oral petitions are contained in the documents distributed to all delegations (T/PET.10/125 and Adds.1 and 2; T/PET.10/127 and Add.1; T/PET.10/128 and Add.1; T/PET.10/129 to T/PET.10/131; and T/PET.10/132 and Add.1). Some of the petitioners who have asked to be allowed to speak are here and are prepared to address the Council. I now suggest that they be invited to take their places at the petitioners' table and be heard by the Council. They are: Senator Tmetuchl of the Palau Political Status Commission, Speaker Sadang N. Silmai, Mr. Stuart Beck and Mr. William Brophy, as well as Mr. Iroi Litokwa Tomeing, President, Voice of the Marshalls.

I invite the petitioners to take places at the table.

At the invitation of the President, Senator Tmetuchl, Speaker Silmai, Mr. Beck and Mr. Brophy, took places at the petitioners' table.

The PRESIDENT (interpretation from French): I call first on Senator Roman Tmetuchl from the Palau Political Status Commission.

Mr. TMETUCHL: I am Roman Tmetuchl, Chairman of the Palau Political Status Commission. As members of the Council know, the Commission is the official and exclusive representative of the people of Palau at the pending negotiations among Palau, the Marshall Islands, the central Caroline Islands and the United States regarding the termination of the Trusteeship of the Pacific Islands.

I addressed the Council as the representative of the people of Palau at the forty-third and forty-fourth sessions of this Council. It has been made eminently clear to me that some members of this Council and some representatives of the Administering Authority believe that the motivation for Palau's desire to negotiate separate status is greed. This accusation has been predicated upon the assumption that Palau wishes to construct a giant oil transshipment facility and to keep all the benefits of such a facility for itself. I have always told you that these assumptions are false, but I now recognize that the only way to dispel them is to commit myself on the public record to the following position: I oppose the superport. My present opposition is based on my understanding that a reasonable economic arrangement with the United States is forthcoming. Advice to me in the last several months from prominent economic experts, including, but not limited to, 15 senior consultants from the United Nations Development Programme, convinces me that with reasonable United States assistance it is possible for Palau to survive and to move towards self-reliance without a superport or any "superproject". I should note that some of the economic advice that I have received has been memorialized in the Palau Indicative Development Plan. That plan was submitted to this Council one year ago, is available for the Council's review and represents the official policy of the Government of Palau.

The only reason for the Palauans ever being interested in a superport was their desire to get off the United States dole. We wanted control of our economic destiny. We were conscious of the choice that the world was forcing us to make - either to destroy our unequalled natural environment or to remain dependent on United States welfare. Under those circumstances, I could not choose the latter; I could not ask my people to revert to the jungle.

(Mr. Tmetuchl)

With respect to the environment, it should be clear to all members of the Council that no one is as concerned about this as the Palauans themselves. While this issue was a remote concern for the Sierra Club, it is, and was, a life-and-death question for Palauans. I trust it is settled forever.

The mandate of the Palau Political Status Commission is known to the Council. On 24 September 1976, the people of Palau, by an 88 per cent majority, voted in a fair and free election to negotiate their future political status separately from the rest of Micronesia. I can report to you that that mandate was recently reaffirmed by an overwhelming vote in favour of a joint resolution passed by the House of Chiefs and the House of Elected Members of the Palau Legislature. I will submit a certified copy of this resolution for this Council's records.

The present social and economic conditions in Palau require the Council's immediate attention. Those members who have visited our islands have full understanding of our perilous position. Those members who have not visited us need only refer to the testimony and observations of recent visitors.

One such recent visitor to Palau was Jean-Michel Bazinet, an employee of the United Nations who undertook a mission to Palau in the fall of 1977. His observations are contained in the report of the mission to the Trust Territory of the Pacific Islands. I commend that full report to your attention and will provide copies of it on request.

The Bazinet mission came to Palau to study the condition of our young people. What it learnt and what it reported should be the starting point for any analysis of present conditions.

The mission found that young Palauans are the victims of very cruel conditions. Despite all the American dollars spent on their education, there is no productive work for them after graduation. Mr. Bazinet puts it best, and I quote:

"There is no market for the skills he learns; his expectations have no relation with existing or potential opportunities.

Bazinet concludes that:

"For many young Palauans, growing up means travelling through a strange itinerary to a dead end".

(Mr. Tmetuchl)

The desperation that the Bazinet mission disclosed is complemented by the grim fact that suicide among our young people is occurring with hideous frequency. According to a report by the Reverend Francis X. Hezel in the official bulletin of the South Pacific Commission, the suicide rate among young Micronesians could be expressed as "A whopping 70 per 100,000 - an astonishingly high figure by standards anywhere in the world". The suicide rate in the United States for all age groups in the same period was 12.6 per 100,000.

(Mr. Tmetuchl)

The despair in Palau is not limited to the children; adults also face a life with few real options. Many of my countrymen have sought to break out of the cycle of dependency created by an inflated American dole, but have failed. They return in defeat to an unnecessary government job, knowing full well that they are confined to a life of glorified welfare.

This situation is particularly bitter for Palauans, because they have not chosen this life. Allow me to quote another United Nations employee, Mr. H. S. Wanasinghe, who visited the Trust Territory in connexion with the mission of Mr. Robert Trusk and the United Nations Development Programme. Mr. Wanasinghe found that:

"This trend of high government employment has been counter-productive to the motivation of the people for productive economic effort. With a larger amount of the better educated and skilled section of the population in the Government, there is an anti-development impact on the economy."

The American-inspired bureaucracy not only has grown beyond reason, it has grown in isolation, while the productive sector has been entirely ignored.

