



UNITED NATIONS
TRUSTEESHIP
COUNCIL

UN LIBRARY
JUL 1 1976
UN/SA COLLEC



Distr.
GENERAL

T/PV.1453
30 June 1976

ENGLISH

Forty-Third Session

PROVISIONAL VERBATIM RECORD OF THE FOURTEEN HUNDRED AND
FIFTY-THIRD MEETING

Held at Headquarters, New York,
on Wednesday, 30 June 1976, at 3 p.m.

President: Mr. SCALABRE (France)

Examination of the annual report of the Administering Authority for the year
ended 30 June 1975: Trust Territory of the Pacific Islands (continued)

Examination of petitions listed in the annex to the provisional agenda

Report of the United Nations Visiting Mission to observe the plebiscite in
the Mariana Islands District (continued)

Report of the Visiting Mission to the Trust Territory of the Pacific Islands, 1976
(continued)

Corrections to this record should be submitted in one of the working
languages (English or French), preferably in the same language as the text
to which they refer. Corrections should be sent in duplicate within three
working days to the Chief of the Official Records Editing Section, Department
of Conference Services, Room LX-2332.

AS THIS RECORD WAS DISTRIBUTED ON 1 JULY 1976, THE TIME-LIMIT FOR
CORRECTIONS WILL BE 7 JULY 1976.

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

76-85007

EXAMINATION OF THE ANNUAL REPORT OF THE ADMINISTERING AUTHORITY FOR THE YEAR
ENDED 30 JUNE 1975: TRUST TERRITORY OF THE PACIFIC ISLANDS (T/1772; T/L.1200)
(continued)

EXAMINATION OF PETITIONS LISTED IN THE ANNEX TO THE PROVISIONAL AGENDA
(T/1773/Add.2)

REPORT OF THE UNITED NATIONS VISITING MISSION TO OBSERVE THE PLEBISCITE IN
THE MARIANA ISLANDS DISTRICT, 1975 (T/1771) (continued)

REPORT OF THE VISITING MISSION TO THE TRUST TERRITORY OF THE PACIFIC ISLANDS,
1976 (continued)

The PRESIDENT: (interpretation from French): I invite the Special Representative of the Administering Authority and his special advisers to take their seats at the Council table, and I also invite persons who have submitted petitions.

At the invitation of the President, Mr. Anton De Brum, Mr. George Allen, Mr. Ataji Balos of the Marshall Islands Political Commission; Mr. Peter Delaun, Mr. Roger Clapton and Mr. James Gutmann of the International League for the Rights of Man took places at the petitioners' table.

The PRESIDENT (interpretation from French): The Council will now continue its consideration of the petitions and communications on the Trust Territory of the Pacific Islands. Do members of the Council wish to ask any questions of the petitioners?

Mr. MURRAY (United Kingdom): I should like to address at least one question to Mr. De Brum.

In his statement this morning, Mr. De Brum said that he had come to seek this Council's blessings on efforts to achieve an eventual independence for the Marshalls, but when he was replying to a question from the representative of France he indicated that the Marshalls might well be content with free association differently defined.

Now this is a very interesting statement, and I wondered whether Mr. De Brum would care to enlarge on the differences of definition that would interest him.

The PRESIDENT (interpretation from French): Does Mr. De Brum wish to speak and answer this question, which has been asked of him?

Mr. DE BRUM: I made the statement in reply to the question this morning from the representative of France that free association differently defined may well be acceptable to the people of the Marshall Islands. In the event of the United States and the United Nations allowing self-government for the Marshall Islands without trying to limit the degree of that self-government by retaining certain economic rights, such as those over our marine resources; without insisting on the continuance of land leases that we consider to be unfair and that we would like to see ended at the termination of the Trusteeship Agreement; if they allow self-government in the Marshalls that would not compromise the rights of the Marshallese people -- in other words, that would not allow domination of the Marshallese people by other peoples of the Pacific; if the arrangement is such that what we consider to be basic freedoms are guaranteed to the Marshallese people, and if we freely choose an arrangement of association with another State, with, say, the United States -- which, incidentally, we still consider to be our friend -- then we could envisage a form of government in free association with the United States. But under the present provisions of the Compact and under the present requirement that any association between the United States and the Marshall Islands be through a Government of the whole of Micronesia, a territorial Government, we do not see our rights as being adequately protected and therefore would not accept such an arrangement.

