Fifty-fourth Session

VERBATIM RECORD OF THE SIXTEEN HUNDRED AND THIRTY-FOURTH MEETING

Held at Headquarters, New York,
on Wednesday, 20 May 1987 at 10.30 a.m.

President: Mr. BIRCH (United Kingdom)
later: Mr. GAUSSOT (France) (Vice-President)

- Organization of work
- Examination of the annual report of the Administering Authority for the year ended 30 September 1986: Trust Territory of the Pacific Islands (continued)
- Examination of petitions listed in the annex to the agenda (see T/1908/Add.1) (continued)
- Hearing of a petitioner

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Any corrections to the records of the meetings of this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.
Here attention is drawn to the fact, and the question is raised before the United Nations as to whether the Organization can guarantee that if they yield the Territory will not become yet one more United States base and the people of Palau will not suffer the same fate as the inhabitants of Diego Garcia.

Further, this petition protests against the typical disgraceful treatment of the islanders. It states that the United Nations should support Palau and take prompt and effective action to ensure that such acts are not repeated endlessly.

HEARING OF A PETITIONER

The President: If no other member wishes to comment on this document, I propose that we now hear the petition of Mr. Glenn H. Alcalay, if that is acceptable to the members of the Council.

At the invitation of the President, Mr. Alcalay took a place at the petitioners table.

The President: I now call upon Mr. Alcalay.

Mr. Alcalay: I should like to preface my statement with an apology for the inconvenience I have caused the Council because of my absence last week.

I am grateful to the Trusteeship Council for the opportunity to appear before it today on behalf of the National Committee for Radiation Victims, a public-interest organization which works on behalf of people exposed to radiation from nuclear testing and all phases of the nuclear-fuel cycle.

My involvement with the people of the Trust Territory of the Pacific Islands began 13 years ago, when as a young Peace Corps volunteer I stepped ashore at Utirik Atoll in the Marshall Islands. Knowing in advance that Utirik – like Rongelap, its neighbour – had been hit with dangerous levels of radioactive fall-out, I was reminded of the frightening saga of the post-nuclear world captured
in Nevil Shute's modern classic *On The Beach*. Little did I know then that Utirik would ever change my way of looking at the world.

Since my Peace Corps days I have maintained an intimate connection with the people of the Marshall Islands, and most recently I had the opportunity to sit in the federal court room of Judge Kenneth Harkins with several Marshall Islanders during the historic oral argument concerning the ongoing radiation litigation in the United States Court of Claims. Today I am conducting research on the socio-cultural impact of the United States nuclear-weapons programme in the Marshall Islands, and am based at the Graduate Faculty of the New School of Social Research here in New York City.

At issue today is the pending termination of the last remaining Trust Territory under the so-called Compacts of Free Association. I ask the Council to consider the following history of events.

Is it not more than a mere irony that the United States unilaterally took possession of Bikini Atoll in March 1946, caused the forced dislocation of the Bikini people and commenced its nuclear experiments in July 1946, one year before signing the Trusteeship Agreement the following year? And today, as Administering Authority, the United States is again attempting to act unilaterally as it seeks to terminate the trusteeship in a less than honourable, back-door manner. The best that can be said about the behaviour of the Administering Authority towards the Trust Territory is that it has acted with premeditated consistency as it has taken every conceivable advantage of the island inhabitants during its four-decades-long administration.

This Council is quite familiar with my previous petitions concerning the ongoing health and environmental problems associated with the nuclear-testing legacy in the Marshall Islands. Although I shall briefly touch on some of the
current problems which stem from the nuclear tests, I shall today focus primarily on the serious question of coercion on the part of the Administering Authority during the past 40 years of trusteeship.

Following the polio epidemic on Ebeye Island at Kwajalein Atoll in the early 1960s, 10 years after the discovery of a polio vaccine, the Administering Authority was closely scrutinized by this Council. Likewise, President Kennedy, who was embarrassed by this revelation, called for an immediate policy review of Micronesia. With his friend and Harvard economist as commission chief, Kennedy ordered Anthony M. Solomon to conduct an investigation of the situation in the Trust Territory during the summer of 1963. In what came to be known as the Solomon report, most of which is still classified for obvious reasons, a new United States policy for Micronesia was developed. It is a sad truism that in 40 years of administration the only viable product of development was the commission and implementation of the policy contained in the Solomon report.

