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Forty-ninth Session

VERBATIM RECORD OF THE FIFTEEN HUNDRED AND TWENTY-NINTH MEETING

Held at Headquarters, New York,
on Friday, 21 May 1982, at 10.30 a.m.

President: Mr. POUDADE (France)

Examination of the annual report of the Administering Authority for the year ended 30 September 1981: Trust Territory of the Pacific Islands (continued)

Examination of petitions listed in the annex to the agenda (continued)

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82-60574

41P.

The meeting was called to order at 10.45 a.m.

EXAMINATION OF THE ANNUAL REPORT OF THE ADMINISTERING AUTHORITY FOR THE YEAR ENDED 30 SEPTEMBER 1981. TRUST TERRITORY OF THE PACIFIC ISLANDS (T/1837. T/L.1228 and Add.1-3) (continued)

EXAMINATION OF PETITIONS LISTED IN THE ANNEX TO THE AGENDA (see T/1836/Add.1) (continued)

The PRESIDENT (interpretation from French): The Council will continue with its examination of conditions in the Trust Territory of the Pacific Islands and we shall this morning continue to hear petitioners. Then, if the members of the Council so desire, we could ask them questions. Subsequently the representative of the Soviet Union could continue with his questions to the Administering Authority. If there are no objections, we shall follow that procedure.

It was so decided.

The PRESIDENT (interpretation from French): The requests for a hearing are contained in documents T/PET.10/195 and T/PIT.10/196 and Add.1 submitted respectively by the Focus on Micronesia Coalition and the Kwajalein Atoll Corporation. Their requests have been granted earlier in accordance with the Council's rules of procedure.

I now invite the petitioners whose names appear in those documents to take their places at the petitioners' table.

At the invitation of the President, Reverend Paul Gregory,

Mr. William Alexander, Mr. Michael Fahr, Mr. Edwin Luidens, Sister Barbara Glendon, Mr. Ataji Balos, Mr. Inada Kabua, Mrs. Mary Kearney and Mr. George Allen took places at the petitioners' table.

The PRESIDENT (interpretation from French): Further, I have today received a letter dated 20 May 1982 from Mr. Richard F. Gerry, Attorney in the Marshall Islands Atomic Testing Litigation Project, requesting an

opportunity to be heard by the Trusteeship Council as a petitioner. If there is no objection, I suggest that the Council grant him a hearing this morning.

It was so decided.

The PRESIDENT (interpretation from French): I invite Mr. Richard Gerry to take a place at the petitioners' table.

At the invitation of the President, Mr. Richard Gerry took a place at the petitioners' table.

The PRESIDENT (interpretation from French): We shall this morning hear statements from the following speakers: Reverend Gregory, Mr. Balos, Mr. Kabua and Mr. Gerry. I call first upon Reverend Gregory.

Reverend GREGORY: Thank you, Mr. President, for granting the request of our organization, the Focus on Micronesia Coalition, to appear before the Council today. For the fourth year we, a group of United States religious and academic organizations and individuals, bring the concerns of our Coalition before this Council, which is charged with promoting development towards self-determination or independence in the United Nations Trust Territory of the Pacific Islands.

Last year, out of our great concern at the lack of progress in the United States' fulfilment of its obligations towards the people of Micronesia, we questioned whether this Council was fulfilling its obligations towards them. We were heartened, therefore, when we read the conclusions and recommendations of the Trusteeship Council and found some of our concerns reflected there. In the first place, the Council's concurrence with our long-standing belief in the need for an analysis of the effects of the United States administration was welcomed. Such an analysis is rightly seen as a crucial empowerment tool for the Micronesians.

In a recent six-week trip through the Trust Territory, our staff consultant spoke with many church and community leaders, as well as with other citizens and workers. With the termination of Trusteeship more imminent, there is emerging, on the part of the Micronesians, a desire to shape their own objectives and priorities. A growing realization that Micronesian interests and United States interests have not coincided in the past, and are not likely to do so in the future, is causing a change in attitudes fostered by years of dependency on the United States.

(Reverend Gregory)

Concerns about the legacy of the United States administration of the islands are growing as the restraints on their developing more appropriate goals and objectives are recognized as part and parcel of this legacy. Clearly, such a study of the effects of the trusteeship as we have proposed, and as this body endorsed last year, would clarify and strengthen these incipient understandings on the part of the Micronesians. It would also hasten the day when truly informed and thus free choices could be made by the Micronesians regarding their future goals and objectives.

The Trusteeship Council's recommendation that the United States:

'should examine, with other Micronesian representatives, ways in which such a study might be carried out.'

was met with silence on the part of the United States. In Part IX of the United States thirty-fourth Annual Report to the United Nations, where the United States responds to each of the Trusteeship Council's other conclusions and recommendations, there is no response at all to the suggested study. This lack of response was noted by the representative of the United Kingdom. Last Wednesday afternoon he asked the United States to report what action had been taken on this recommendation. Mrs. McCoy stated that she was in favour of such a study, but that the United States was unable to fund the undertaking. We remain convinced that the study, which we proposed and the Council have endorsed, could be a vital empowering tool for the Micronesians. The knowledge, understanding and programmes which would build on the results of the study would enable the Micronesians to begin to regain control over their own society and culture so seriously impacted by the United States presence in the islands. The cost of the project as we envision it is modest. We were startled by the United States' contention that it cannot afford to undertake such a study. From our viewpoint, this project is basic to the fulfilment of the United States' obligation to promote the advancement of the people of Micronesia. In light of this, we respectfully request that this Council once again endorse a study to assess the impact of the United States administration on Micronesia and to identify the implications of trusteeship history for future development in Micronesia. Furthermore, we request the Council to ask the United States to fund such a study as part of its obligation to enhance the ability of the Micronesians to grow in self-determination.

(Reverend Gregory)

A second subject, of which we spoke with some urgency in this Council room last year, was political education in Micronesia in regard to the Draft Compact of Free Association and the subsidiary agreements which will accompany the Compact. Your expression of serious concern:

"at the slow pace of the political education programme in preparation for the plebiscite" (T/1837, Part IX p. 197)

reflects our concern also. The United States, in its response, states that the Compact has been translated into the local languages. This we commend; however, the translations have not yet reached the people of Micronesia. This fact was confirmed during our Staff Consultant's visit in January and February of this year. As recently as 15 April 1982, word from the Marshall Islands informed us that people's groups are not able to get "copies of the draft Compact for Free Association, either in English or in Marshallese. Perhaps the Government does not consider it important for people to have."

The fact that the Compact is not easily available to Micronesians is no doubt in keeping with the United States' position that:

"A political education program conducted prior to completion of the negotiations would be premature." (Ibid.)

We strongly disagree with this position. In October 1981, after an extended policy review period the Reagan Administration finally announced that it was seeking to complete the political status negotiations on the basis of the initialled Compact of Free Association. The Compact itself, then, is unlikely to change. General education on this document should begin now - this summer. This would bring the general populace up to date on a major piece of the completed negotiations. Certainly no one can deny that the Micronesians have a basic right to this information. The people need time before voting in order to understand the document and to explore its implications. They need to understand now the critical nature of some of the issues which are being negotiated in the subsidiary agreements, so that they can exercise their right as citizens in shaping these agreements.

(Reverend Gregory)

The United States no doubt takes justifiable pride in the political advancement of the Micronesian entities evidenced by the political sophistication of the Micronesian leaders and of the structures of the Micronesian Governments which the United States facilitated. However, the Focus on Micronesia Coalition believes a dangerous gap exists and is growing, between the political sophistication of a few Micronesian leaders and the political education of the citizenry. While the former is being constantly promoted, the latter is being continually delayed. Educated and informed citizens are essential to the proper functioning of a democracy. A free and open debate on the issues involved should be taking place now, even as the negotiations are in progress. This is a hallmark of democratic practice. For this reason, we respectfully request that this Council, entrusted with the duty of promoting the political rights of the Micronesians, insist on the immediate start of a political education programme on the Compact of Free Association.