(Mr. De Brum)

I also think that the most important thing, which I failed to mention, among the other provisions that would make a free associated status acceptable to us is one requirement: that we should have the right to terminate that relationship unilaterally.

The PRESIDENT (interpretation from French): Does the representative of the United Kingdom feel the petitioner has exactly answered the question he asked? Does he desire further clarification?

Mr. MURRAY (United Kingdom): Mr. President, I would hesitate to use the word "exactly", but Mr. De Brum had certainly made a useful contribution to the thinking of my delegation.

In his statement, Mr. De Brum complained about -- and I think I am quoting him exactly -- being shot at once a week with ICBMs from Vandenburg Air Force Base in California. Now, while the Visiting Mission was there we gained the impression that certain other parts of the archipelago rather envied them that privilege. Be that as it may, my question would be as follows. Am I or am I not right in thinking that any autonomous authority in the Marshalls would seek to end this particular arrangement?

Mr. De BRUM: While we would prefer our bases for economic development or economic self-sufficiency to be non-military, we recognize the United States' need of our islands. We realize that the development of the weapons system that has found it using the atoll of Kwajalein requires testing. It is an empirical science. We would be amenable to arrangements between our Government and the United States for use of these facilities if, instead of seizing these lands from us under its authority as the administering Power, claiming such rights because the Territory is strategic, the United States would negotiate in good faith with us for the use of these lands and compensate us in amounts that are fair and in keeping with present world market prices for such land uses, and make those arrangements with us, the owners of these lands, and not with others who have no right to them.

Mr. MURRAY (United Kingdom): In his statement, Mr. De Brum posed a rhetorical question: "Why would we surrender our maritime rights, our greatest assets, to a Government dominated by others?" Now, it seems to me that unity would result in each district of Micronesia making over its maritime rights to a united Micronesian entity. I wonder if Mr. De Brum could tell us why the Marshalls rather more than the other islands appear to fear that prospect.

Mr. De BRUM: The Marshall Islands have approximately 1,400 miles of coastline and over 700,000 square miles of ocean as defined in the present proposals concerning our national waters. In spite of the great contribution we would be making to this Government in the way of ocean resources, we would still expect to be outvoted. We would have no guarantee, even if we formed a Government together with our Pacific neighbours, that the right of the Marshallese people to enjoy and to benefit from the exploitation of those resources would be guaranteed.

Mr. MURRAY (United Kingdom): This time I have a question that stems from what Mr. Allen told us. He drew attention to those parts of our report dealing with conditions in Ebeye and Kwajalein. Now, we have recognized that there is a very serious problem here; we have brought that out in our report. But Mr. Allen goes on interestingly to say:

"... the quickest, cheapest and easiest way to end the problems at Ebeye is to integrate Kwajalein." (1452nd meeting, p. 27)

Now, I have a professional and deep distrust of anything that is described as the quickest, cheapest and easiest way of dealing with a problem, because that does not always turn out to be the case. But, at any rate, this for me is a very interesting approach. Having been there I see certain formidable administrative difficulties, but I wonder if we might ask Mr. Allen to enlarge on the solution along these lines that he sees to our problem.

Mr. ALLEN: As the members of the Visiting Mission know from having been recently at Kwajalein, Kwajalein Island now has about 900 acres and Ebeye Island about 70 acres. In the aggregate, about 10,500 people occupy the two islands, they are distributed quite disproportionately -- 3,500 Americans at Kwajalein Island and 7,000 Marshallese on most but not all of Ebeye Island.

There is an equal disparity in the amenities which are available to the two groups. Kwajalein is quite a modern community by any standard in the world; Ebeye cannot be described that favourably.

The Department of the Army is obligated under the Land Use Agreement with the Trust Territory to review on the basis of a five-year interval its needs for continuing use of lands which it holds under lease. Among those is Kwajalein Island, which it leased in 1964, retroactive to 1944, for a period of 100 years for a consideration of \$750,000. At that time -- in 1944 -- when it was secured from the Japanese, there were 750 acres. It has grown to 900 acres by dredging and landfill.