Far from being a mere historical anecdote, the Solomon report contained recommendations which ring as true today as they did 25 years ago. For example, on page 8-2 of the report it is stated that

"The President, on April 18 1962, approved National Security Action Memorandum 145, which set forth as United States policy the movement of Micronesia into a permanent relationship with the United States within our political framework".

More to the point, the Solomon report said that

"Micronesia is not now United States territory; we wish it to become so. To accomplish that, we must convince the United Nations and the Micronesians that a measure of self-government will be given".
In a previous passage I used the term "premeditated consistency" in reference to how the Administering Authority has conducted its affairs with the Trust Territory. In a quite startling passage that sounds shockingly familiar with today's impasse concerning pending termination, the Solomon report clearly anticipated problems within the United Nations, as expressed in the following passage:

"If, after the plebiscite[s], a Security Council resolution recognizing the freely expressed act of Micronesian self-determination and formally terminating the Trusteeship Agreement were to be vetoed, the United States would presumably take certain actions. It is not the Solomon mission's province to recommend overall tactics in the United Nations, but it should be stressed that from the Micronesian viewpoint reasonably rapid recognition of their act of self-determination should be taken by the United States without awaiting the results of a drawn-out debate in the United Nations."
So that Micronesia's future would not be ambiguous, the Solomon Report literally spelled out what the United States had in store for the Trust Territory:

"Looking forward to the period after the plebiscite when Micronesia may become another United States Territory, it would seem logical that it should follow the pattern of Guam, the Virgin Islands, American Samoa and, until recently, Alaska and Hawaii."

So much for "self-determination."

When journalist Bob Woodward, of Woodward and Bernstein Watergate fame, splashed a front-page story about Central Intelligence Agency (CIA) bugging in the 12 December 1976 edition of the Washington Post, many people in Micronesia were not surprised. Micronesians had known for several years about the CIA jungle training base in Saipan that was used for training Chinese Nationalists from Taiwan in anticipation of a United States-supported invasion of the Chinese mainland and later used for training Viet Nam advisers. Similarly, it was no surprise when President Nixon appointed Haydn Williams in 1971 to serve as chief United States negotiator in the nascent years of the post-Trusteeship talks. According to former United States representative to the United Nations Donald McHenry, Williams's past association with the Asia Foundation located in San Francisco provided him with the credentials necessary for his appointment. The Asia Foundation, says McHenry, "was created in the 1950s to provide proper training and education for promising foreign leaders" (Micronesia: Trust Betrayed, Carnegie Endowment Foundation, Washington D.C., 1975, p. 104).

Reports in The New York Times at the time alleged that the Asia Foundation received major funding from the CIA.

According to Woodward's story in the Washington Post, Haydn Williams stated that the intelligence information gathered in Saipan since 1971 "was useful because the Micronesians are tough negotiators."
The Washington Post article went on to describe how the CIA conducted clandestine intelligence operations which were aimed at discovering the negotiating position of island leaders who had been talking since 1971 of independence from the United States. By assigning Haydn Williams to negotiate the status negotiations with the Micronesians and by resorting to the use of the CIA in Micronesia, the Administering Authority provided manifest evidence about the high-stakes game the United States was engaged in as it attempted to consolidate a group of islands into the United States orbit in a strategically sensitive portion of the Western Pacific.

For several years the Council has heard me argue about the validity and legitimacy of the 7 September 1983 plebiscite in the Marshall Islands. It may be recalled that I have repeatedly called into question the available knowledge for the average voter in the Marshall Islands about the full extent and breadth of the radiation legacy wrought by more than 66 atomic and hydrogen bombs in their islands between 1946 and 1958. The Council has also heard me point out that because a truly independent and non-governmental radiological and health survey has never been conducted in the Marshalls, the average Marshallese voter was unable to make an informed and intelligent decision about the full extent of radiation damage in the Islands and, therefore, was unable intelligently to make a decision about section 177 of the Marshalls Compact.