A third area of concern to us continues to be the basic obligations of the United States to the people of Micronesia. We do not believe any serious student of United States-Micronesian relations could conclude that the United States has fulfilled its obligations to promote in an appropriate manner the political, economic, social, and educational advancement of the people of Micronesia. In fact, as we have stated in previous testimony, the United States has contributed negatively in some of these areas. The fruits of these negative contributions are evident today in serious social problems such as unemployment, youth suicide, alcohol abuse and violence. We are deeply distressed at the apparent callousness of our Government's response to these problems. Having been instrumental in creating them United States policy makers wash their hands of any continuing responsibility to deal with these problems by saying that the Micronesians are now self-governing.

Two more irresponsible statements would be difficult to find than those contained in the United States response to the Trusteeship Council's concern about the young people of Micronesia. The first is in regard to youth unemployment and juvenile delinquency:

(Reverend Gregory)

"Much of the social welfare and training responsibilities within the jurisdiction of the new governments are theirs to plan and conduct ... Programs of this nature could be included in the annual budget submissions if they are considered high priority" (Ibid., p. 207)

The second is in regard to youth suicide:

"The Administering Authority shares this concern and is confident that the constitutional governments recognize the problem and will devise appropriate and effective local remedies in this era of rapid change and development." (Ibid.)

The same hand washing approach by the United States is evident in regard to economic development in Micronesia. The distortions in the Micronesian economy are well documented and have led to a high degree of economic dependency and vulnerability. In a recent article from the East West Center magazine Perspectives, (Winter, 1981), the Trust Territory is ranked twelfth out of 14 Pacific Island entities in degree of economic vulnerability. The only two States with a higher degree of economic vulnerability were Guam and American Samoa. The United States' role in the creation of this economic dependency and vulnerability is well-known. Thus, for the United States to shift the total active responsibility for solving these problems to the new Governments at this time under an appeal to "self-government" is, we believe unconscionable.

(Reverend Gregory)

An analogy which comes to mind is that of a father who neglected to give his son swimming lessons. Years later the father states, "You are an adult now and you should know how to swim. I am pushing you overboard and I am confident you will swim."

Once again we respectfully urge this Council seriously to assess the degree to which the United States is negotiating itself out of its United Nations Trusteeship obligations to the people of Micronesia.

The apparent United States decision to leave behind a legacy of unfulfilled social and economic responsibilities in Micronesia is all the more deplorable because the United States is not fully severing its ties with the Micronesians. Several of the subsidiary agreements are designed to protect United States strategic interests and presence in the region. The people of Palau who live on Babelthaup are well aware that the United States desires to use their land for military purposes. In discussions with our Staff Consultant, they evidenced strong resistance to such a plan. Yet they felt powerless to go against the wishes of the United States. The proposed 30-year, 50-year and 100-year terms for some of the subsidiary agreements are considerably longer than the 15-year term of the Compact. The bargaining power of the Micronesians would be seriously eroded if terms of such length were allowed to remain in these subsidiary agreements. Therefore we further respectfully request the Trusteeship Council to consider seriously the degree to which the United States is securing guarantees for its strategic interests in the islands at the expense and to the detriment of the people of Micronesia.

To the degree that the United States fails to fulfil its obligations while guaranteeing its own interests, the Focus on Micronesia Coalition and many others will consider that the United States has made a mockery of the United Nations Trusteeship Council's mandate.

The legacy of United States nuclear testing in the Marshall Islands is another major area of concern to us. We will not go into detail regarding this issue for we feel that the International League for Human Rights is responsibly addressing it and we support the League's recommendations.

Mr. President, thank you for granting us this opportunity to address the Trusteeship Council. This petition is submitted on behalf of the Focus

(Reverend Gregory)

on Micronesia Coalition, the members of whose Executive Board include Father William Wood, Director of the Office of Missions, New York Province of the Society of Jesus; Sister Marie Rosso, Office of Social Concerns of the Maryknoll Sisters; Doctor William Alexander, Assistant Professor of Anthropology at Upsala College; Doctor Michael Hahm, Executive Secretary for Asia and the Pacific, World Division of the United Methodist Church; Reverend Paul Gregory, Pacific Regional Secretary of the United Church Board for World Ministries; Doctor Edwin Luidens, Director of the Office for East Asia and the Pacific of the National Council of Churches of Christ, United States of America; and Sister Barbara Glendon, our Staff Consultant to the Focus on Micronesia Coalition.

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

Mr. BALOS: On behalf of the people of Kwajalein Atoll, I wish to express my great appreciation for this opportunity to address this Council, which is so important to the future of the Marshall Islands and all its people.

At the outset let me explain why the people of Kwajalein Atoll are making this statement at this time. By the people of Kwajalein Atoll I am referring to those people who, by Marshallese custom and tradition, originate from Kwajalein and who have property rights in the atoll. Most of those people, who number about 5,500, live on one small 65-acre island, Ebeye, together with about 2,000 people of non-Kwajalein origin. The conditions under which we live are degrading and must be relieved. The party responsible for the degrading conditions of our people is the Administering Authority, the United States. The United States has established a facility on Kwajalein Atoll named the Kwajalein Missile Range and has thereby pre-empted virtually the entirety of the atoll for its military purposes. In order to achieve these purposes, the United States has forced the people off most of their islands and onto Ebeye, where many of us have lived for the past 20 years. During this period the United States has spent billions of dollars on its own facilities and virtually nothing for the people, who as a consequence are in great distress.

(Mr. Balos)

Now the United States, through the vehicle of the Compact of Free Association and subsidiary operating agreements, proposes to continue this insufferable state of affairs for another 30 years without undertaking those measures which are required for the well-being of the people of Kwajalein.

In response, the people of Kwajalein state for all to hear that they simply cannot accept 30 more years of the status quo. We have told the Republic of the Marshall Islands and the United States and now we tell the world that we cannot accept the continuation of our degradation for 30 more years. We must have relief.

In response to the unacceptable proposals of the United States to continue the status quo, we have done two things. First, under the auspices of the Kwajalein Atoll Corporation, which is a membership corporation of the 5,500 people who own rights to Kwajalein Atoll by Marshallese custom and tradition, we have announced that we intend to hold a referendum of the people of Kwajalein to find out from them what their desires are for the future use of their atoll. I should point out that nobody has ever asked us what we want and so we will take the initiative and hold an election and, in essence, ask ourselves. Secondly, we have transmitted to the United States a programme under which we would consider continued use by the United States of the atoll for alternative 15 or 30-year terms. This programme, if accepted by the United States, would be submitted to the people to vote on in their referendum.

I wish now to outline in more detail for the Council the terrible conditions in which my people live, the cause of those conditions and the remedy. I express regret that I must take up so much of the Council's time in this regard, but the records of the Trusteeship Council nowhere set forth this information and therefore the burden falls on me to make the records complete.

Kwajalein Atoll is the world's largest atoll, being 70 miles in extent from one end to the other. Its population is the second largest in the Marshall Islands. Historically, it has produced many of the leaders of the Marshallese people. Indeed, the current President of the Marshall Islands comes from Kwajalein. The atoll was in times past one of the richest and most prosperous of the Marshalls.

(Mr. Balos)

During the Second World War, devastating battles were fought between the United States and Japan on the atoll. The effect of that was to leave the atoll and its people destitute. The United States took no action whatever, other than the ad hoc dispensing of surplus military goods, to help the people recover from their desolation. In the 1950s, the United States took the atoll's finest island, Kwajalein island, for a military base, principally to use as a staging area for the atomic bomb tests in the Marshalls. No compensation was paid to the owners of Kwajalein island and no effort was made by the United States to assist the people in any way to adjust to their loss.

(Mr. Balos)

Then, in the early 1960s, the United States forced the people of Kwajalein off virtually all the other islands of the atoll, concentrating them on Ebeye. The United States also restricted the people's use of the atoll's lagoon for fishing and other uses. The United States had determined that my people's world would be the bull's-eye for intercontinental ballistic missiles (ICBMs) fired from California and had decided it needed the islands for radar and for testing facilities, including anti-ballistic missile (ABM) testing facilities.