So here we have two islands close by one another with a great disparity in standards of living and resources, which could, but for the administrative problems of one agency of the American Government dealing with another, be reconciled rather easily. In fact, the Army seems to go to substantial expense

(Mr. Allen)

to moving its capacity for housing people off Kwajalein Island whenever it has a surplus, so that it takes those trailers, which are used to house people, off whenever a programme shuts down and part of the missile testing operation goes dormant. The trailers are then moved off, so that there is never an apparent housing surplus at Kwajalein Island. When another programme is activated, they bring trailers back in.

I presume that that is done so that they will not be embarrassed by having visitors come and say: "My heavens, people living two and a half miles away are living in very poor conditions and are terribly overcrowded. Why do you not move them into your vacant trailers?"

This is a highly artificial arrangement. We have a group of people who can be defined without our getting to the problem that the Army fears of letting everyone in the Pacific in. That group is the people who own Kwajalein --- the Kwajalein people. We do not even have to define them as Marshallese; they are the landowners who can, as consideration for making their atoll available, be given access to the housing, to the educational facilities. I was shocked at the letter from the General at Huntsville. It seemed to me the most appalling confession by the United States of its failure to discharge its obligations as Trustee, when he said that scientific and technical personnel would not go to Kwajalein, unless they did something artificial. It seems to me that that is a confession that they have created a place in the Trust Territory where people would not go. They do not provide those kinds of inducements at Majuro, Ponape or Saipan, where they expect people to go and find housing when they take jobs.

Integration within the compass of American law is something all of us have known about for a good many years now --- since the decisions of the United States Supreme Court starting immediately after the Second World War. Cases such as Brown vs. the Topeka Board of Education and legislation of the American Congress such as the Civil Rights Act of 1964 have integrated virtually every aspect of American life. Somehow, Kwajalein was left by the wayside. What we propose is to bring Kwajalein into step with contemporary American norms of how people of different racial groups live with one another. That is to say,

(Mr. Allen)

we would propose that Kwajalein Atoll be integrated and, by doing that, we would capitalize on what is quite apparently a large surplus of land on Kwajalein Island. About one third of Kwajalein Island is now totally empty. It does not have anything on it. It has the spaces where trailers were moved off. It has immediately available surplus playing fields and tennis courts. I am sure they could find time to make all of its facilities available and, in doing that, materially enhance the well-being of the people of Kwajalein Atoll who have for many, many years suffered great material privation in order to make the use of their lands and waters available to the United States.

So I believe that it is a logical suggestion. I apologize if "quick, cheap and easy" seems to be terminology that is too quick, cheap and easy, but we think that the proposal is a logical one and one which the Administering Authority should embrace.

The PRESIDENT (interpretation from French): Does the United Kingdom representative feel that the question has been clarified enough or does he wish to ask another question?

Mr. MURRAY (United Kingdom): I think that Mr. Allen has probably clarified the position as far as he can do from his end. I think it might be useful if at a later stage in our proceedings we pursued this same matter with the Administering Authority, but that will be for later.

I have another question, this time for Mr. Balos. It relates to Bikini. What Mr. Balos had for us was in fact a plea that there should be another survey -- in fact, by air --- of the radiation on Bikini, so that the people of Bikini may have the information necessary to them to make a decision on whether to return to their home island. Now, that is a plea that was fully supported in our report.

But when we were in the Territory we were told by ERDA -- the appropriate American agency --- that they too supported that request but that they rather doubted whether the new information would change the position, and felt that it was very likely to confirm their present findings, which had been based on a careful ground survey.

(Mr. Murray, United Kingdom)

The question I should like to ask Mr. Balos --- it is a difficult one, but we have become extremely interested in this problem of Bikini --- is this: If the aerial survey simply confirms the information available to the people of Bikini at the moment and if the upshot is that the centre of the island will in fact be unsuitable for dwelling places, does Mr. Balos think that the people of Bikini will finally accept that result and accept also the corollary --- that is, that numbers of them will stay on Kili?

Mr. BALOS: The Bikini people who are living now on Kili are confused, because the explanation they were given of the report on the earlier survey did not sound too good to them. Therefore, I would say that the majority of the people of Bikini would rather stay on Kili until they see another report from an independent survey group, not the ERDA people.