Under the Japanese mandate Palau saw its economic options multiply. Since a picture is worth 1,000 words, I should like to hand to the President a series of photographs which show Palau before 1940 and Palau after 30 years of Trusteeship. I ask that the President direct that these photographs be made available today to the members of this Council. As soon as possible we will endeavour to duplicate the photographs so that they can become a permanent exhibit in the records of the forty-fifth session.

Our big island of Babelthuap was criss-crossed by fine roads, making it possible for productive farmers to ship their goods to the markets in our populated areas. Palau exported a variety of foods and raw materials to the outside world from adequate docks and developed harbours. Our communications were first class; our power and water were delivered with more predictability than in 1978. According to the Solomon report:

"Per capita Micronesian cash incomes were almost three times as high before the war as they are now and ... the Micronesians freely used the Japanese-subsidized extensive public facilities."

Our options were varied; our children did not commit suicide.

(Mr. Tmetuchl)

Now those "extensive public facilities" have returned to jungle. No one can farm the interior of Babelthup because there are no longer any roads. No one can successfully engage in modern business activity without reliable communications, predictable transportation and an adequate utility system. No businessman will build a dam in Palau in order to have sufficient water to build a cannery.

It is the deterioration of our society that causes the most pain. We are consistently insulted by those who would have us return to a romantic past - grass huts, subsistence farming and the occasional feast. I must tell members of the Council that this view is unacceptable to the majority of our people, and I imagine that it is equally unacceptable to the majority of their peoples. I can assure the Council that the majority of Palauan children, whom I discussed earlier, will not return to a life of simple subsistence. Their minds have been moulded by American education and, whether we like it or not, they will demand the same economic and political freedoms as their American mentors. It is the duty of the Status Commission to make certain that all options will be available to our children. I respectfully submit to the Council that it is the duty of the United States to provide the resources which are necessary for this task. It should be noted that all we are asking for is the ability to become self-sufficient.

I am certain that it is as clear to the Administering Authority as it is to us that continued Palauan dependency on United States subsidies is undesirable, and that the cycle of dependency can only be broken by a long-overdue development of Palau's productive sector. I am confident that the Administration of President Carter does not wish to foster dependency any longer. While this may have been the tactics of previous Administrations which sought a permanent annexation of our islands, it should be clear that no device will prevent Palau from pursuing its own political destiny.

We are hopeful that Palau will become freely associated with the United States and that this association will endure. But unless the period of free association is accompanied by sufficient resources for the attainment of our goal of self-sufficiency Palau will be a perpetual welfare State.

(Mr. Tmetuchl)

We have spent a great deal of time analysing our needs. We have had the benefit of advice and counsel from various United Nations and Trust Territory experts. I should like to discuss what we deem to be the minimal requirements for achieving dignified self-reliance.

The capital improvements which have been made in the 32 years since the Second World War are negligible. Babelthuap Island, one of our primary assets, is closed to development. To reopen Babelthuap we require the restoration of the Japanese transportation system. It is stated in the Indicative Development Plan that 75 miles of road will be required.

We have one working harbour facility, Malakal. It is now saturated by commercial use. We require assistance in expanding the productive capacity of this segment of our economy. Again, our requirements in this regard are detailed in the Indicative Development Plan.

Since one cannot make a telephone call from Palau to the United States mainland, it is impossible to co-ordinate the successful export of goods. We require what virtually everyone in the world takes for granted, a functioning communications system.

We all require water and electricity. Our utility requirements are specified in the Indicative Plan. We cannot achieve minimal growth or a twentieth-century standard of living without water and power. This is obviously true of sewerage facilities as well.

The present government establishment is oversized, overpaid and inefficient. This is an unjustifiable drain on American assistance and Palauan dignity. Gradually our civil service must be reformed. United States aid must be forthcoming to underwrite the costs of early retirement of unneeded bureaucrats. We shall form a new cadre of public sector employees with salaries at reduced levels. Training assistance would be most welcome.

(Mr. Tmetuchl)

Since it was the Administering Authority that created our present standard of living, we consider it the responsibility of the Administering Authority to provide Palau with the means to ease the transition from dependency to self-sufficiency. This transitional maintenance should decrease simultaneously with the development of our productive sector.

Like every other developing nation, Palau will require assistance in inducing growth in the productive sector, an utterly neglected segment of our economy. As the civil service is reduced, jobs must become available in the private sector. There are two strategies for achievement of this growth. First, the creation of an industrial development corporation subject to commercial testing is indicated. This will require an annual capital contribution from the United States as well as manpower and management training assistance. We can interest foreign joint ventures in Palau only by providing matching funds.

The development of Palau's agricultural potential will reverse an alarming reliance on imported foods. I should note that even after 30 years of Trusteeship there exists insufficient data on which crops might be commercially successful for us.

Assuming that this problem can be overcome, we will require assistance in staffing and training a small, dedicated extension service to assist cottage farmers. On a more commercial scale, we will require an annual capital contribution to entice foreign joint ventures to invest in agricultural projects. I should note that we are most optimistic about the agricultural sector, and many of us recall the highly successful rice, sugar and pineapple operations during the 1930s.

These are some of our more obvious needs. The full requirements for self-reliance are included in the Indicative Plan. Hopefully our strategy will work and Palau will begin moving towards a balanced, self-reliant society with the capacity to become a productive member of the world community.

We are deeply conscious of the fact that independence would now involve terrible social costs. I can assure the Council none the less that we will choose independence before perpetual dependency. However, there is a middle course, and that is a fair free association with the United States.

The Carter Administration has made substantial progress in its negotiations with our people by recognizing the political requirements of self-determination

(Mr. Tmetuchl)

as established by the United Nations. Unfortunately, progress in this area is threatened by certain negative developments in President Carter's administration of Palau. Since President Carter took office his freeze on our budget has resulted in an effective budget cut of approximately \$30,000 monthly due to inflation. In addition, we have been advised that Palau's fiscal 1979 budget will be cut by \$360,000. Also, we firmly believe that, unless corrective action is taken, we shall in the very near future face a forced assumption of burdensome new maintenance costs. It appears that this will result in a further cost to Palau of approximately \$500,000, without any consequent rise in our budget. These cuts in our budgets have a drastic internal impact on the lives of Palauans because they represent job losses without replacement opportunities. This policy violates the letter and the spirit of our development plan.

