



DEPT
Department of State

TELEGRAM

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ACTION IO-13

INFO OCT-01 ISO-00 CIAE-00 DODE-00 PM-04 H-02 INR-07 L-03

NSAE-00 NSC-05 PA-01 PRS-01 SP-02 SS-15 USIA-06 AF-08

ARA-06 EA-07 EUR-12 NEA-10 INT-05 DHA-02 /110 W

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FM USMISSION USUN NY
TO SECSTATE WASHDC 7851
INFO CINCPACREP GUAM UNN

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DEPARTMENT PLEASE PASS TO DOTA AND OSMN

CINCPACREP PLEASE PAS or FOI EXEMPTIONS

DEPARTMENT OF STATE A/CDC/MR	
REVIEWED BY <i>Hall</i>	DATE <i>MAR. 5 1987</i>
CLASSIFICATION EXTENDED	
RDS <input type="checkbox"/> or XDS <input type="checkbox"/> EXT. DATE <i>04/87</i>	REASON(S) <i>cbe memo</i>
TS AUTH. <i>J. B. ...</i>	<i>5/13/83</i>
ENDORSE EXISTING MARKINGS <input type="checkbox"/>	
DECLASSIFIED <input type="checkbox"/> RELEASABLE <input type="checkbox"/>	
RELEASE DENIED <input checked="" type="checkbox"/>	
PAS or FOI EXEMPTIONS	<i>B1 B5</i>

E.O. 11652: GDS

TAGS: PFOR, UN, TQ

SUBJ: POSSIBLE PROTEST CONCERNING COMMITTEE OF 24 GRANTING HEARING TO PETITIONERS ON TTPI MATTERS

1. JEROME SHESTACK, CHAIRMAN OF THE INTERNATIONAL LEAGUE FOR THE RIGHTS OF MAN, HAS SUBMITTED A REQUEST TO THE COMMITTEE OF 24 FOR A HEARING ON THE TRUST TERRITORY. THE PETITION COMPLAINS ABOUT ASSERTEDLY DILATORY TRUSTEESHIP COUNCIL CIRCULATION OF INTERNATIONAL LEAGUE STATEMENTS ON THE TTPI BUT PROVIDES NO INFORMATION ON THE SUBJECTS ON WHICH THE LEAGUE WISHES A HEARING. THE COMMITTEE OF 24 ADOPTED THE REPORT OF THE SUB-COMMITTEE ON PETITIONS (A/AC.109/L1085) RECOMMENDING APPROVAL OF THE ABOVE REQUEST ON JUNE 8. WE BELIEVE CONSIDERATION SHOULD BE GIVEN TO OUR DRAWING ATTENTION TO THE FACT THAT THE CHARTER VESTS ALL UN FUNCTIONS WITH RESPECT TO THE TTPI IN THE SECURITY COUNCIL (AND, BY DELEGATION OF AUTHORITY, THE TRUSTEESHIP COUNCIL), NOT IN THE GENERAL ASSEMBLY AND ITS COMMITTEE OF 24.

2. RESEARCH REVEALS AT LEAST ONE OTHER OCCASION ON WHICH

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REVIEWED BY <i>B. H. BAMS</i>	DATE <i>8/14/87</i>
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TS AUTH.	ENDORSE EXISTING MARKINGS <input type="checkbox"/>
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PAS or FOI EXEMPTIONS	

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THE COMMITTEE OF 24 HEARD MICRONESIAN PETITIONERS; ON JUNE 4, 1971, IT HEARD LAZARUS SALI AND EKPAP SILK, THE CO-CHAIRMAN OF THE THEN JOINT COMMITTEE ON THE FUTURE STATUS OF MICRONESIA. WHILE WE FILED NO WRITTEN PROTEST, AMBASSADOR BENNETT AT THE SAME TIME HAD DISCUSSIONS WITH THE THEN CHAIRMAN OF THE COMMITTEE OF 24, NAVA CARILLO OF VENEZUELA, EXPLAINING OUR CHARTER-BASED OBJECTIONS TO THE COMMITTEE'S SENDING A VISITING MISSION TO MICRONESIA.