Is this a moot and irrelevant point I make? Not according to the Council's own Visiting Mission, which observed the 1983 plebiscite in the Marshall Islands. In its official report of 10 April 1984, the Visiting Mission made the following observations:

"The political campaign centred on the two questions of compensation under section 177 of the Compact and compensation for the Kwajalein Missile Range. Voters appeared to be faced with the decision of whether to settle for the amount offered in the Compact and therefore vote "yes," or to vote "no" in
the hope of getting more in the courts— a difficult decision on which they were offered much conflicting advice. No other subject attracted comparable attention in the campaign". (T/1865, para. 30)

As the Visiting Mission readily observed, the issue of radiation in the Marshall Islands was indeed "a difficult decision on which they were offered much conflicting advice." I submit to the Council that, in the aftermath of the nuclear testing programme in the Marshall Islands, the Administering Authority has succeeded in suppressing vital information about radiation levels and the concomitant health risks associated with past and current exposures to radiation. That the Administering Authority has blocked all efforts to conduct a full-scale epidemiological health survey of the Northern Marshall Islands in order to ascertain base-line health information is tantamount to covering up the radioactive legacy in the islands.

With these rather serious allegations in mind, I wish to direct the Council to a recent sworn affidavit filed by Tony DeBrum, the current Minister of Health of the Republic of the Marshall Islands, in the United States Court of Claims on 20 April of this year. Minister DeBrum, as the former Foreign Secretary and Minister of Foreign Affairs, was a key negotiator for his Government during the Compact negotiations.

In his recent bombshell affidavit, Minister DeBrum revealed in no uncertain terms what had been suspected all along, namely, that the United States used coercion against the Government of the Marshall Islands in the Compact negotiations. In a clear and unambiguous manner, Minister DeBrum makes manifest what many of us had always suspected:

"During the early negotiations of the Compact, the Government of the Marshall Islands had requested and fought for the statement of section 177 of the Compact, in which the Government of the United States admits its liability for
for all claims that arise out of the nuclear testing programme. Thereafter, it has always been the steadfast position of the Government of the Marshall Islands and its negotiators that the United States should negotiate with the individual claimants through their chosen representatives and that the claims should be negotiated with those claimants and not between Governments.

"The United States at all times, therefore, controlled the entire economy of the Marshall Islands. It could and did, during this period, provide or withhold funds for public purposes in order to pressure the public officials of the Marshall Islands into political positions desired by the United States. ... The United States Government began to use that debt burden to put pressure on us to include the nuclear claims and the espousal thereof in order to obtain the necessary funding which had been previously promised.

"The Government of the Marshall Islands held out as long as it could against this pressure. Eventually, however, an ultimatum was issued by the Government of the United States. We either had to include the claims and espousal or forgo the Compact of Free Association and remain as wards of the United States Government under the Trusteeship of the United Nations.

"Certain inducements were made to the Government of the Marshall Islands to cause it to support the Compact of Free Association during the plebiscite of the people of the Marshall Islands. ... After the plebiscite was completed the Government of the United States unilaterally changed the provisions of the Compact through its internal legislative process by withdrawing from the Compact these provisions which had induced some of us to support the Compact in the plebiscite, thereby making a mockery of the Marshallese people's act of self-determination. Following the passage of the Compact of Free Association by the United States Congress, the changed Compact was not presented to the people of the Marshall Islands for a new plebiscite."
(Mr. Alcalay)

"Espousal never should have been in the Compact. It is illegal and unconstitutional under the Constitution and laws of the Marshall Islands. It was included because of coercion by the United States Government upon the Government of the Marshall Islands."
"Although the United States held out the prospect that we would achieve sovereignty if we acceded to their many demands, even that prospect has proved illusory. So far in our negotiations with the many Governments which we have approached, only one, the former Government of the Fiji Islands" - that would be two Governments ago - "has welcomed us to the family of nations as an independent sovereign State. All others have refused to deal with us as a sovereign State on such questions as landing rights, etc. For example, Japan has refused to negotiate reciprocal landing rights, stating that the Trusteeship has not yet been terminated. The Asian Development Bank has denied us membership because of its position that we are not sovereign and the Trusteeship has not ended."

For this Council's deliberations, I wish to make available a copy of the aforementioned sworn affidavit of Minister Tony DeBrum and request that it be included as an official United Nations document.