The PRESIDENT (interpretation from French): Does that answer satisfy the representative of the United Kingdom?

Mr. MURRAY (United Kingdom): I am satisfied with the answer, but I am rather worried by it. This task of surveying Bikini is not merely extremely technical but also extremely expensive. There are very few other bodies in the world that have the necessary expertise to carry out such a survey, and there are very few sources of the necessary finance other than the United States Government. If the people of Bikini are going to be led to look forward to a survey made by a body other than ERDA, I think they are in for yet another disappointment. Since I have become very interested in the people of Bikini, I would hope that they are not being encouraged to pin false hopes on something that, speaking frankly, I do not see as a possibility.

Mr. KOVALENKO (Union of Soviet Socialist Republics) (interpretation from Russian): Mr. Allen described the policy of the administering Power as a policy of apartheid and racial discrimination and segregation. I should like to ask him whether that policy applies only to the one island he referred to, or whether it is practised in other islands as well.

Mr. ALLEN: The policy of separation between facilities for persons who are Marshallese and who are not American citizens and facilities for persons who are by and large white Anglo-Saxons and American citizens is pervasive; it applies throughout Kwajalein Atoll. It has a less dramatically apparent but perhaps equally deleterious counterpart in policies of the Trust Territory Government and numerous private American corporations doing business in the Trust Territory. Separate wage scales and compensation arrangements operate. Some of these are, I understand, under legal attack in the other Districts of the Trust Territory.

Let me give an example. Continental Airlines, an American corporation, operates Air Micronesia under various agreements with the Trust Territory Government and American regulatory agencies. A Marshallese with a job of selling tickets for Continental Airlines is paid on one pay scale; an American citizen performing the same job at the same place would be paid on another pay scale. By and large, Continental's employees are indigenous people, except for their flight personnel. Hence, for the most part Continental's employees are paid on the lower pay scale.

The Trust Territory Government fills numerous positions with either contract hired Americans, who are paid on one pay scale, or indigenous people with the same job qualifications, who are paid on a different pay scale.

That kind of separate treatment is found throughout the Trust Territory; it is hardly confined to Kwajalein Atoll. Kwajalein Atoll is simply the place in the Marshall Islands where this policy has the most pronounced economic and social impact on the indigenous population.

(Mr. Allen)

In fairness to the Administering Authority I should say that this policy may not have been inappropriate in the year 1947, given the then existing standards of world conduct and the then existing disparity in skills and availability of personnel to fill jobs. However, without trying to place blame in moral terms, and whatever reasons underlay the policy at the time it was adopted, we suggest that it is no longer an appropriate policy and ought to be changed.

Mr. KOVALENKO (Union of Soviet Socialist Republics) (interpretation from Russian): That was a clear answer. We therefore have no further questions at this time, but we may wish to ask a question tomorrow in regard to the Congress of Micronesia.

Mr. GARRIGUE-GUYONNAUD (France)(interpretation from French):

This morning Mr. De Brum said that he had some additional remarks to make in response to the question I asked, and I should like to return to the Compact of Free Association.

I noted that he specifically proposed that the Marshall Islands should have the right unilaterally to terminate the ties of free association with the United States. I should like to know if, with regard to constitutional procedures, they have any other proposals. Have they any measures to propose to protect local autonomy? Provision could also be made for a different formula for the distribution of resources. Do they have any specific recommendations to make in that regard?

Mr. De BRUM: I feel that some of the remarks I made in response to questions posed earlier by the representative of the United Kingdom covered some of the points that we felt made the Compact of Free Association, as drafted at present, unacceptable to the Marshallese people.

With reference to specific recommendations that we would offer to make the Compact acceptable, as I said before, right now the proposal by the United States to terminate the Trusteeship Agreement by means of the Compact envisages the Compact as an agreement between the United States and Micronesia as a whole. Nothing one could do to the Compact would change the fact that we would still be a minority within our own country, without any guarantees for the protection of our rights as the Marshallese people.