As the members of this Council know, decolonization has always been expensive - sometimes in money, sometimes in blood. The decolonization of Palau will be all the more expensive because it has been so unjustly delayed. But we are a peaceful people, and it will be peaceful decolonization. We should not be penalized because of this peacefulness, and we should not be thought to be less desirous of our liberty than those who have proceeded more violently to nationhood.

I should like to conclude by noting that I was extremely happy to learn of the extraordinary progress of our friend the Honourable Andrew Young in the complex and persistent negotiations regarding Namibia. We know that the entire United States Mission, including our new friend Mr. Cooks, can take credit for this Namibia success.

We hope that Ambassador Young's unparalleled understanding of human rights requirements in developing nations and his fine sense of fairness can now be applied to Palau's problems. Our negotiations are entering a critical stage, and participation by those with a direct responsibility for the protection of international legal requirements would be most helpful to us.

The PRESIDENT (interpretation from French): The International League for Human Rights has asked to be called upon at this meeting. I request Mr. Baldwin, Mr. Posner and Mr. Clark, the representatives of that organization, to take places at the petitioners' table. I shall call upon them subsequently.

At the invitation of the President, Mr. Roger Baldwin, Mr. Michael Posner and Mr. Roger Clark took places at the petitioners' table.

The PRESIDENT (interpretation from French): I now call upon Mr. Iroij Litokwa Tomeing, President of Voice of the Marshalls.

Mr. TOMEING (spoke in Marshallese; English text provided by speaker): My name is Litokwa Tomeing. I serve as President of an organization in the Marshall Islands District of the Trust Territory called Voice of the Marshalls.

First, I wish to congratulate you, Mr. President, and the Vice-President on the occasion of your election. I am confident that your wisdom and able guidance will ensure success for the proceedings of this Council.

I also wish to thank the outgoing President and Vice-President for their guidance and the assistance they extended to our people.

I have with me an interpreter and an adviser. We are all Marshallese.

(Mr. Tomeing)

Our organization is composed of fishermen, farmers, seamen, doctors, nurses, students, teachers, elected and traditional leaders, businessmen and businesswomen, young people and old people.

We are very grateful for the opportunity given to us to appear here today before this Council. Our group was organized and formally chartered by the Trust Territory Government in 1977. The reason for its creation at that time was that it had become increasingly clear that certain persons in the Marshalls were both misleading our people and misrepresenting their desires to those outside our islands, concerning the future course the Marshalls should take.

Two years ago representatives of the Marshall Islands Political Status Commission announced before ~~to~~ this distinguished Council and to the news media at large that the Marshall Islands no longer wanted to be unified with our brothers and sisters in the rest of Micronesia, and that 90 per cent of our people wanted a status of independence. These claims were made without broad consultation with our people. Naturally, we were very surprised when we learned of these pronouncements back in the Marshalls.

The people who created the Voice of the Marshalls have always supported unity. Since our organization was formed, we have consistently supported unity in Micronesia. We also support the achievement of a future political status of free association with the United States. In July 1977 an unofficial referendum sponsored by the Marshalls Status Commission was held in our District. The wording on the ballot in that referendum was:

"Be it resolved that the Marshall Islands should pursue their future political status separate and apart from the other districts of the Trust Territory".

There was no United Nations participation in the advisory referendum.

It is interesting to note that the people were not being asked if they wanted to be independent. Rather, we were asked if we wished to be separate from the other districts of the Trust Territory. Before the vote, exaggerated claims were made by high officials of the Marshalls Status Commission. It was predicted that 90 per cent of our people would cast their votes in favour of separation. One very disturbing aspect of the political campaign which preceded that referendum was that some leaders in the Marshall Islands demanded

(Mr. Tomeing)

that their people support separation. While it is not a matter of public record, many people were privately told that they would be evicted from their land if they voted for unity. Despite these threats, and despite a fairly low turnout of voters, many people held firm to their belief and conviction that there is strength in unity and that we must maintain this strength if we are to survive.

The results of the referendum conflict with the exaggerated predictions of those who favour separation. Approximately 60 per cent of the votes were for separation, and 40 per cent for unity. In noting this, we must point out that votes were cast by only 50 per cent of the more than 12,000 eligible voters. More than 4,000 people voted for separation and more than 3,000 voted for unity. When one considers these facts, it becomes clearer that those who claimed a victory for separation were speaking of a difference of about 1,000 votes deciding the fate of nearly 30,000 people of the Marshall Islands District.

Since that time our organization has grown. We now have many more members, representing about 5,000 supporters of unity. One of the key reasons why we have grown is that we have begun to educate the people as to what are the real issues involved, and this has produced a greater understanding and consequently greater support for unity.

Our members donate their time and energy to work for a cause and purpose which all of us strongly believe in - our national unity. Because there is now strong support for unity, the Marshall Islands Political Status Commission no longer speaks of independence, either publicly or privately. And, as evidenced by the signing of the so-called Eight Principles of Free Association by the three Micronesian Status Groups in Hilo, Hawaii, on 9 April, the Marshall Island Political Status Commission intends to pursue the same free-association relationship with the United States as all the other districts of the Trust Territory will have. Contrary to the wording of the referendum ballot, our people can now see that free association for the Marshall Islands will likely be the same free association, the same document, as for Ponape, Truk, Kosrae, Yap and Palau. As a result, the only remaining major issue now facing our people concerns the internal relations among the six districts

(Mr. Tomeing)

of Micronesia. This issue will be resolved when the Constitution of the Federated States of Micronesia is voted on by our people in what we request to be a United Nations-supervised referendum on 12 July.