This time, the United States decided that it should pay. It therefore arranged for the Trust Territory Government to pay the Kwajalein people a token amount for a so-called 99-year lease for Kwajalein Island. This unequal arrangement, which the United States continues to proclaim, is rather similar to the many unequal treaties the United States entered into with its own Indian tribes in the frontier days of the eighteenth and nineteenth centuries. The only difference is that the United States ultimately allowed the Indian tribes to obtain true-value compensation in the twentieth century, whereas it has left us to our fate.

What is the consequence for my people of the United States actions? It is this: My people live in utter poverty, in what can only be described as a concentration camp without barbed wire. Ebeye Island has an area of only 65 acres. Virtually all the land is taken up with extremely rundown and inadequate housing for the island's 8500 inhabitants. One of the few open spaces on the island is an open, burning dump whose odours pervade the community. The streets are completely unpaved. There is a grossly inadequate water supply. During many hours of the day, water is not available. Efforts to obtain a water pipe from the more-than-adequate supply at the Kwajalein Missile Range have not yet succeeded. There is no adequate sewage treatment. There are no recreational facilities. There are school facilities for only a third of the over 3000 children. There is no high school. Jobs are very scarce. The owners of Kwajalein have only 130 jobs at the military base. There is virtually no opportunity at this time for the people to improve their lot. Cut off from their

(Mr. Balos)

other islands, they cannot develop a traditional economy. Because of restrictions imposed by the United States, they are unable to engage in normal economic contacts with the outside world. For most persons there is no privacy. Because of the extremely high population density, most families sleep in shifts, with as many as 5 to 10 persons per room. Basic items such as health care are in a primitive state, and our people are even denied emergency use of the modern facilities of the United States next door. In essence, we are forced to live in the worst possible conditions, conditions so crowded that there is not even room for the coconut trees that pervade the rest of our country.

Because of restrictions on movement, there is no direct transportation for the people on and off Kwajalein Atoll. Their transportation outside the atoll must go through Kwajalein Island, where the United States military authority maintains a rigid and strictly enforced set of access rules that have included actual searches of our people as they go on and off Kwajalein Island.

Should any of you doubt my descriptions of our conditions, I invite you to come to see for yourself. If you do come, however, I advise you to arrange accommodations at the United States military facility rather than on Ebeye, where the people live. This is not because of any danger or hostility you would face, but rather because of the total lack of comfort you would suffer, in spite of our best efforts to extend hospitality to you, on Ebeye, as compared to the luxury in which you can live on the military base.

I point that out for this reason: Not only do we suffer a degrading condition of life, but we are humiliated by the ostentatious display of luxury our trustee, the United States, has provided for its own citizens next door. That luxury includes, of all things, a golf course. Kwajalein Island, which is 10 times the size of Ebeye, is furnished with a golf course, tennis courts, a beautifully kept beach facility, a campus-like setting of broad lawns among modern buildings, a country club and the like. Indeed, everything possible is provided to make the Americans as comfortable as possible. And this on our land, from which we are excluded - excluded by military base personnel, I might add, in a manner that constantly reminds us how undesirable and inferior they believe us to be.

(Mr. Balos)

We have engaged in a long campaign to gain our due. At almost every turn we have met from the United States a stubborn and hostile indifference to our needs and concerns. The general attitude of the United States appears to be that, as our "liberator" from the Japanese, we should be eternally grateful to it, and that any complaint on our part is at best a sign of ingratitude and at worst an attempt to blackmail the United States. Perhaps because it is human to wish to ignore one's own negative behaviour, the United States will not acknowledge the seriousness of the conditions it has created at Kwajalein.

As an elected representative of the people of Kwajalein since 1968, having served on their behalf in the House of Representatives of the Congress of Micronesia from 1969 through 1978, and subsequently as their representative in the Marshall Islands Nitjela, I believe that there has been an almost total failure by officials of the United States Government to understand how desperate are the social and economic problems of the people of Kwajalein.

The Kwajalein people have suffered from the dislocational impact of the activities of the United States that is equal to, if not greater than, the one experienced by the peoples of Bikini and Enewetak. The fact that the Kwajalein people who have been dislocated from their home islands have been concentrated on a small island within the atoll rather than transported, as were the peoples of Bikini and Enewetak, to distant islands does not make the impact on the people of Kwajalein any less.

If anything, given the small amount of space within which the people of Kwajalein have been concentrated on Ebeye Island, with its mere 65 acres of land, and further given the much larger population of Kwajalein Atoll, which has been dislocated from a much larger initial land and water area, the intensity and extent of the Kwajalein dislocation has been significantly greater than either the Bikini or Enewetak dislocations.

Only once along the way, and then only under extreme pressure, has the United States taken an action in some way to meet our needs. In 1979, after the people of Kwajalein physically reoccupied one of their islands, Roi-Namur, did the United States agree to make a significant rental payment to the people of Kwajalein. Since 1979, the Kwajalein people have received \$5.2 million a year, or about \$1,000 a year per person. This payment, though inadequate, has been the first compensation of any note we have received in these many long years. It distresses us that the United States chose to pay us part of our due only when we took, as it were, "to the streets".

Now as I have stated, the issue is whether we will accept our lot for another 30 years without our full due. The answer is no. And I must put the United States and all others on full notice that no agreement extracted from our Government without my people's consent can change that simple human reality. No, we must rather have our due, and we must have the means to improve our lot so we can have the most important thing of all: hope. Indeed, the United States also should want us to have what we need, and should provide it. For there can be no doubt that the American people would not approve of what the United States Government has done to us if they but knew the facts. Even on pragmatic grounds, were it to think the problem through, the United States would surely understand that its facility cannot be secure until it has met the just needs of our people. But, whether or not the Government of the United States is capable of understanding what it has done to us, what its own people would think of that, and what is in its own best interest, we are forced by our circumstances to insist to the last that our needs be met.

So that this Council and all the world can see what our demands are and how reasonable they are, let me outline what we have asked the United States to provide:

First and foremost, we have asked for a one-time capitalization payment of \$30 million for our membership corporation, the Kwajalein Atoll Corporation. If we can but obtain that capital, we can create businesses for the benefit of all the Marshalls and provide jobs for our people. The Kwajalein people are enthusiastic entrepreneurs. One of the few things that encourages me about Ebeye is the many little shops and stores our people have created in the most adverse of circumstances. In brief, we seek this tool so we can help ourselves to stand on our own feet.

(Mr. Balos)

Secondly, we have asked for improvement funds, the amount to vary with the period during which the United States intends to stay. If 15 years, then \$45 million, but if 30 years, then \$125 million. The reason why more is needed for the 30-year term is obvious: the improvements must last longer. What we ask may seem like a lot. However, when compared to our needs, caused almost exclusively by our concentration on Ebeye by the United States, it will be seen to be little. We need housing, schools, causeways, docks, sewage facilities, a hospital, and on and on. Even with the most careful and parsimonious use of the funds we ask for, our conditions will come nowhere near the standard of the Americans on Kwajalein Island.

Thirdly, we have requested an increase of \$2 million in the annual rental fee of the atoll. This is really not adequate, being only about \$350 per land owner, but if we receive the other elements of our proposal, we can make a future for ourselves with even this small amount.

Fourthly, we request that the United States make not less than 500 additional jobs available to us at the missile range. At this point, the Kwajalein people have only 130 jobs at this gigantic facility. That number has been stable for many years. There have been virtually no job opportunities at all for our younger people in recent years. Yet there are many functions on the base we could perform which are now performed by outsiders. Because the United States has prevented the Kwajalein people from pursuing a normal economy, such as that which exists on Majuro Atoll, our people have no alternative: it is these jobs or none. We simply cannot see any more of our children grow up without the opportunity to work. Our very self-respect is at stake.