I did make some recommendations that, we thought, if included in the Compact of Free Association between the Marshallese people and the United States, or any other party, and followed would probably provide an instrument for the establishment of a relationship that would be acceptable to the Marshallese people. The fact that a draft constitution, drafted and signed over the objections of the majority of the Marshallese people, is the instrument by which the Micronesian Government is to be established renders whatever arrangement may be made between the Americans and Micronesia now unacceptable.

(Mr. De Brum)

Again, we do not rule out the possibility of the island groups in Micronesia -- Micronesia as a geographical area, of course -- coming together and agreeing on different areas of economic co-operation, those of transportation or communications, for example; but we cannot in any way agree to the formation of a Government of Micronesia which would not recognize the Marshallese people as a separate entity, entitled to govern themselves without being dominated or compromised by the majority Carolinian people.

Mr. MURRAY (United Kingdom): I should like to ask Mr. De Brum a question which follows on what he has just been saying. Some of the points he has been making seem to me to pertain to the drafting of the constitution rather than to the Compact of Free Association. I wondered whether it was in the minds of those Marshallese that he represents to try and seek some amendment of the draft constitution which emerged from the Constitutional Convention before that draft constitution was put to the vote.

Mr. De BRUM: The constitution as drafted at present envisages a Micronesia composed of different peoples, different cultures, different traditions -- something we are convinced cannot be. We are separated by as much as 2,000 or 2,500 miles. We have different interests. We have different problems. We are different peoples. Why not first recognize that we are different peoples and let us try and work together, in co-operation, where necessary. But do not lump all of us together, just because we happen to live in the same area of the Pacific, and call us one people.

That would be tantamount to saying that all the people of Melanesia should unite and form a nation; or that all the islands of Polynesia should unite and form a nation. It is an impossibility so far as we are concerned.

Mr. MURRAY (United Kingdom): I am not sufficiently enlightened on this occasion.

Mr. De Brum has referred to "working together", "co-operating together" and, I think, he even used the word "framework". At any rate, he has recognized the need to live and work together. If you are going to live and work together, you require certain rules; and those rules can be called a Constitution, or something different. But it appears to me that he has dismissed too lightly the possibility that some kind of document can be drawn up to lay down the rules under which these admittedly different peoples of Micronesia would co-operate. But that is beside the point.

I have asked to speak again because he had not answered my question, which is: Does he -- or the Marshallese he represents -- in fact intend to do anything about the existing Constitution? Or do I take it that he meant no?

Mr. De BRUM: My answer is that the present constitution is unacceptable and we do not see any way in which to amend it so as to make it acceptable. May I add also that we realize the need for peoples of the world to co-operate together, to live together. We do not necessarily need to live only with the peoples of the Carolines. We live also with the people of Nauru, the people of the Gilberts, the people of Tuvalu; we can extend our friendship clear down to New Zealand, to Tonga, and other areas in the Pacific where we can work together. But just because we are friends does not mean that we have to get married.

Mr. KOVALENKO (Union of Soviet Socialist Republics) (interpretation from Russian): Mr. De Brum stated that he is a representative of the people of the Marshall Islands, and yet I see that the petition in document T/COM.10/L.186 indicates the contrary: that he does not represent the people of the Marshall Islands, and that the overwhelming majority of the population does not agree with such a viewpoint on the question of separate status for the Marshall Islands.

Perhaps this question might more appropriately be asked tomorrow.

The PRESIDENT (interpretation from French): The petition referred to, contained in document T/COM.10/L.186, will be discussed at a later stage, but Mr. De Brum may reply to the question now, if he so wishes.

Mr. DE BRUM: While we do not have that petition before us, we have heard many rumours of it. May I say that in the Marshalls we believe in democracy; we believe in the right of minority groups to express their opinions.

May I also say that the Visiting Mission, a member of which is here present, was in the Marshalls when our highest legislative body in the Marshall Islands adopted the resolution authorizing the Political Status Commission of the Marshall Islands to seek separate status negotiations. We are aware of one or two persons in the Marshalls who disagree and who have claimed to represent a large number of people, but who, to date, have not proved to our satisfaction that they do.

(Mr. De Brum)

As a matter of fact, we asked the leaders of this so-called Voice of the Marshallese to sit with us and explain to us their objections to what the Political Status Commission of the Marshalls was doing prior to our coming here, and we got no significant argument from them that would warrant our taking their position seriously.