Regarding involvement by the United Nations in the forthcoming referendum, the Voice of the Marshalls is in full support of Congress of Micronesia Senate Joint Resolution number 80, which was transmitted to the Security Council and the Special Committee on Decolonization in March of this year. This resolution requested close supervision of the referendum and the related programme of education which is now in progress throughout Micronesia - and for good reason.

Already in the Marshalls, as happened in the July 1977 unofficial referendum, our people have been publicly warned that if they vote for unity on 12 July they will be evicted from their lands. Needless to say, the Voice of the Marshalls is quite disturbed - as we believe the Administering Authority and the United Nations should be - about these tactics which interfere with the right of every citizen to make a free choice in a free election. This is especially true in this referendum, which will have a profound and lasting effect on the political future of our islands. If, in the absence of close and active supervision of the referendum by the United Nations, these tactics are allowed to continue and if, by other questionable means, the forces of separation prevail by a slim margin of votes, no one can predict what may happen in the Marshall Islands in the future.

I should like to make a few observations about the conduct of the referendum in the Marshall Islands and particularly about the United Nations role. As you are all aware, the issues related to ratification of the Constitution are being very intensely contested in the Marshall Islands. As I mentioned earlier, hints and actual threats of retaliation against supporters of unity have been made by advocates of the separation movement in the Marshalls. As a consequence, we feel that it is absolutely imperative that the United Nations very carefully observe and monitor political activity and voting within the Marshall Islands District prior to the referendum, throughout the voting and until the votes are counted and certified.

(Mr. Tomeing)

We realize that it will be difficult to monitor the referendum at all polling places in all districts. However, because of intense political activity in the Marshalls, we hope and feel that the United Nations will concentrate a great deal of its effort in our district. We feel that it is particularly important to have a United Nations presence in the two major population centres accessible by air in the Marshalls - Majuro and Ebeye. In addition, we would hope that there could be a United Nations presence on some of the heavily populated outer islands as well. We understand from the statement of Congressman Setik of the Congress of Micronesia that the Trusteeship Council is planning to have observers on Majuro on referendum day, but not on Ebeye. We strongly urge the Council to reconsider this decision.

The result of the referendum may prove to be a crucial test for human rights as expounded by the Carter Administration. It will also test the principle of self-determination as it is currently interpreted by the Administering Authority and the United Nations and applied to the Trust Territory and the Marshall Islands. As we have already seen from the Marianas example, separate negotiations breed more separate negotiations. Political fragmentation breeds more fragmentation. We therefore wish to remind this Council and the Administering Authority that separation is not necessarily a matter which respects the integrity of district boundaries.

The people that we represent are determined to remain united with Micronesia. The advantages of doing so are obvious. We are aware, for example, that creation of a unified government in Micronesia will give our small islands one of the largest 200-mile economic fishing zones in the world. But more than size, the crucial aspect of our unity under the Micronesian Constitution will provide international recognition for a sovereign Micronesian nation in control of its ocean resources. It is plain to see that Micronesia as a whole, with a 200-mile zone, would have a greater bargaining power in the international market place than would six small island-nations each with its own zone. In fact, the world-wide trend is towards regional co-operation in this matter, and not fragmentation, a fact demonstrated by the Fiji meeting last year concerning the creation of a South Pacific Regional Fisheries Organization.

(Mr. Tomeing)

Another reason for our support for the Micronesian Constitution is that it protects fundamental and democratic human rights and also equality between the districts. Each district will be empowered to control its own lands, write its own local laws, have its own court system and protect and preserve its local customs and traditions. At the same time, a system of government modelled after the United States system with its checks and balances and separation of powers will be established in our islands. It is a system which it has already been proved can work for Micronesia.

A major reason why the Marshall Islands Political Status Commission is urging people to vote no on the Micronesian Constitution is that it is preparing to present our people with another Constitution for their approval. That Constitution, which is called the Marshall Islands Constitution, proposes to establish a parliamentary system of government. This form of government is being urged upon our people by those who favour separation because it is consistent with their earlier position that separate status means a separate local government. However, the signing of the Eight Principles Agreement proves this to be false.

Of course, we are fully aware that the parliamentary system has worked in many parts of the world. At the same time, we are also fully aware that the presidential system as developed in America drew upon the English system, adopting those aspects which experience had proved were beneficial and discarding those aspects which were not. The American system is in essence a modification of the parliamentary system. It has proved itself over two centuries.

Furthermore, the fact remains that the parliamentary system is foreign to our islands and our people. We wish to note that, while all the former British, Australian and New Zealand Territories grew up under and adopted the parliamentary system, none of these areas, upon attaining self-government, abandoned the parliamentary system for some other form of government.

The Voice of the Marshalls strongly believes that it is wisest to begin governing ourselves by a system of government under which we have lived for three decades. The Micronesian Constitution contains such a system - a system which was tried and tested during the Trusteeship years and which has already proved that it can work for our islands.

(Mr. Tomeing)

In conclusion, I should like to summarize our reasons for being here today. First and foremost, we are here today to demonstrate to the United Nations and to the world that those who wish to separate the Marshalls from Micronesia do not represent a clear majority; secondly, that the Voice of the Marshalls and the people it represents support the unity of Micronesia under the proposed Constitution for the Federated States of Micronesia; thirdly, that we support an agreement of free association with the United States of America under our Micronesian Constitution; fourthly, that we urgently request that the appropriate United Nations organ both observe and supervise the forthcoming referendum on the Micronesian Constitution on 12 July, so that our people will have the right to exercise their inalienable right to self-determination without any improper internal or external pressures.