Fifthly, we must have access to the emergency medical facilities of the United States. Only this year one of our people in serious condition was brought to Kwajalein by air from one of the outer islands. Even though the hospital was next door to the airfield, he was taken to the dock and put on a boat to Ebeye, where he died shortly thereafter. This condition is insufferable and must change.

Sixthly, the United States, in the course of its negotiations, has refused to agree to rehabilitate our land when it leaves and has made the preposterous demand that we pay for anything it chooses to abandon. Our position, which we intend to insist upon, is clear. A lessee in the Marshall Islands, as in the

(Mr. Balos)

United States, has an obligation to return the premises in good order, and fixtures are the property of the landowners, not the tenant. Based on law, not to mention equity, we maintain that at the end of its occupation the United States should remove all structures and other fixtures the Kwajalein people designate for removal, turn over to the Kwajalein people in good repair any structures and other fixtures the people designate for retention, and rehabilitate all land areas to their natural state of productivity.

Seventhly, and finally, the people ask that the United States provide the conditions necessary for the Kwajalein Atoll Corporation to function efficiently. This will require normal office space on Kwajalein Island but, what is more important, access and respectful treatment of the Corporation's directors, officers and employees. If we are to make a future for ourselves, the Kwajalein Atoll Corporation will play a vital role. We stress that the United States should take a helpful and co-operative posture towards the Corporation.

In conclusion, all peoples must have hope. For their part, the Kwajalein people simply cannot bear to go on as we now are doing, because to do so would deprive us of hope. We can renew our hope in two ways: the United States can co-operate in the programme I have outlined or the United States can give us back our atoll and go away. One way or the other, we are going to renew and sustain our hope.

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

Mr. KABUA: Before I present my petition I should like to introduce the other members of my delegation who are here with us. They are Alab Handel Dribo; Irai J Anjua Loeak; Senator Jolly Lojkar; our Mayor, Yashio Bolkeim; Mr. Laji Taft; Mr. Julian Riklon; and Miss Mary Kearney, our Counsel.

Mr. President, on behalf of the landowners of Kwajalein Atoll, who are represented here by the Kwajalein Atoll Corporation, please accept our congratulations on your election to the presidency of the Trusteeship Council.

The Kwajalein Atoll Corporation was organized in 1930. It is a non-profit, non-stock corporation with about 5,500 members. The members are the landowners of Kwajalein Atoll, that is, the persons who have rights in the atoll under Marshallese custom and tradition. The corporation is administered by a board of 15 directors, nine of whom are publicly elected, the other six being traditional leaders of Kwajalein. The corporation is the formal body by which the Kwajalein landowners deal with the outside world. It also handles the distribution of the money paid for the use of Kwajalein. That money, I might add, is distributed according to strict formulae based on acreage and per capita entitlements.

Relations between the Government of the United States and the landowners of Kwajalein lie at the heart of any future relationship between the United States and the people of the Marshall Islands. Because the Kwajalein Missile Range is the dominant economic component of the Marshall Islands, matters which touch upon and concern it and all the Kwajalein landowners have enormous impact throughout the Marshall Islands. It will certainly not come as news to the members of this body that the circumstances of the landowners of Kwajalein are not happy.

Starting with United States intercontinental-ballistic-missile testing in the early 1960s, literally thousands of the landowners have been required to live on Ebeye Island of Kwajalein Atoll, a very small place where more than 8,000 of us now make our homes, rather than on the other 90 islands of the atoll. I do not believe that most of the members of the Council or most Americans can comprehend what this means. The islands of Kwajalein Atoll enclose a lagoon with a surface area equal to the State of Rhode Island. Thus as one stands on Kwajalein Island

(Mr. Kabua)

at the far southern tip of the atoll and looks towards Roi-Namur at the northernmost point of the atoll, one is looking towards something which cannot be seen because it is 50 miles away over the horizon. If one turns slightly to the west to look in the direction of Ebaddon at the westernmost point of the atoll, one is looking towards an island that cannot be seen because it is 70 miles away over the horizon.

Before ballistic-missile testing began at Kwajalein, our people lived throughout the atoll and travelled across the lagoon to go from one island to another. The fish from the lagoon and the food and fibre from the surrounding islands formed the basic components of our way of life.

The implication of United States missile testing is not simply that a great many of our people are concentrated on one small island at the far southern tip of the atoll; it is much more profound. We are truly confined to that island. The control asserted by the United States Army over movement on the lagoon means that our people are not free to go about the lagoon to visit other islands, to fish to provide food for their families, or to obtain any relief from the overcrowding and the inhospitable conditions of Ebeye.

As my colleague Ataji Balos noted, there is no hope for resolution of this intolerable situation in the subsidiary agreements to the Compact of Free Association as they are at present drawn. Nor have we had any concrete reply to our proposal for compensation for the past use of Kwajalein and for the provision of adequate funds for business development and the creation of a viable Marshallese community on the atoll. The United States military has been using the land, waters and airspace of Kwajalein for so long that we think that they have tended to forget that our people, the landowners, are the ones from whom the rights of use are derived.

It might be helpful for both the representatives of the Administering Authority and the members of the Trusteeship Council to review the history of the use of land, waters and airspace since the beginning of missile testing at Kwajalein almost 20 years ago.

While the United States used Kwajalein from the date of its conquest in February 1944 for a long period of time, no money was actually paid for the United States occupancy of Kwajalein until agreements were made in 1963 and 1964. In 1963 an agreement was made by the landowners of Meck Island, a tiny island of only 37

acres, by which they agreed to accept \$5 per acre per year under the terms of a 99-year lease to the Trust Territory Government. That Government then made Meck available to the United States Army as a launch site and logistic support facility for missile testing. At that time the missiles tested at Kwajalein were for the development of a defensive or anti-ballistic-missile system. The Meck agreement was followed in 1964 by the so-called Kwajalein Island Agreement, by which \$750,000, or \$10 per acre per year, was paid for the 750 acres of Kwajalein Island for a period of 99 years, from 1944 to 2043. It must be recalled that this agreement covered only Kwajalein Island, plus several other very small islands near by and not the entire expanse of Kwajalein Atoll. This is a distinction which we believe is not always understood by officials of the United States military.

There were no further payments or agreements after the 1964 Kwajalein Agreement until an agreement was made regarding the use of the mid-atoll corridor where ballistic-missile vehicles actually re-enter the atmosphere and come into the Kwajalein lagoon. Although testing of missiles and their re-entry at Kwajalein started in 1964, it was not until 1970 that an agreement was made to compensate the persons removed from the mid-atoll corridor and concentrated on Ebeye Island. The first mid-atoll-corridor agreement, reached in 1970, provided for the payment of \$420,000 per year to the landowners who were displaced. That was renegotiated in 1976 to provide for the payment of \$704,000 per year.

The landowners filed a case in 1975 in the United States courts regarding the use of Roi-Namur, Kabua versus United States, but that case was lost. The reasoning of the United States courts was that while Roi-Namur was clearly private land, the owners, because they had not made a claim in time under the applicable six-year United States statute of limitations, could not successfully assert their claim in litigation. Thus the United States had the use of Roi-Namur from 1960 onward without any payment at all to the landowners.

(Mr. Kabua)

A few other very small islands of the atoll which were in use by the United States for actual missile-testing activities were sought to be condemned in 1966. These were Mr. Handel Dribo's islands of Omelek, Gellinam and Enewetak. They total 29 acres. This Enewetak Island of Kwajalein Atoll should not be confused with Enewetak Atoll.

The action to condemn Mr. Dribo's islands was delayed in the courts for many years, but finally resulted in a 1979 award to him of about \$192,000, providing for payment at a rate of \$810 per acre per year, expiring on 31 December 1981.

Meanwhile, in 1979, after the occupation of many islands of the atoll, the United States agreed to boost the level of Kwajalein compensation from the then existing level of \$704,000 per acre per year under the mid-atoll corridor agreement to approximately \$9 million per year, of which approximately \$5 million is paid in cash.