We also feel that there are people who have lived for 30 years under a system by which they have received, and continue to receive, United States monies -- United States grants. They have begun to believe that they cannot do anything for themselves, because that seems to be what has been preached to them for 30 years. We respect their right to voice that opinion, but we do not think that there is a significant number of Marshallese people who feel that way, and we still contend that we are the one legitimate representative group that is authorized to speak on behalf of the Marshallese people.

The PRESIDENT (interpretation from French): I thank Mr. De Brum for having replied to the question, even though he did not have before him the text of the petition (T/COM.10/L.186) referred to by the representative of the Soviet Union.

Mr. MURRAY (United Kingdom): I wonder if I might ask a question of Mr. Clark.

Mr. Clark, in his very interesting statement this morning, said confidently:

"There is no inconsistency between the principle of self-determination and the principle favouring the territorial integrity of colonial areas."
(1452nd meeting, p. 36)

(Mr. Murray, United Kingdom)

Now, having in the past year spent a total of some seven weeks in Micronesia trying to face Micronesia's problems honestly, I wish I shared Mr. Clark's confidence, because I found great difficulty in trying to argue away what indeed I saw as inconsistencies.

If I may move on to the latter part of his statement, he quoted an interesting definition by Doctor Higgins of the Royal Institute of International Affairs --- a very prestigious body in my own country --- summarizing the law on the subject in the following words: self-determination is "the right of the majority within an accepted political unit to exercise power". (Ibid)

Now, my question is this: Would Mr. Clark, having heard, as we all have today, the delegation on his right argue with a good deal of determination, still say that Micronesia is an accepted political unit; and if accepted, accepted by whom?

Mr. CLARK: I am sure that any good lawyer will tell you that one should never discuss law in the abstract; one should try to ground it in a concrete example. In an endeavour to do that, let me see if I can answer the question by restating the League's position as bluntly as I can on this matter.

The fact of the matter, as we understand it, is that the whole of Micronesia appears to be the area which is referred to in the terms of the Trust Agreement --- the area which is under the terms of the United Nations Charter. It looks suspiciously as though what is happening is that the place is being dismembered by the current colonial administration in classic colonial style, known commonly as "divide-and-rule". We understand, as well as Mr. Murray understands, that the long-term future for Micronesia may well involve some dismemberment at some point. What we are objecting to very strongly is dismemberment at this stage, foreclosing future options.

Mr. MURRAY (United Kingdom): I should not like to be thought guilty of the crime of discrimination between island groups, and therefore I feel that I should direct a question to Chief Ibedul -- if he is here.

I withdraw my question, since he is absent. At least he cannot accuse me of discrimination, since he has had the opportunity of being questioned.

The PRESIDENT (interpretation from French): Since no other representative wishes to ask any questions, I should like, on behalf of the Council, to thank the petitioners for their statements.

The Council will now consider the written communications and petitions before it which are listed in the annex to the agenda (T/1773/Add.2). Delegations will observe, after their perusal of the observations submitted in document T/OBS/42, that these observations refer to communications T/COM.10/L.175, T/PET.10/99 and T/PET.10/100. Delegations also have before them two communications which are not listed in the annex to the agenda, namely, documents T/COM.10/L.187 and T/COM.10/L.188.

As regards the procedure to be followed in the consideration of these written communications and petitions, the Council will recall that at previous meetings it had decided to consider them all together. If the Council has no objection to such a procedure, I shall call on all those who wish to ask questions of the Administering Authority, its Special Representative or special advisers. Once delegations so desiring have asked questions of the Administering Authority, the Council will be able to take a decision with regard to these communications taken altogether. The Council could make a similar decision with regard to the petitions. Does anyone wish to comment on this suggestion?

Mr. KOVALENKO (Union of Soviet Socialist Republics) (interpretation from Russian): Mr. President, my understanding was that we would ask these questions of the Administering Authority with regard to the petitions tomorrow.

The PRESIDENT (interpretation from French): If the representative of the Soviet Union wishes, his questions may be postponed until tomorrow.

Mr. KOVALENKO (Union of Soviet Socialist Republics) (interpretation from Russian): That would be fine.

The meeting rose at 4.25 p.m.