Finally, I should like to thank the Council again for allowing me to appear today on behalf of the Voice of the Marshalls and the people it represents. Let me add that, while I regret that I cannot speak to the Council directly in English, French or Russian, and while we do not have with us any legal or political consultants, I shall try to answer any questions members may have to the best of my ability in my own language.

The PRESIDENT (interpretation from French): I should now like to refer to document T/PET.10/128/Add.1, which contains a request to the Council to hear Mr. Santos Olikong, on behalf of the Palau Special Committee on War Damage Claims Settlements. Mr. Olikong is not in New York and therefore cannot address the Council. However, I understand that Mr. Sadang Silmai, Speaker of the Palau Legislature, is ready to speak on behalf of Mr. Olikong. If there is no objection from Council members, I shall call on him now.

Mr. SILMAI: First, I should like to introduce myself. My name is Sadang Silmai; I am Speaker of the Palau Legislature. My colleague, Santos Olikong, who is the Chairman of the Palau Special Committee on War Damage Claims Settlements, was not able to travel to attend the forty-fifth session of this Council, but he asked me to read out his prepared statement in its entirety on behalf of the Palau Special Committee on War Damage Claims Settlements.

Since 1967, the Palau Special Committee on War Damage Claims Settlements has attempted to secure full payment of the war damage claims of innocent Palauans whose lives and property were destroyed by the Second World War and its aftermath.

As the Council knows, these war claims have become the subject of final, adjudicated awards. There is no question but that the United States and Japan jointly owe Micronesian claimants at least \$24 million for claims arising prior to the end of hostilities, and that the United States alone still owes Micronesian claimants at least \$12 million for claims arising subsequent to the end of hostilities.

The only question which remains - and it has proved to be the most important one - is how and when these shamefully overdue obligations will be paid.

While I reported to the Council last year that the United States Congress was considering legislation to authorize payment of the United States obligations, I am extremely sorry to report now that no payments were made nor are any payments immediately contemplated. It appears that either the Executive Branch or the Congress failed to act quickly enough to ensure an appropriation for fiscal year 1979, and the result is that no action has been taken. Similarly, the Government of Japan has failed to act. For the Palauans, it has been a frustrating year.

The source of our concern is very deep. Both super-Powers have declared their good faith to us on innumerable occasions. Indeed, the United States Government has asked the people of Palau to join with the people of the United States in a relationship of free association after the Trusteeship is terminated. We are assured by American negotiators that the obligations undertaken by the United States in such a free association relationship will be honoured. We are

(Mr. Silmai)

assured that economic assistance and rents will be paid promptly in accordance with any agreement which is reached. It will be hard for many Palauans, particularly those with a 35-year-old unpaid obligation, to believe that the United States will meet its commitments. Thus, the continued non-payment of war claims threatens the hopeful climate of the status talks.

A similar situation exists with regard to our Japanese neighbours. With the termination of the Trusteeship only two or three years away, many Japanese citizens have demonstrated an interest in increased trade relations with Palau. We are certain that the mutual advantages to Palau and Japan of a cordial and close relationship are clear. But once again, we fear that many Palauans will be disinclined to enter an apparently favourable relationship until the Japanese have demonstrated that they honour their obligations. Japan's war claims record will be considered against its promises for the future, and I fear that some scepticism will result.

I should like to stress that we Palauans do not feel that we are asking for anything more than a strict observance by both Japan and the United States of the dictates of international law. The United States pledges in the Trusteeship Agreement, in article 6, to promote the economic advancement and self-sufficiency of the inhabitants of Micronesia. The very first thing which could have been done in fulfilling that obligation was to assist the Palauan victims of the Second World War to make a new start. In most cases, this new start could have been accomplished by prompt compensation in the nature of a war damage award to rebuild the home or small factory or replant the row of coconut palms which the war had swept away. This kind of immediate assistance was provided under the Marshall Plan on a grand scale, and is considered to have contributed immeasurably to the present economic success of Western Europe. Palau was not provided this immediate assistance, the war damage has never been repaired, and Palau still suffers the economic dependency which even former enemies of the United States avoided after the Second World War.

The Trusteeship Agreement is also a grant to the United States of total foreign affairs control over Micronesia. This grant of power carries with it a corresponding obligation to represent the interests of Micronesians before

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(Mr. Silmai)

foreign Governments. It seems to me that the United States thus has a duty to press most vigorously the war claims of Micronesians at the highest level of its bilateral contacts with Japan - indeed, if necessary, to link prompt war claims settlement with other issues of concern to the two countries.

(Mr. Silmai)

I should note that it has been suggested to the Palau War Claims Committee that the United States Department of State will "facilitate" its dealings with the Japanese. While we are grateful for this limited extension of our foreign affairs powers, I think the United States must do more to accomplish its mission on our behalf. We simply cannot be confident of achieving a settlement until the United States throws another hard issue on the bargaining table in its continuing negotiations with its principal trading partner.

Perhaps the most damaging aspect of the long fight over war claims is the affront to the dignity of the small but proud Palauan people. I suggest to the Council that, were Palau a full member of the international community instead of a ward, the war claims issue would have been resolved long ago. But Palau's powerlessness - which was the reason for its victimization in the Second World War - is now the cause of its shabby treatment. Each time we humbly petition, we are reminded of the following facts: that we can only petition; that we do not have diplomatic power; that we do not have military power; that we do not have the ability to grant or withhold trade or consular relations, or to enter into international agreements which might help us to gain friends; that we do not have elected representatives in the United States and, predictably, our claims are thus a low priority for the United States Government; and that we are, by any standard, a group of people to whom payments are made ex gratia.