As may readily be inferred from the damming indictment by Minister DeBrum, the Administering Authority has placed great value on extracting the espousal provision from the Government and the people of the Marshall Islands. As mentioned previously, because we still do not have an independent and non-governmental assessment of radiation-related damage in the Marshall Islands - a point this Council has heard on innumerable occasions - it is rather suspicious that the United States was so intransigent on the espousal issue. Obviously fearful of an independent radiation survey in the Marshalls and equally fearful of the Marshallese plaintiffs having their day in court, the Administering Authority has behaved rather unscrupulously as the 40-year guardian of the welfare of the island people of the Trust Territory. As the invasion of the island nation of Grenada -
with a population equal to Micronesia - has shown, and as the continued war by a
super-Power against the tiny nation of Nicaragua has also demonstrated, the United
States has succumbed to the moral equivalence of a third-rate nation.

When the tiny island nation of Palau mandated the world's first nuclear-free
constitution in 1979, little did the 14,000 people realize that they would become
involved in a David-and-Goliath saga lasting for several years. Today, after seven
separate referendums on the nuclear-free constitution in what have come to be
called "demonstration elections", the Palauan Government is set for an eighth role
of the dice. While the rest of the world watches in complete dismay, it is truly
difficult to fathom how the United Nations - and this body in particular - can
manage to keep a straight face while the Administering Authority further desecrates
the principle of democracy that it helped to instill among the people of Palau in
the past 40 years.

And just what are the stakes at play here? We have heard denials on the part
of the Administering Authority about alleged plans to use Palau as part of a
defensive "fall-back arc" in the event the critical Philippine bases are closed
beyond the current 1991 expiration date. Yet, one of the key negotiators in the
Office of Micronesian Status Negotiations (OMSN) - James Berg - spoke quite
candidly about the United States real interest in Palau. In an interview with the
According to the article in the Post:

"Militarily insignificant by itself, Palau offers the potential for refuelling
stops and reconnaissance operations in support of larger facilities under
construction for Guam and the Northern Marianas, the officials said. 'To the
degree one looks at the next forward area for naval and air installations, we
have completed the arc', said James Berg, political and economic adviser of
the Office of Micronesian Status Negotiations."
To add to the political instability involving the confusion over the constitutional question and the Compact, Palau's first elected President was assassinated on 30 June 1985. Still unsolved, the Remeliik murder has thrown Palau into chaos.

Moreover, the economic catastrophe related to the IPSECO fiasco and the $32 million defaulted loan certainly bodes ill for the minuscule nation of Palau as it resembles ever more a stillborn baby on the delivery table of emergent nations.

In a recent article in the Pacific Daily News from Guam, dated 19 April 1987, Palau's House of Delegates issued an angry resolution against the Administering Authority. The article in the Guam newspaper states:

"According to a recent resolution of the Palauan House of Delegates, 'The position of the United States is calculated to coerce the people of the Republic of Palau into accepting the Compact despite its known defects.'"

The article further stated that:

"The House of Delegates asked the U.N. Trusteeship Council and Security Council to 'express disapproval of the refusal of the United States to conduct negotiations with Palau aimed toward a satisfactory termination of the Trusteeship'."

And so now another plebiscite is planned for some time in June - 23 June, I believe - for the island nation of Palau. Observers of the situation there report that the Palauan people have grown weary of voting for the very same Compact they have voted on in the past so many times. Is it true that this Council and the entire United Nations organization will countenance such bizarre behaviour and such blatant coercion by an Administering Authority over a vulnerable Trust Territory? Is this truly what the international community had in mind 40 years ago ago when it entrusted the islands of Micronesia to the administration of the United States?
In a complete violation of the letter and the spirit of the framers of the United Nations Trusteeship System, the United States is attempting to bypass the Security Council as it seeks to terminate the Trust Territory of the Pacific Islands. As the 2 April 1987 written petition submitted by Professor Roger Clark of the International League for Human Rights clearly states, termination must occur with the Security Council.

It is interesting to note the approach taken by the current Reagan Administration in this light. In an interview with the Christian Science Monitor of 4 February 1987, OMSN's legal adviser Howard Hills brazenly states the case for the Administering Authority:

"Our attitude is", said Hills, "we've notified the Security Council of what's going on. As far as we're concerned, the trusteeship is over."

Unfortunately, Mr. Hills does not speak for the United Nations, and the mere "notification" of termination is insufficient in terms of the intent of the Trusteeship Agreement signed in 1947.

