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COMMUNICATION FROM MR. THEODORE R. MITCHELL, COUNSEL FOR THE PEOPLE
OF ENEWETAK, CONCERNING THE TRUST TERRITORY OF THE PACIFIC ISLANDS

(Circulated in accordance with rule 24 of the rules
of procedure of the Trusteeship Council)

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4 June 1981

Honourable Kurt Waldheim
Secretary-General
United Nations
New York, N.Y. 10017

Re: T/PET.10/183

Dear Mr. Waldheim:

Pursuant to rule 24 of the rules of procedure of the Trusteeship Council, we would appreciate your circulating this communication to the members of the Trusteeship Council for their information and use during the current forty-eighth session.

The purpose of this communication is twofold: to express gratitude for the opportunity to appear before the Council (see T/PV.1513) and to comment upon some of the observations made by the Marshall Islands Government in its closing statement presented on 29 May 1981 (T/PV.1520).

Magistrate's expression of gratitude

I have been asked by the Magistrate of Enewetak to express his gratitude, on behalf of all the people of Enewetak, for the patient and sensitive consideration extended to him and his delegation during this session of the Trusteeship Council. President Goulding was especially considerate and accommodating; and he is deeply

grateful for the extraordinary amount of time allowed for the oral presentation (see T/PV.1512 and T/PV.1513) and for the opportunity to present the audio-visual material (see T/PV.1512).

Comments upon Marshall Islands statement

The closing statement of the Government of the Marshall Islands (hereinafter GMI) contains a number of remarks concerning the Enewetak petition for a special trusteeship (see T/PV.1520) which deserve lengthy and detailed response. Since the length of this communication is severely restricted by the short time available for the Council to finish the work of its forty-eighth session, we will comment here only upon the more egregious or noteworthy points raised by GMI. Later we will submit a more full response.

We find ourselves disappointed at the general lack of sympathy shown by GMI. If the "pain and suffering" professed to have been felt for the plight of the Enewetak people is genuine, we would expect a more moderate and compassionate response than that presented. Indeed, for GMI to reject the wishes of the people of Enewetak out of hand, term their petition "ludicrous" (T/PV.1520, pp. 14-15), suggest that they do not know what they are doing (*ibid.*, p. 13) and to belittle their oral presentation as "staged programmes" (*ibid.*), is both disappointing and discouraging.

The characterization of the Enewetak petition as a treasonous plot to "dismember" the Marshallese people (*ibid.*), aided and abetted by "illegal" (*ibid.*, pp. 14-15) conduct on the part of the counsel to the people of Enewetak is without legal or factual basis. We fear that it betrays, on the part of some of the highest GMI officials, an attitude marked by pre-eminent concern with their personal prerogatives and little or no compassion for the people of Enewetak. We are grieved and embarrassed by their harsh repudiation of the Enewetak petition, expressed in the open forum of the Trusteeship Council, after the Enewetak delegation had departed, without having first shown even the slightest willingness to give the Enewetak petition fair consideration.

The people of Enewetak have taken note of the suggestion made by Ambassador Lichenstein that they should seek to meet their needs under the régime of the Marshall Islands Government (*ibid.*, pp. 21-25) and they will attempt to discuss their desires with GMI. But it is difficult to be optimistic about the results of such conversations in light of this summary, inhospitable rejection of their petition by GMI. The Enewetak people are reassured by the reiteration of the willingness of the United States of America "to meet fully its obligations" to them (*ibid.*, p. 21) and the practical necessity, as they see it, of having to look directly to the United States for satisfaction of their legitimate needs is reinforced by the unkind and unfriendly GMI response to their petition.

The radiation issues

The protestations of GMI that information is or has been deliberately withheld from it are, we must say disingenuous in the extreme. Most of the information concerning radiation at Enewetak and the radiological health issues presented by

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the Enewetak cleanup and resettlement programme is contained in published form freely available to anyone. All of the material prepared by or for the people of Enewetak on the same subjects has long since been provided to GMI officials and Mr. Copaken, their counsel. Indeed, the appendix to the Enewetak petition and the other copious materials provided to the Council and its members 1/ (and the published sources cited therein) is exemplary of the willingness of the people of Enewetak to ensure that all relevant persons and agencies are fully informed on these matters.

But this information is, in many respects, highly technical and to comfortably comprehend it requires considerable effort by the layperson and, otherwise, reliance on competent expert advisers. If the officials of GMI are as ill-informed as they profess to be on the radiological safety of the resettlement of Enewetak, it cannot be on account of concealment of information by anyone.

The various specific questions raised by GMI regarding radiation at Enewetak (ibid., pp. 11-13), betray an almost wilful ignorance of basic health physics and of the precise nature of the cleanup and rehabilitation programmes. The extent to which any of the questions posed raises valid issues, has long since been carefully studied and considered in one or another of the basic documents related to the various Enewetak programmes, principally: the environmental impact statement, the dose assessment and the risk estimate. For the sake of setting the Council records straight, we will submit, in due course, a detailed response to the eight points raised by GMI.

Enewetak guinea pigs?

It is insulting in the extreme for GMI to assert that the Enewetak people are incompetent to manage their own affairs and unable to wisely and prudently decide their own fate. GMI suggests that the Enewetak people are being "exploited" by the United States and by their own attorney and that they simply do not "fully understand and comprehend" the implications of their decision to resettle their homeland. On the contrary, the GMI closing statement betrays, ironically, as great a lack of understanding of Marshallese cultural values as it does radiological health issues. It also betrays a woeful ignorance of the remarkable ability of the Enewetak leadership and the Enewetak people.

Every step taken by the United States, from the initial decision to let the Enewetak people go home down to the present, was taken at the request or insistence of the Enewetak people themselves, all as detailed in the Magistrate's poignant opening statement. (T/PV.1512, pp. 13-25).

Conclusion

The Enewetak people have suffered greatly. Their struggle to achieve justice at the hands of the United States has been long and difficult. That end is now in sight. The special trusteeship they desire will make it a reality. We are

1/ See T/PET.10/183.

perplexed by the response of GMI officials. Why should they object? It costs them nothing. It relieves them of a costly burden that is not rightfully theirs in the first place. If they sincerely believe that the Enewetak resettlement presents such dire public health issues, then why don't they legislate against it by proper constitutional means? Why is their response so precipitous, so harsh, so insensitive, so hostile, in the face of a petition so manifestly sincere and benign? Why don't they respect the will and wishes of the people of Enewetak?

The United States still bears the full responsibility it undertook in the Trusteeship Agreement, 2/ to all of the people of Micronesia. The only way to fulfill that responsibility to the people of Enewetak is to approve their request for a special trusteeship, over the objections of the Marshall Islands Government, if necessary.

Sincerely,

(Signed) Theodore R. MITCHELL

2/ Trusteeship Agreement for the Trust Territory of the Pacific Islands
(United Nations publication, Sales No. 1957.VI.A.1).