Our sense of frustration must certainly be shared by many of our friends here at the United Nations. A review of the reports of the Trusteeship Council and of the visiting missions to Micronesia reveal continuing dismay at the failure of both Japan and the United States to satisfy their obligations. All representatives are familiar with the critical reports of the 1961 and 1964 visiting missions, both of which noted the failure to settle war damage claims. Similarly last year's report of the Trusteeship Council to the Security Council, supported the position of the claimants and reiterated its previous recommendations for a quick resolution of the problem.

Still, decades of criticism by this Council have failed to prompt a final resolution. Thus the sense of powerlessness felt by Palauans must be shared here.

(Mr. Silmai)

This is a most unhappy situation. When the Trusteeship is terminated, the special expertise and guidance of the United Nations may be the deciding factor in Palau's struggle for self-sufficiency and dignity. We are hopeful that when the time comes young Palauans will look at the record and find that the admonitions of the United Nations are heeded by members of the world community. I can assure representatives that a resolution of the war claims issue - an issue to which this Council has persistently addressed itself - would greatly heighten the prestige of the United Nations in Palau and greatly increase the prospect of our children's looking to this institution with hope. I deem a future relationship between this Organization and Palau to be most critical to Palau's future, and I urge this Council to halt the growing cynicism which the war claims issue has generated.

As I have mentioned, there has been no movement since the forty-fourth session of this Council; and, since our time is limited, I should like to close by commending to the Council's attention my petition of last year. That petition is still operative, and its discussion of the history and details of the struggle for war claims is exhaustive. I hope that by the forty-sixth session of this Council I shall be able to report progress to representatives.

The PRESIDENT (interpretation from French): I call on Mr. Baldwin, Honorary President of the International League for Human Rights.

Mr. BALDWIN: I am associated with, I think, the only non-governmental organization recognized by the United Nations which has consistently, ever since the Trusteeship System was developed, assisted petitioners in an effort to apply to the problems of the Trust Territories the principles of the Universal Declaration of Human Rights and the United Nations Charter as interested citizens - interested not only here at Headquarters but also throughout the world where we have some 20 to 30 affiliated national organizations.

In regard to Micronesia, we have been concerned primarily because of its unique character as a strategic Trust area with a scattered population, necessarily creating very difficult problems of federation, of independence or association, as we have heard from the petitioners; and we have been concerned

(Mr. Baldwin)

for free choice - which, apparently, we are getting - where independence is an alternative and with the assurance of the economic independence of the peoples of the islands, of their land and their natural resources.

We appeared here last year and protested to this Council against the separation of the Northern Marianas from the rest of Micronesia, and we took the position that Micronesia should be treated as a unity; that a policy of "divide and rule" was weakening the obligations of the Trust; and that virtual annexation to the United States with the grant of American citizenship was not the kind of proceeding contemplated in the Trust Agreement. We protested in the Congress of the United States, we opposed the legislation which implemented that decision and we have regretted it every since and trust that, when the final decision comes - as it will in two or three years - to the Security Council and the Trusteeship Council, some modifications will be made to what was a decision taken, as we see in the record, under considerable pressure for a vote in favour of the United States.

We are now confronted, as we have heard from the petitioners, with new problems the solution of which we trust will be in keeping with the primary interests of the inhabitants and not of the United States. We are prepared to make our comments as a non-governmental organization interested in this matter and contributing what little we can to this very critical debate, with a plebiscite coming up and the constitutional issue before us.

I am not familiar with the problems that are under discussion. One gentleman who has visited Micronesia and who has spoken to this Council before is not able to be with us today; but we have as our expert Professor Roger Clark of the Law School of the State University of New Jersey who has familiarized himself with these problems and who will speak for us in regard to the issues now before the Council. Professor Clark is a New Zealander by birth, he is familiar with the Pacific, he is volunteering his services to us and he is a party interested - as we all are in the International League - in the solution of these problems.

May I present Professor Clark.

The PRESIDENT (interpretation from French): I now call on Mr. Clark.

Mr. CLARK: The International League for Human Rights is appearing today to reiterate its long-standing concern for the future of the Trust Territory of the Pacific Islands. The League believes that the decisions and recommendations made by this Council will be particularly critical in determining the future of the Micronesian people, since only three years remain until 1981 - the date the Administering Authority has pledged to terminate the Trust Agreement.

In prior meetings of this body, the League has expressed its view that the Administering Authority has failed to meet several important obligations under the Charter and the Trust Agreement. In particular, we have focused on Article 76 (b) of the Charter, which requires the Administering Authority "to promote the political, economic, social and educational advancement of the inhabitants of the trust territories and their progressive development towards self-government or independence ...".

At the meeting of the Trusteeship Council two years ago we expressed our concern with various aspects of the so-called "Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America" which substantially came into effect on 9 January of this year.

At that time, we argued that the Northern Mariana arrangement does not conform to the requirements of "free association" as that term has been applied by the United Nations. We refer, in particular, to Principles VI and VII of General Assembly resolution 1541 (XV). Moreover, the "Covenant" was adopted without giving the inhabitants of the Northern Marianas an adequate opportunity to consider other possibilities, such as independence or a genuine arrangement of free association. As a result, we believe, the residents of the Northern Marianas were denied the proper exercise of their right to self-determination. It is regrettable that the present United States Administration has not seen fit to renegotiate this arrangement, especially in the light of its expressed commitment to human rights in other countries. Equally regrettable is the Trusteeship Council's failure to guarantee the right of self-determination to the people of the Northern Marianas.

(Mr. Clark)

Considering this background, the League urges this Council to take all steps necessary to guarantee the future protection of the Micronesians, as required under the Charter and the Trust Agreement.