On 23 April Judge Kenneth Harkins of the United States Court of Claims ruled that the espousal provision of Section 177 of the Marshall Islands Compact was invalid. This preliminary ruling confirms what Minister DeBrum stated in his affidavit, namely, that espousal is unconstitutional and should never have been allowed to enter the Compact. If a final ruling by Judge Harkins - and that is due in about a month - finds that the over 3,000 Marshallese lawsuits pending in the courts shall proceed to trial, it will be a great victory for the unfortunate victims of United States nuclear testing in the Pacific.

One group of radiation victims - the former Rongelap people who now reside on Mejato Island in Kwajalein Atoll - is continuing to languish in a state of purgatory while they await an independent radiation survey of Rongelap.
In conclusion, I specifically request the Trusteeship Council to consider the following recommendations during its 1987 deliberations. The National Committee for Radiation Victims respectfully requests that the Trusteeship Council adopt a resolution which would reaffirm the position of the Security Council in respect of termination of the last remaining "strategic" trusteeship. It is also requested that the Trusteeship Council adopt a resolution which requires the Administering Authority to prepare annual reports on the Trust Territory as it does for other entities that are inscribed on the United Nations list of non-self-governing nations.
Finally, it is appropriate to quote a prominent Marshallese leader in respect to how the Administering Authority has performed during its 40-year administration. Speaking to a reporter from Newsweek magazine - 11 August 1986 - Marshall Islands legislator Carl Heine said about the Compact, "Now we're going to be the only sovereign country in the world with our own U.S. ZIP code". Referring to the near-complete economic dependence created in Micronesia by the United States, Heine stated further his suspicion about Washington's "long-standing policy to get us so dependent on the United States that we won't want another country to come in".

I would urge this Council to demonstrate to the citizens of Micronesia that, instead of sugar-coated absorption of the island-nations of Micronesia by the United States in a fait accompli, the United Nations stands ready to protect the rights and freedoms of inhabitants entrusted by the international community to seek true self-determination and independence from foreign rule.

The petitioner withdrew.

The PRESIDENT: Unfortunately, Mr. Alcalay's petition has taken rather longer to deliver than he had indicated to the Secretariat - in fact, nearly twice as long - and I fear that because of the lateness of the hour we will not have an opportunity to permit members to ask any questions they may have, and I propose, in fact, an informal consultation to see whether we may find - if it is the wish of members - an opportunity to do that.

Mr. BEREZOVSKY (Union of Soviet Socialist Republics) (interpretation from Russian): Mr. President, it is very sad that you have come to the conclusion that we cannot ask questions now of the petitioner because his petition is an extremely important one, filled as it is with very serious material and facts. Therefore, we will naturally be ready to discuss this question, and we express the hope that we will still be able to ask questions of Mr. Alcalay.
During the reading of his petition Mr. Alcalay referred to a memorandum of Minister DeBrum and noted that he could submit a copy of the text of that memorandum to members of the Trusteeship Council. I should like to request Mr. Alcalay, through you, Mr. President, to distribute that document to members of the Council and that, if possible - this is up to members of the Council - it be made an official document of the Trusteeship Council since it has a direct bearing on the question we are considering and would be extremely useful in further discussion of items on the Trusteeship Council's agenda at the present session.

The President: It is of course, open to Mr. Alcalay, if he heard that request - as it is indeed open to any member of the public - to submit to members of the Council any document he wishes. No doubt, when we have that document in our hands and members have had an opportunity to consider it we could then decide whether or not it should be an official document of the Trusteeship Council.

Organization of Work

The President: I propose that tomorrow morning we continue with agenda item 5 on the consideration of written petitions. We will then consider agenda item 6 on the report of the Visiting Mission to observe the plebiscite held in Palau in December 1986, and I understand that we may have a draft resolution to consider.

I propose that we then consider the request to dispatch a visiting mission to Palau to observe the plebiscite that is planned to be held in June 1987. That is a new agenda item.

We would then take up agenda item 7, "Offers by Member States of study and training facilities for inhabitants of Trust Territories". If there is time tomorrow morning, we would then turn to agenda items 9 and 10, "Co-operation with the Committee on the Elimination of Racial Discrimination" and "Decade for