The 1979 Interim Use Agreement, like the prior agreements involving the Trust Territory Government, was set up as a dual agreement: the first part between the landowners and the Government of the Marshall Islands and the second between the Government of the Marshall Islands and the United States. The agreement reached in September 1979, which was applicable to the period 1 October 1979 through 30 September 1980, was renewed by the Marshall Islands Government the following year, as was the corresponding agreement between the Kwajalein Atoll Corporation and the Marshall Islands Government.

For the present year, which began on 1 October 1981 and expires on 30 September 1982, there was a renewal of the agreement between the Government of the Marshall Islands and the United States Government. However, the Kwajalein landowners, acting through the Kwajalein Atoll Corporation, refused to sign a new agreement with the Government of the Marshall Islands on the grounds that our claims for the past use of Kwajalein from 1944 through 1979 had not been satisfied.

(Mr. Kabua)

When President Amata Kabua signed the new Interim Use Agreement, he made United States Secretary of Defense Caspar Weinberger aware of the fact that the landowners had not signed an agreement giving the Government of the Marshall Islands the right to make Kwajalein available to the United States.

The present situation has a complicated history, but is actually simple and easy to understand. The old Kwajalein Island Agreement of 1964, the 99-year agreement, was made with the Trust Territory Government. The Trust Territory Government transferred its law enforcement capacity to the Marshall Islands Government in 1979 and no longer has the ability to enforce the 1964 agreement. Even if it had, the landowners take the view that the 1964 agreement, with its provision for payment of \$10 per acre per year, is grossly inadequate and not enforceable. In any event, when the trusteeship ends in the Marshall Islands on 1 October 1982 the Trust Territory Government will cease to have any further existence relevant to the Marshall Islands, and under generally accepted principles of international law regarding State succession it is clear the 99-year lease is the kind of agreement which is not enforceable on behalf of the Administering Authority against a successor State - in this case, the Republic of the Marshall Islands. So for practical purposes the 1964 agreement is not relevant to our consideration of the future use of Kwajalein. The mid-atoll corridor agreement, which was negotiated in 1976, provided for a mandatory 1981 review and also for a schedule of payments on certain dates. After the inception of the Interim Use Agreement format of payment for Kwajalein land use in 1979, complying payments under the mid-atoll corridor agreement ceased and no review was conducted of that agreement in 1981. Clearly, the mid-atoll corridor agreement is no longer a viable document.

The condemnation award regarding Mr. Dribo's small islands of Omelek, Gellinam and Enewetak expired on 31 December 1981.

(Mr. Kabua.)

There were never any documents relating to United States ongoing use of Roi-Namur, other than the Interim Use Agreements executed between the landowners and the Marshall Islands Government. As President Kabua's letter makes clear, there is no such agreement for the current year. Thus, the landowners of Kwajalein Atoll have now reached a point at which it is clear that the lands, waters and airspace of Kwajalein are ours to control.

In those circumstances, and given the apparent prospect of termination of the Trusteeship Agreement in the very near future, it was thought appropriate by the board of directors of the Kwajalein Atoll Corporation to conduct a referendum to learn the desires of the members of the Corporation regarding further United States testing of nuclear-weapon delivery systems at Kwajalein.

Acting on the authority provided by our board of directors when it enacted the referendum resolution, the officers of the Kwajalein Atoll Corporation have determined that the referendum on future use of Kwajalein should take place on the same day as the plebiscite in the Marshall Islands on the question of whether to go forward with the Compact of Free Association or with a status of independence for the Marshall Islands.

Just as the Marshallese people as a whole will vote on the status of the Marshall Islands as a whole, the Kwajalein landowners in particular will vote on the use of our own property.

Our Government - that is, the Government of the Marshall Islands - like the Government of the United States, is a Government of laws and not of men. The existing legal position on Kwajalein is one we believe the United States will respect. We believe everyone is in agreement that Kwajalein is privately-owned land, and we believe the evidence is overwhelmingly clear that there are no currently enforceable agreements by which the landowners of Kwajalein are obligated to provide it for use by the United States.

We are most grateful to the Trusteeship Council for the opportunity to present our petition, as we believe that the issues raised by the proposed continued United States use of Kwajalein after the trusteeship are of profound importance to the future relationship between the United States and the Republic of the Marshall Islands.

We shall be very happy to respond to any questions the Council may have regarding Kwajalein. I thank you for this opportunity and the privilege of appearing before you.

The PRESIDENT (interpretation from French): I thank Mr. Kabua for the kind words addressed to me. I now call on the last petitioner for this morning, Mr. Richard Gerry.

Mr. GERRY: I am a private trial attorney practising law in the city of San Diego and other parts of the United States. I and several of my colleagues in the United States have joined together in a project called

Marshall Islands Atomic Testing Litigation Project to represent individual people in the Marshall Islands in their claims against the United States Government for damages arising out of the nuclear testing in the Marshall Islands between 1946 and 1958. In that regard, we represent approximately 3,000 individuals who allege that they were injured in their persons as a result of the atomic testing and we represent 17 atolls and islands whose landowners allege that their properties have been taken from them without due process of law or have been reduced in value as a result of the atomic testing and its subsequent effects upon their lands.

I personally greatly regret having to be here and having to bring the claims of my clients before this body, where some of my remarks may be picked up and misused. I am a sixteenth-generation American. My name is on the Declaration of Independence of the United States, and my ancestors sat in Constitution Hall in Philadelphia and personally proposed some of the liberties that I and other people in this country enjoy, such as civil jury trial. I would come here in this critical capacity only as a lawyer representing clients, but I feel duty-bound to do that. Although I am proud of some of the things that my country has done, I must say that that pride stops short of what has happened in the Marshall Islands.

As I understand trust law, an Administering Authority, a trustee, owes a fiduciary duty to the appointing authority and to the beneficiaries of that trust. That fiduciary duty under American law is one of the highest duties persons can accept, and they are held strictly accountable for their actions. And those concerned should be held strictly accountable for their actions in the Marshall Islands. They agreed, when they took over the Trust Territory, to protect the

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inhabitants against the loss of their resources, to promote the social advancement of the inhabitants and to this end protect the rights and fundamental freedoms of all elements of the population without discrimination and to protect the health of the inhabitants. I am sorry to have to tell the Council that they have not only failed to do so but in fact created a monstrous condition in the Marshall Islands. That they did so unwittingly and unknowingly is evidenced by the fact that we did the same thing to ourselves by the testing that we conducted in the State of Nevada and the exposure of our people in Nevada and Utah to high doses of radiation and subsequent low-level ionizing radiation. It was thought to be necessary to do those tests in order to learn what we had and in order to protect the world from anything that might occur in the future such as happened in the late 1930s and 1940s.

I little thought, when I steamed into the Kwajalein lagoon on a liberty ship, while the guns were still echoing, that I would be here telling the members of this Council that the great injury done to that lagoon and those islands was not done by those guns but was done by what we did afterwards, when we took over and created what is one of the worst slums that I have seen in my travels around the world - and I have been in all the continents and seen some of the worst. The difference between this slum, which members have heard inadequately described, and slums in other parts of the world is that we, a trustee with a fiduciary duty, created it in a tropical paradise and maintained it, and still to this day refuse to do anything about it.

I represent, amongst others, the people of the atolls of Rongelap, Utirik and the Northern Marshall Islands. These two islands are recognized by the Congress of the United States to have suffered from fall-out from at least one nuclear blast - Bravo of 1 March 1954. The United States delegation to the Micronesian Status Negotiations refuses to this day to recognize that other atolls and other islands have likewise been injured. Mr. DeBrum, as a boy eight years old, stood on the reef fishing with his grandfather when the world turned red at Likiep and when the sound was heard, so that people ran in fright and hid. And later the mists came down. Although those people are being brought to the United States and having their throats operated on and their

(Mr. Gerry)

thyroids taken out, my Government refuses to admit that that was caused by the radiation from the nuclear testing.