The League is encouraged by progress that has been made this year in the negotiations relating to the termination of the Trust Agreement. I refer to the "Statement of Agreed Principles for Free Association" signed at Hilo, Hawaii on 9 April 1978 by the United States and representatives of the various Micronesian parties. In several respects the Hilo agreement appears to conform more closely with principles of free association as defined by the United Nations than did the Covenant with the Northern Mariana Islands. In particular, the right of the Micronesians to terminate unilaterally the associated status is conceded by the Administering Authority. Under the Agreed Principles, the Micronesians are to:

"enjoy full internal self-government", (T/1789, para. 4)

as well as

"authority and responsibility for their foreign affairs, including marine resources". (Ibid., para. 6)

The United States:

"will have full authority and responsibility for security and defence matters in or relating to Mirconesia, including the establishment of necessary military facilities and the exercise of appropriate operating rights".

(Ibid., para. 5)

This formula appears sound, but final judgement must be reserved until the details of the agreement are also negotiated and made public. The broad language of the Agreed Principles contains some seeds of potential discontent. The language of Principle 6, for example, is somewhat one-sided in the powers that it gives to the United States. It leaves no doubt who will have the final say on some very important matters, such as the exercise of authority pertaining to foreign affairs. In that area, the Micronesians are required to:

"consult with the United States in the exercise of this authority and will refrain from actions which the United States determines to be incompatible with its authority and responsibility for security and defence matters in, or relating to, Micronesia" (Ibid., para. 6).

(Mr. Clark)

One can easily foresee situations where proposed Micronesian agreements with other countries not allied with the United States, involving, for example, construction of a copra-processing warehouse or fishing rights, would be over-ruled for strategic reasons not necessarily compatible with Micronesian interests.

There is another potential problem concerning the Agreed Principles. While it is true that the Micronesians are permitted to terminate unilaterally any agreement of free association

"by the processes through which it was entered" (Ibid., para. 7), opting out will not be a simple matter. Notice in particular that the "authority and responsibility of the United States in the fields of security and defence" will be assured for 15 years, and thereafter as mutually agreed" (Ibid., para. 5).

Further:

"Specific land arrangements will remain in effect according to their terms which shall be negotiated prior to the end of the Trusteeship Agreement" (Ibid.)

The 15-year period, and its extensions, together with the land arrangements, will give the United States substantial negotiating leverage and make unilateral termination difficult in practice. This difficulty will be compounded by the economic situation. The Micronesian economy depends almost entirely on American largesse. Principle 8 of the Hilo Agreement contains the qualification that, if free association is unilaterally terminated by the Micronesians:

"the United States shall no longer be obligated to provide the same amounts of economic assistance for the remainder of the term initially agreed". (ibid., para. 8)

Clearly, the Micronesians' economic dependence on the United States will weigh heavily against their ability to terminate the agreement.

Although we await the negotiations that will finalize the details of the Agreement and clarify ambiguities in the broad principles, the League believes that the Statement of Agreed Principles represents a significant development. Those principles create a framework for a much more dignified future for the remainder of the Trust Territory than that which was achieved for the people of the Northern Mariana Islands.

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(Mr. Clark)

Regrettably, the cautious optimism with which the League views the Agreed Principles does not carry over to other aspects of the Trust relationship. There are several areas in which the League would hope to see commitments from the Administering Authority to comply fully with its responsibility to the people of Micronesia. These include problems relating to the land and economy of Micronesia; disposition of war and post-war damage claims; and the insufficient involvement of the United Nations in the self-determination process.

(Mr. Clark)

With regard to the land and economy of Micronesia, Article 6 (2) of the Trusteeship Agreement, amplifying the language of Article 76 (b) of the Charter, provides that the Administering Authority shall

"Promote the economic advancement and self-sufficiency of the inhabitants, and to this end shall regulate the use of natural resources; encourage the development of fisheries, agriculture, and industries; protect the inhabitants against the loss of their lands and resources; and improve the means of transportation and communication".

What a hollow ring these words have! The reports of this Council and its visiting missions are replete with documentation and commentary on the failure of the Administering Authority to live up to this obligation. How do the inhabitants of the Marshalls, whose lands were used for nuclear testing, feel about the way in which they have been "protected" against the loss of their lands?

Last month a decision was made to re-evacuate Bikini Island because of radioactive contamination. As Time magazine reported:

"... well water still contains Strontium 90 and Cesium 137, radioactive products of the bomb tests, and so do the coconuts, fruit and vegetables grown on the island".

With regard to the Micronesian economy, the report of the United Nations Visiting Mission to the Trust Territory of the Pacific Islands in 1976 records that:

"The Mission is somewhat disappointed at the state of the local infrastructure, such as agricultural roads and small harbours". (T/1774, para. 208)

How many agricultural roads and small harbours have been developed since then?

Again, the Visiting Mission remarked:

"The present Mission, while acknowledging that the people of Micronesia enjoy a standard of living which compares favourably with that of many developing countries, must also report that there has been disappointingly little progress towards self-sufficiency". (Ibid.)

As the Mission noted:

"In 1974/75, imports amounted to just over \$38 million. Commodity exports amounted to just under \$7 million and earnings from tourism to about \$5 million. Thus, the deficit in the balance of payments was over \$26 million". (Ibid., para. 209)

(Mr. Clark)

Figures for the year 1976-1977 contained in the Administering Authority's thirtieth annual report indicate that total exports to outside destinations amounted to only \$10,334,100, a figure which, incidentally, includes nearly \$2 million in receipts from tourism. Imports for the same period cost \$44,224,900. The deficit, in short, was about \$34 million, or over 75 per cent of the cost of imports. These figures raise serious questions concerning what has happened, after 30 years of reports, to "the economic advancement and self-sufficiency of the inhabitants" promised under the Trusteeship Agreement.

