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AMEMBASSY CANBERRA FOR PAC. ISL. MONTHLY
(COM TAKES SPY CHARGE TO UN)

SAIPAN, DECEMBER 30 (COM)---THE UNITED NATIONS HAS BEEN ASKED TO RENDER A LEGAL OPINION AS TO WHETHER CIA SPYING IN MICRONESIA HAS VIOLATED THE TRUSTEESHIP AGREEMENT.

ESSENTIALLY, THE LEGAL OPINION BEING SOUGHT BY THE PRESIDING OFFICERS OF THE CONGRESS OF MICRONESIA WOULD DETERMINE IF THE U.S. GOVERNMENT VIOLATED THE TRUSTEESHIP AGREEMENT BY CONDUCTING ELECTRONIC AND OTHER SURVEILLANCE AGAINST MICRONESIANS DURING THE LAST FOUR YEARS OF STATUS NEGOTIATIONS.

THE REQUEST WAS MADE BY SENATE PRESIDENT TOSIWO NAKAYAMA AND HOUSE SPEAKER BETHWEL HENRY IN A LETTER TO THE PRESIDENT OF THE UN TRUSTEESHIP COUNCIL (UNTC) ASKING THAT IT BE FORWARDED TO THE UN OFFICE OF LEGAL AFFAIRS.

IN THE LETTER TO PRESIDENT JAMES MURRAY, THE PRESIDING OFFICERS OF THE COM INDICATED THAT WHILE THE U.S. GOVERNMENT "ENJOYS CERTAIN RIGHTS PERTAINING TO THE MAINTENANCE OF INTERNATIONAL PEACE AND SECURITY", UNDER ARTICLE FIVE OF THE TRUSTEESHIP AGREEMENT THE CONGRESS OF MICRONESIA, HOWEVER, "FIRMLY BELIEVES THAT THESE RIGHTS CANNOT BE EXERCISED AT THE EXPENSE OF THE ADMINISTERING AUTHORITY'S OBLIGATION TO PROMOTE THE POLITICAL ADVANCEMENT OF THE PEOPLE OF MICRONESIA AS SPELLED OUT IN ARTICLE SIX OF THE AGREEMENT."

THE PRESIDING OFFICERS WROTE IT WAS THEIR BELIEVE THAT ARTICLE SEVEN OF THE TRUSTEESHIP AGREEMENT DOES NOT "ALLOW THE ADMINISTERING AUTHORITY (U.S. GOVERNMENT) TO CONDUCT COVERT (OR ANY OTHER) SURVEILLANCE AGAINST MICRONESIAN CITIZENS TO DETERMINE THE MICRONESIAN NEGOTIATING POSITION OR TO FOSTER DISUNITY IN MICRONESIA."

ARTICLE SEVEN OF THE UN CHARTER SAYS IN PART THAT THE ADMINISTERING AUTHORITY, WHEN DISCHARGING ITS OBLIGATIONS "SHALL GUARANTEE TO THE INHABITANTS OF THE TRUST TERRITORY FREEDOM OF CONSCIENCE, AND, SUBJECT ONLY TO THE REQUIREMENTS OF PUBLIC ORDER AND SECURITY, FREEDOM OF SPEECH, OF THE PRESS, AND OF ASSEMBLY; FREEDOM OF WORSHIP, AND OF RELIGIOUS TEACHING; AND FREEDOM OF MIGRATION AND MOVEMENT."

THE UN TRUSTEESHIP COUNCIL WAS ALSO REQUESTED TO "DISCUSS THE ISSUE DURING THE 44TH SESSION AND TO TAKE A POSITION WITH REGARD TO PAST SURVEILLANCE ACTIVITIES..." IT WAS FURTHER

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REQUESTED TO ASK THE ADMINISTERING AUTHORITY DURING THE 44TH SESSION TO DELIVER A POLICY STATEMENT TO THE COUNCIL WITH REGARDS TO ITS POSITION ON SURVEILLANCE OF MICRONESIANS IN THE FUTURE."

THE LETTER OF THE PRESIDENT OFFICERS WAS ACCOMPANIED BY BOB WOODWARD'S STORY WHICH APPEARED IN THE DECEMBER 12 ISSUE OF THE WASHINGTON POST; THE JOINT, OPEN STATEMENT OF THE PRESIDING OFFICERS ABOUT THE REVELATIONS OF ELECTRONIC SURVEILLANCE BY THE CIA; AND A RESPONSE TO THEIR STATEMENT FROM AMBASSADOR MANHARD ON BEHALF OF PRESIDENT FORD, DATED DECEMBER 18.

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