3. IN VIEW OF POLITICAL AND CONSTITUTIONAL DEVELOPMENTS IN MICRONESIA AND THE GREATER PROMINENCE WHICH TPII MATTERS WILL BE HAVING IN THE TRUSTEESHIP COUNCIL FRAMEWORK, WE SUGGEST THE DEPARTMENT CONSIDER WHETHER IT WOULD BE DESIRABLE TO MAKE A PROTEST FOR THE RECORD IN CONNECTION WITH THE INTERNATIONAL LEAGUE'S REQUEST FOR A HEARING. A LETTER ALONG THE FOLLOWING LINES MIGHT BE SENT:

BEGIN QUOTE DEAR MR. CHAIRMAN,

I AM WRITING TO YOU CONCERNING A PETITION ADDRESSED TO THE SPECIAL COMMITTEE ON THE SITUATION WITH REGARD TO THE GRANTING OF INDEPENDENCE TO COLONIAL COUNTRIES AND PEOPLES FROM THE CHAIRMAN OF THE INTERNATIONAL LEAGUE FOR THE RIGHTS OF MAN. THIS PETITION, CONTAINED IN DOCUMENT A/AC.109/PET.1263, REQUESTS A HEARING BEFORE THE SPECIAL COMMITTEE IN CONNECTION WITH THE TRUST TERRITORY OF THE PACIFIC ISLANDS.

I WOULD LIKE RESPECTFULLY TO DRAW YOUR ATTENTION TO THE PROVISIONS OF ARTICLE 83, PARAGRAPH 1, OF THE CHARTER ACCORDING TO WHICH "ALL FUNCTIONS OF THE UNITED NATIONS RELATING TO STRATEGIC AREAS...SHALL BE EXERCISED BY THE SECURITY COUNCIL." BY RESOLUTION 70 (1949) THE SECURITY COUNCIL REQUESTED THE TRUSTEESHIP COUNCIL TO PERFORM IN ACCORDANCE WITH ITS OWN PROCEDURES, ON BEHALF OF THE SECURITY COUNCIL, THE FUNCTIONS SPECIFIED IN ARTICLES 87, AND 88 OF THE CHARTER RELATING TO THE POLITICAL, ECONOMIC SOCIAL AND EDUCATIONAL ADVANCEMENT OF THE INHABITANTS OF SUCH STRATEGIC AREAS" AND INSTRUCTED THE SECRETARY-GENERAL...TO ADVISE THE SECURITY COUNCIL OF ALL REPORTS AND PETITIONS RECEIVED FROM OR RELATING TO STRATEGIC AREAS UNDER TRUSTEESHIP, AND TO SEND COPIES THEREOF, AS SOON AS POSSIBLE AFTER RECEIPT, TO THE

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TRUSTEESHIP COUNCIL FOR EXAMINATION AND REPORT TO THE SECURITY COUNCIL."

IT MAY BE NOTED, INCIDENTALLY, THAT THE INTERNATIONAL LEAGUE FOR THE RIGHTS OF MAN HAS REQUESTED A HEARING BEFORE THE TRUSTEESHIP COUNCIL DURING ITS FORTHCOMING SESSION, SEE T/PET.10/101 AND ALSO T/PET.10/100. THERE IS NO REASON TO ANTICIPATE THAT THIS REQUEST WILL NOT BE GRANTED.

IN VIEW OF ARTICLE 83 OF THE CHARTER, I WOULD LIKE TO PLACE ON RECORD THE VIEW OF THE UNITED STATES THAT THE GRANTING OF A HEARING BY THE SPECIAL COMMITTEE ON MATTERS INVOLVING THE TRUST TERRITORY OF THE PACIFIC ISLANDS IS NOT CONSTITUTIONALLY APPROPRIATE.

YOURS SINCERELY,

ALBERT W. SHERER, JR.
ACTING

END QUOTE.
SHERER

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