A second area of concern involves World War II damage claims, a concern that has already been expressed before the Council this morning. For a number of years, inhabitants of the Territory with adjudicated damage claims have been trying to obtain payment of those claims. The latest chapter in this unhappy saga is faithfully recorded in the 1977 report of the Administering Authority, and I quote:

"Public Law 95-134, enacted on October 15, 1977, authorizes in Sec. 105 the appropriation of '... such sums as may be necessary to satisfy all adjudicated claims and final awards made by the Micronesian Claims Commissions to date under Title I and Title II of said 1971 act, for full payment of such awards...' provided that no further payments may be made on Title I awards until the Government of Japan contributes to the Government of the Trust Territory of Pacific Islands goods and services which the Secretary of the Interior determines have a value equivalent to not less than one half of Title I awards. Consideration is being given to the scheduling of a request for this authorized appropriation. The legislation also authorized full payment of Title II awards subject to the exclusion of interest from such awards". (T/1786, p. 132)

What does this gobbledegook really mean in dollars and cents? How many claims have been satisfied? When will the "consideration" result in the "scheduling of a request"? What efforts are being made to press the claims against the Japanese Government? Notice the proviso that no further payments may be made in Title I awards - those relating to wartime claims - until the Japanese Government contributes. Does the United States, in its capacity as trustee, have the effrontery to refuse to meet its obligation to its wards on the theory that another party is also in default? What possible legal or moral reasons can justify this position?

(Mr. Clark)

A third area of concern to the International League is the failure sufficiently to involve the United Nations in the self-determination process in the Trust Territory. Two years ago, we expressed the view that this body was breaking with the precedent of prior cases. In each previous instance in which a political status of less than total independence was being considered, the United Nations had always supervised rather than observed plebiscites involving Trust Territories. Thus, for example, in the case of British Togoland and the British Cameroons, the Trusteeship Council appointed a Plebiscite Commissioner. That Commissioner worked with the Secretariat staff and the Administering Authority in conducting a plebiscite. The United States has not been forthcoming in this matter, and the Council has failed to assert itself. Last year's report of the Trusteeship Council merely noted that

"The Council welcomes the invitation issued by the Administering Authority to observe the constitutional referendum in the Marshall and Caroline Islands scheduled for 12 July 1978". (S/12390, para. 548)

It is not too late for the Council to act firmly in this matter. We note also that Principle 2 of the Statement of Agreed Principles for Free Association for Micronesia provides that

"The agreement of free association will be put to a United Nations observed plebiscite". (T/1789, p. 2)

I emphasize the word "observed". Clearly, the United Nations should take an active role in supervising that final stage of the process. Observation is not enough.

In conclusion, the International League once again pays a tribute to the excellent work done by the Trusteeship Council and expresses its gratitude for the opportunity given us to express our views before the Council today.

Throughout its history, the Council has played an important role in overseeing the decolonization of all former United Nations Trust Territories except for Micronesia. As Micronesia is the last item on the Council's agenda, it is especially important that this Council take necessary action to protect the rights of the Micronesians. These are full political rights, including self-determination, as well as economic rights, including the development of an economic infrastructure that would provide self-sufficiency and the settlement of long-standing war claims.

(Mr. Clark)

Future decisions in these areas must be made in an atmosphere that is as free as possible from the pressures engendered by promised financial benefits or threats of economic hardship. Therefore, it is up to this Council to supervise future elections and to take other steps in guiding the Administering Authority in carrying out its mandate. Only then will the Micronesians be able to look to a future of dignity and prosperity.

The PRESIDENT (interpretation from French): The members of the Council have carefully noted the observations of Mr. Clark and Mr. Baldwin, the Honorary President of the League for Human Rights, and will, I am sure, take them fully into account.

ORGANIZATION OF WORK

The PRESIDENT (interpretation from French): I suggest that we finish hearing all the petitioners before the members of the Council put the questions which they consider necessary. I understand from the Secretariat that there are no other petitioners ready to speak today; they will not be ready until tomorrow. I therefore propose, if no member of the Council objects, that we have two meetings tomorrow, one in order to finish hearing the petitioners and the other for the members of the Council to question the petitioners. I therefore ask the petitioners to be kind enough to do their best to attend both the meetings tomorrow in order to be in a position to answer the questions which members wish to put to them.

Are there any observations on the arrangements for the continuance of our discussions?

Mr. KOVALENKO (Union of Soviet Socialist Republics) (interpretation from Russian): I thought that tomorrow we should also be able to question the Administering Authority. If that is not the case, could you tell us when we are going to do that?

The PRESIDENT (interpretation from French): I think that we shall finish hearing the petitioners and dealing with the questioning of the petitioners tomorrow, and will begin questioning the Administering Authority at the meeting at 10.30 a.m. on Friday. Two meetings have been set for Friday, 19 May, and we could possibly have another meeting for this purpose on Monday. Thus the delegations will be able to begin questioning the Administering Authority at the morning meeting on 19 May.

Mr. KOVALENKO (Union of Soviet Socialist Republics) (interpretation from Russian): There is a point which is still not quite clear to me regarding the written petitions and communications. Did we not contemplate dealing with them on Friday? When are we going to consider them? Or are we now going to deal with them on Monday?

The PRESIDENT (interpretation from French): According to the information I have been given by the Secretariat, the written communications are not yet available in all the working languages and will not be before tomorrow afternoon. We shall therefore be able to consider the written communications, of which all delegations will have received copies by Thursday at the latest, before questioning the Administering Authority. We shall therefore begin on Friday morning by considering the written communications and will follow that by questions to the Administering Authority. Are there any comments on that method of proceeding?

I call on Mr. Tmetuchl.

Mr. TMETUCHL: I should like to know your decision, Mr. President, on our request for the distribution of our photographs.

The PRESIDENT (interpretation from French): The photographs which you have submitted to us are at present being circulated to delegations, and they will be kept by the Secretariat so that they can be consulted at any time by the members of the Council.

The meeting rose at 12.45 p.m.