The children on Rongelap received 1,000 to 2,000 times the permissible dose of radiation of their thyroid glands. Thus far we have seen about 150 people from the Marshall Islands brought to the United States to have their thyroids removed. At this moment, in Cleveland, Ohio, there are five Marshallese who are there for thyroid surgery. One of them is the nephew of Mr. Jeton Anjain, the Minister of Health of the Marshall Islands, who sits here. Despite the fact that all those Marshall Islanders have had this done and despite the fact that the United States has all their medical records, the United States still to this day refuses to turn over those medical records to the Government of the Marshall Islands or to their attorneys so that those people can get a second opinion and can have good medical attention in the future from people of their choice.

We have seen only the beginning of the problem, however. Although there are disputes about the results of radiation, there is little dispute that this radiation illness is a latent disease that manifests itself late, after the passage of many years.

(Mr. Gerry)

It has been suggested by no less a person than Dr. John Gofman, Professor Emeritus of Medical Physics at the University of California, Berkeley, one of the co-discoverers of Uranium-232 and Uranium-233, that the peak period is 40 years after the exposure, so that for those persons who were exposed by rubble in the subsequent and prior shots we are looking at the years 1990 to 1994 as the peak before we start down. He says:

"What I am saying is that every child under 15 years of age at irradiation at Rongelap should be destined to die of a premature cancer, and my prediction is that that will be the case, that they will die prematurely of cancer." The only way out, he suggests, is if they are in an automobile accident or are drowned.

However, that is only one of the manifestations of the problems that have been caused by our testing. We have in the Northern Marshalls hydrocephalics, microcephalics, mental retardation. We have children on Rongelap who are vegetables, who lie there with people fanning them to keep the flies off; who have never moved, never talked, never walked. We have children tied by their legs so that they cannot go out and hurt themselves. We have had years in the Marshall Islands that were called "the year of the animal" because there were so many deformities at birth. Stillbirths are common. There is a condition which we find there called a hydataform mole. Women spontaneously abort. At the beginning of the second trimester they develop a clump that looks like a bunch of grapes. Among the population here in the United States that happens in approximately one birth in every 100,000. That would mean that maybe they would have one of those births in the Marshall Islands every 120 years. But they have had, that we know of, 40 or 50 women with that condition. The women, in shame, do not tell people. We have a whole class of people in the Marshall Islands, beautiful young ladies, who are unmarriageable, because men are afraid that if they marry women from those areas they will give birth to monsters.

(Mr. Gerry)

We in our group have studied the radiological surveys and the food chain studies that have been done by the United States and we regret to inform this Council that, although we have asked for, and been promised, the raw data of those studies so that we could turn them over to our own scientists for their analysis, to date we have not received any of them. The most cursory look at some of the reports shows that they are not of any great validity in making a determination as to whether or not a person should today live on Rongelap, Utirik, Alingenal or any of the Northern Islands. In the first place, the radiological survey was done on only some atolls. The dosage levels that were assigned as permissible were artificially high acceptable doses. The findings were averaged between hot spots and cool spots to bring down the radiation levels.

The food chain studies that are just being published assigned a diet for the Marshallese people that they never ate. It did not feed them enough coconut, so that they could say that if they only ate this amount of coconut they would not have a problem. They averaged the food together so that if they had a hot fish with a bunch of cool fish they would get a few warm fish. They only tested the muscle of the fish and not the viscera and the brain, which are eaten by the Marshallese people, and they had through this, it seemed to me, a cover-up of the problems that were there.

It was with pride that I read section 177 of the Compact, which said that the Government of the United States accepted responsibility for compensation owed to citizens of the Marshall Islands for loss or damage to property or person from the nuclear testing programme. At least we were going to live up to our responsibilities to these people and although we could not make them whole, we could not give them their land back, or their health back, or their children or their parents back, we would at least do what we could to compensate them.

I am sorry to report to this Council, however, that when I entered the negotiating phase of 177 (b), which said that there would be a process established to take care of that compensation, I found that the process that was being used was that of pressuring the Government of the Marshall Islands in such a fashion that any meaningful compensation to the people of the

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Marshall Islands for the property damage and personal injuries that they had suffered would be lost.

I do not want to go into those negotiations at any great length, but I would say to this Council that it seemed to me that the United States - in the language of Montana, where I come from - was speaking with a forked tongue. On the one hand it said to the Marshall Islands people, "We cannot give you the medical records. We can only give them to the people. You are not a sovereign body. You are not the next sovereign body. We cannot turn over that material." On the other hand it said to the Marshall Islands Government "You are sovereign. You should espouse the claims of your people." Why? Because, if they espouse the claims of the people, we as attorneys in the United States can no longer press the claims in the courts of the United States. But in doing that they also did something else: they ignored the long democratic history of the Marshall Islands people. We used to have in New England a democratic procedure called the town meeting. When they wanted to decide anything, everybody went to the meeting hall, everybody got to talk and everybody got to vote on every issue. As our society became more complex and as there were more people, we dropped that art of ours. But that is how they decide things in the Marshall Islands: town meetings, island meetings, atoll meetings. They get together, they talk, everyone has a say, and then they vote. However, our Government, in these negotiations, says, "No; this is Government to Government. You, Mr. DeBrum, must speak for all your people, whether or not they like what you say." I am sorry to see my Government taking a position which would lead to less, rather than more, democracy in the Marshall Islands.

I do not want to take a great deal of time repeating what has already been said to the Council. I would say, however, that when I was on Ebeye, I thought it was much worse than has been told here. These people have used nothing but restraint in their remarks about it. I went to the hospital they have spoken about. The delivery room was unusable; the toilet in the labour room had been stopped up for four years; the ceiling had fallen down. Children, connected to intravenous feeding apparatus, were lying on beds without any side rails. If that happened in the United States we would sue, and we would recover damages if the children fell out.

(Mr. Gerry)

That is all that these people have asked; our clients have asked to be able to go to court. But in the negotiations the United States Government said, "No, the Government of the United States must espouse your claims". They did not ask to go to a foreign court, they did not ask to go to a world court, they asked to go to a United States court, before a United States judge who had been appointed by a United States President. That is all they asked, equal rights with those of us in the United States; a chance for a day in court to present their claims.

I am not versed in the diplomatic language or the niceties of this body. I apologize if I do not use that language. I am versed in the language of the court and sometimes we are not quite as gentlemanly as the diplomats. I do not really know your procedures, but it seems to me that if the Council appointed the United States as trustee of this Territory then the Trusteeship Council should demand of them, suggest to them, recommend to them, or whatever the Council can do to get their attention, that they should turn over all this raw data that they have in their possession so that it can be looked at by independent scientists; that they should provide the funding for an independent radiological survey, not only as they have done in the northern Marshalls, but in all of the islands; that they should provide an independent medical survey of all the Marshall Islands' people, not just the people of Bikini, Enewetak, Rongelap and Utirik; and that they should provide medical records that they have on all these people. The Council should recommend to them that they pay just compensation - as they say they will in section 177 - for personal injuries, past and future; for the property damage and confiscation that has occurred; for the anthropological, sociological and psychological disruption and injury of a whole people; that they provide the forum that is being asked, a United States court; and that they not threaten, as they have, to use the procedural defences as they did in Kabua versus United States, and throw these people out. They are not a contentious and litigious people. They sat and they took it and they took it, until they had had more than their fill, before they went to court. And then our Government raised the Statute of Limitations and said, "You should have slept

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on your rights". Let us not have that. I say to my fellow Americans in the United States delegation: these are a gentle people. They are not like us, versed in war and litigation. They come here in love and they forgive us for what we did. Members have not heard angry words or strident tones from them. We poisoned their land, we poisoned their bodies, we poisoned their future generations. Let us not poison their hearts and their minds and their souls, so that they fail to understand that the United States is the great democracy that it is. Let us by our actions prove to them that we still believe this truth to be self-evident: that all men and women are created equal, including Marshall Islanders. Let us prove to them further that, not only are they endowed by their Creator with certain inalienable rights but also, by virtue of their steadfast friendship for the United States, they have access to our courts, they may participate in our system of justice, which, from my experience throughout 25 years, I assure the Council is the best ever created on this earth by man.

The PRESIDENT (interpretation from French): We have now heard all the petitioners who asked to speak this morning, and I shall therefore call on those delegations wishing to address questions to the petitioners.

Mr. HUMFREY (United Kingdom): My delegation has listened with interest to all the petitioners who have come before the Council. We have taken careful note of the points which they have raised and we shall, of course, consider them seriously when we come to assist in the drafting of the conclusions and recommendations of the Council's report.

May I at this stage ask a question of the representative of the Focus on Micronesia Coalition, Reverend Paul Gregory. He referred to a study made by the East-West Center of Hawaii, in which the Trust Territory of Micronesia came twelfth out of 14 Pacific island entities in terms of economic dependence and vulnerability. I wonder if he could give the Council some more details about how this result was arrived at and in what sense economic vulnerability is meant in this study. Which, for example, were the Pacific island entities which came out well from the list, and how does the per capita income of those that came out well compare with that in the Trust Territory of Micronesia?

Reverend GREGORY: I do not have that information available, but I believe our staff consultant will in a moment be able to supply answers to some of the questions of the representative of the United Kingdom.

Sister Barbara GLENDON: I think perhaps the best way to answer your questions would be to provide you with a copy of the study, which lists the criteria that were used to determine economic vulnerability, and the other entities and their ranks in the different areas that were used. It covered such things as foreign aid dependency, diversity of exports, food substitutability, dependency upon imported fuel, fiscal integrity and political constraints. I should be happy to leave a copy of this study with the Secretariat and it could be given to members of the delegations, if that would be satisfactory.

The PRESIDENT (interpretation from French): Sister Barbara Glendon has suggested that we distribute a written document to members of the Council. If there are no objections, this procedure will be followed. If she will give the copies to the Secretariat, that will be done.

Mr. HUMFREY (United Kingdom): I have one further question for the Focus on Micronesia Coalition concerning the reference made to the growth of serious social problems in the Trust Territory. Concern was expressed that the Administering Authority is leaving responsibility for coping with these problems to the new Governments of the entities.

(Mr. Humfrey, United Kingdom)

It occurred to us to wonder if it were not best that the local communities, providing of course that they have the necessary resources, should not take the lead in devising solutions to the problems within their communities since they would be in a position to bring to bear their own local understanding and traditional values in seeking such solutions.

Reverend GREGORY: We would agree completely with that position but we feel that there must be provision on the part of the United States elements to make it possible for the Micronesian entities to carry out the programmes that they deem necessary in order to deal with these social programmes that have arisen. We see this as particularly necessary in the whole area of education, for example. An educational programme has been set up that is quite inappropriate in many ways for the needs and the development of the islands. This must be transformed in ways that will at this point serve the needs and the priorities of the Micronesian people.

Mr. BARELLI (France) (interpretation from French): My delegation listened with a great deal of interest to the petitioners who spoke this morning. I think that their statements were significant; indeed, in quite a few respects they were moving, and they were certainly very useful for the work of the Trusteeship Council at its present session.

I should like to ask questions regarding statements made by the representatives of the Kwajalein Atoll, and in particular regarding the petitions of Mr. Balos and Mr. Kabua. I have taken note of their petitions. Of course, we will need more time and further reflection to come to an opinion on the facts and figures they put forward. In order to form a more complete opinion we also, of course, will need to hear the point of view of the Administering Authority regarding the facts to which they referred.

However, after having listened to those petitioners, a few ideas come to mind at this stage.

The first is that we have been told that more than 8,000 persons are confined within a very limited space, while a military base takes up most of the atoll. Those 8,000 persons make up approximately one fourth of the total population of

(Mr. Barelli, France)

the Marshall Islands - which is a quite considerable figure. Of course, the fact that so many persons are confined to such a limited space does not, at first glance, seem to accord with Article 76 of the United Nations Charter dealing with the objectives of the Trusteeship System and, in particular, the role of the Administering Authority in promoting the political, economic, social and educational advancement of the inhabitants of the Trust Territories.

The second idea that comes to mind concerns the future of the military base in question on the atoll. This matter should be settled between the sovereign government of the Marshall Islands and the United States at the termination of the agreement between the Territory and the United States Government.

My third comment is that, while final settlement of this question is awaited, facilities should be immediately provided to the inhabitants of the atoll as regards fishing rights, freedom of movement throughout the atoll and use of the base facilities, especially its medical facilities.

My last comment is that the inconvenience and damage caused by the presence of the military base and the use of the land involved should be appropriately compensated for, and this leads me to ask two questions of the Administering Authority that it might answer either right now or in more detail at a later meeting.

My first question is as follows. Does the representative of the Administering Authority confirm or, on the contrary, does he dispute the picture of the situation that was painted by the petitioners? I think this is an extremely important question and picks up what I said at the beginning - that we need to have the point of view both of the petitioners and of the Administering Authority in order to reach a final opinion.

My second question is linked to the first. What provisions has the Administering Authority planned to make, or already made, in order to take into consideration the claims of the population of Kwajalein Island?

The PRESIDENT (interpretation from French): We are at the moment at the stage of putting questions to the petitioners, but I think that if the Council has no objection the questions just posed could be answered since they are indeed linked to the statements of the petitioners. Therefore I should like to ask the Administering Authority if it wishes to reply now.

Mr. SHERMAN (United States of America): We shall be happy to respond to the questions posed by the representative of France, but we would prefer to do it at a later meeting when we have more figures at hand concerning some new budgetary information.

Mr. BARELLI (interpretation from French): I can understand that the representative of the United States prefers to wait until a later meeting to give as detailed and complete an answer as possible to the questions that I have raised today. I would, in particular, request the representatives of the Administering Authority, in the response they will be providing my delegation, to clarify whether it is true that, as Mr. Balos stated in his petition, the people of Kwajalein are refused access to the hospital on the military base even for emergency care.

The PRESIDENT (interpretation from French): I believe that the Administering Authority has taken note of the questions asked by the representative of France and that it will respond later.

Mr. BEREZOVSKY (Union of Soviet Socialist Republics) (interpretation from Russian): I should like to note the fact that the statements made today by petitioners - as well as those made in the past few days - are extremely important for the work of the Trusteeship Council, and I consider that, in producing the report of the Trusteeship Council to the Security Council, the views expressed in the petitions, both oral and written, should be adequately reflected. There can be no doubt that these statements should have an effect on the conclusions and proposals that the Trusteeship Council will be making in its report to the Security Council. We, as well as other delegations members of the Council, will carefully study the statements made by the petitioners today, and at an appropriate stage and in an appropriate manner, we will be ready to make comments on them.

I have one question in connexion with the statement made today by the representative of the Focus on Micronesia Coalition organization. A rather significant portion of that statement concerned the question of political education for the population of the Trust Territory. Particular note was taken of the fact that certain documents are not available to the people of Micronesia, and in that connexion I should like to raise that same question. Bearing in mind the fact that the members of that organization, as I understood from their statement, visit the Territory rather often, I would be interested in knowing how the Coalition evaluates the process of political education in the Territory as compared to other "alternatives" - as they are called by the representative of the Administering Authority - to the political future of the Territory? To what extent is the political education of the population of the Territory designed to inform the people of the possibilities of achieving independence, and are the people being informed of the possibilities of achieving such independence?

The PRESIDENT (interpretation from French): Before calling upon the representative of the Focus on Micronesia Coalition, I would like to tell the representative of the Soviet Union that he has anticipated something that I was also going to say, namely, that all petitions would be carefully considered and duly taken into account when the Council prepares its annual report to the Security Council. In due course, therefore, the President will be convening a small drafting group, and the representative of the Soviet Union will quite naturally participate in that group if he so wishes.

I invite the representative of the Focus on Micronesia Coalition to reply to the question that has been raised by the representative of the Soviet Union.

Reverend GREGORY: I think a portion of our response is obvious from the statement we made. We do not feel that the process of political education has proceeded as it ought. We feel, especially at this time, that such education ought to focus on the draft compact of Free Association and the associated subsidiary agreements, but we feel very definitely that that process has not moved along.

Some of the church groups that we represent have attempted to aid this process by making available copies of some of the documents and commentaries we felt might be of use, but we see this not as something that can be accomplished by groups external to the situation, but rather as a process that must be aided by the Government and especially by the Administering Authority. We feel very definitely that that process has not moved as it should, and therefore our statement has been made in the way in which we have made it.

Mr. BEREZOVSKY: (Union of Soviet Socialist Republics) (interpretation from Russian): Unfortunately, I did not get a full answer to the question as to how the process of political education is being implemented, with regard to the achievement of independence by the people of Micronesia. The Coalition apparently does not have available that kind of information - at least, that is the conclusion one could come to.

I also have another question for the group. References were made to the negative phenomena created in the life of the Micronesian people by the presence of the United States on the territory of Micronesia, negative phenomena of a social nature - problems of unemployment, cases of suicide among young people, alcoholism and other forms of crime.

The representatives of the Coalition said that the United States Government could have undertaken - indeed, was obliged to undertake - appropriate measures in accordance with its duties to the people of Micronesia under the Trusteeship Agreement in order to prevent the appearance and growth of these negative phenomena in the life of the Micronesian people. Could the group's representatives expand somewhat on this matter? Could they go into more detail regarding that portion of the petition they submitted to us today?

Reverend GREGORY: I would ask Mr. Alexander of Upsala College to respond to that question.

Mr. ALEXANDER: The Charter of the United Nations requires that the Administering Authority of a Trust Territory "promote to the utmost ... the well-being of the inhabitants" of a Trust Territory. During the period of the American administration of Micronesia under the Trusteeship Agreement a number of social changes have occurred among the Micronesian people. Many of those changes have not been for the better. The representative of the Soviet Union mentioned the alcoholism problem. There are indeed many other problems. There are problems such as the very basic change in the family structure that occurs when people move to urban areas such as Ebeye. There is the problem of juvenile delinquency. There is the problem of nutrition, because the people of Micronesia have simply not had the information available to them with regard to how to cope with a changing situation in which food must be purchased.

There are a number of areas in which there have been changes among the Micronesian people, and what the Coalition wishes to point out is that, although these changes may have occurred already during the administration by the United States, the United States continues to have a responsibility, and that responsibility is to make sure that the people of Micronesia have the information needed to cope with their own future under those changed circumstances. We referred, for example, to a study which might be done, indicating the effects on the people of Micronesia of the American administration period.

(Mr. Alexander)

The point of this is to provide the people of Micronesia with the questions which they must ask in order to make sure that they can deal carefully and thoughtfully with their own future. I am impressed by the fact that the Micronesian representatives here today seem to be asking very important questions about their own future. It is important that all the people of Micronesia know the implications of their future behaviour and their future situation. For example, when people move from the outer islands to Ebeye, are they aware of the fact that there is a likelihood that their children will get into more trouble on Ebeye? Are they aware of the fact that they need to have nutritional information in order to make choices among the various foodstuffs available to them? Do they have the information available to make those choices?

In short, what the Coalition is suggesting is that an inventory, so to speak, must be made of where the Micronesian people stand, what sorts of questions they might be asking themselves about where they stand, and what they need to do in the future.

Mr. BEREZOVSKY (Union of Soviet Socialist Republics)(interpretation from Russian): I should like to thank the representatives of the group and the other petitioners. I reserve my right to ask a series of questions in the future. Members will understand that at the moment, not having studied the statements carefully, it is very difficult to formulate such questions.

I understand that Mr. Tenorio will be leaving New York this morning, and I should like to ask him a question in the light of the statement made by the representative of the Administerign Authority.

What are the present programmes for the protection of that region from nuclear fall-out? As far as I remember, a large part of Mr. Tenorio's statement was devoted to the question of how to eliminate radioactive fall-out and how to bury nuclear waste materials.

Mr. TENORIO (Special Representative): It has always been the wish of the people of the Commonwealth to request the Government of Japan and the Government of the United States to settle the matter. Our island is surrounded by water and our economy depends upon the surrounding waters; when the Japanese people decide to dump nuclear wastes approximately 500 miles north of Maug Island, there is no guarantee that there will not be leaks at some time in the future. It is also possible that in the event of a leak we may be affected because of the current, and because some of the migratory fish may reach the waters surrounding our island.

We beg the understanding of the Japanese Government to see if they can resolve this matter.

Mr. BEREZOVSKY (Union of Soviet Socialist Republics) (interpretation from Russian): Perhaps it was, strictly speaking, not to Mr. Tenorio that my question on this particular problem should have been addressed. But it appears from what he has just said that there is a wish on the part of the Micronesian people to guard against the danger of contamination of the environment by radioactive wastes. In that connexion I should like to know what the Administering Authority in the Northern Mariana Islands is doing to meet those wishes of the Micronesian people? What steps are being taken in order to provide for the safety of the Micronesian people in this respect? We heard earlier a statement by Ambassador Sherman to the effect that the United States itself did not intend to bury or dump radioactive wastes in that part of the globe, and that was all that he had to say on the matter.

Mr. SHERMAN (Special Representative): I did indeed make a statement on this question several days ago. I would note that it is the Government of Japan that proposes to dump these low-level nuclear wastes. It announced these plans some years ago. The site involved is not within the Trust Territory of the Pacific Islands. It is in international waters at a distance of some 350 miles north-east of the Ogasawara Islands of Japan and about 560 miles both from Tokyo and from the Northern Mariana Islands. I cannot speak, of course, for the Government of Japan on this, but the site concerned is part of the high seas as defined by international law and the Law of the Sea Treaty. Japan is a party to the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matters - referred to as the "London Dumping Convention" - and Japan intends to become a party to the consultations and surveillance mechanism of the Nuclear Energy Agency which monitors ocean disposal activities in accordance with

(Mr. Sherman, Special Representative)

international standards. As long as Japan abides by these international standards and commitments the United States has really no basis on which to oppose the test dumping. It is not within our jurisdiction as the Administering Authority. I would reaffirm that for our part we have no intention of disposing of nuclear wastes within the Trust Territory of the Pacific Islands or in adjacent waters.

Mr. BEREZOVSKY (Union of Soviet Socialist Republics) (interpretation from Russian): I should like, in connexion with today's statements by the petitioners, to request the representative of the Administering Authority to prepare an appropriate answer. Moreover, I wish to associate myself with the question which was asked by the representative of France. I do not want to repeat my question and find different wording for it. Therefore I shall associate my question with that of the representative of France and shall await an answer from the Administering Authority.

The PRESIDENT (interpretation from French): From the statements of the representative of the Soviet Union I understand first of all that he has exhausted his series of questions addressed to Mr. Tenorio who will therefore be leaving us at the end of this morning's meeting. I should like to thank Mr. Tenorio for the outstanding contribution he has been kind enough to make to the Council's meetings so far and wish him a good journey home.

Secondly, I understand that the representative of the Soviet Union is associating his question with one that had previously been asked of the Administering Authority by the delegation of France. I think that the delegation of the United States has taken due note and will answer at a later stage, as it stated earlier this morning.

Thirdly, the members of the delegation of the Administering Authority are ready to answer questions which will be asked of them this afternoon and the representative of the Soviet Union therefore will continue asking his questions of the Administering Authority.

I should like to stress that the Council appreciated the outstanding contribution made by the petitioners during their statements. I should like to assure them, as I have already, that their petitions will be carefully studied by the members of the Council and that due note will be taken of them when the Council begins dealing with the preparation of its annual report for the Security Council.

The meeting rose at 1.00 p.m.