

UNITED NATIONS
TRUSTEESHIP
COUNCIL



Distr.
LIMITED
T/L.369
8 July 1953
ORIGINAL: ENGLISH

Twelfth session
Agenda item 5

PETITIONS CONCERNING THE TRUST TERRITORY OF THE PACIFIC ISLANDS

Fortieth report of the Standing Committee on Petitions

Chairman: Mr. Roberto E. Quiros (El Salvador)

CONTENTS

Part I - Petitions mainly concerned with
the payment of compensation for war damage

<u>Section:</u>	<u>Petition from:</u>	<u>T/PET.10/..</u>	<u>Page:</u>
I.	Representatives of the People of Saipan	8	7
II.	Mr. Alfonso	10	11
III.	Mr. L. Henry	13	14
IV.	Mr. F. Rodriguez	14	16
V.	Officials of the Kiti District	15	18
VI.	Mr. Aiese David and Others	23	20

Part II - Other petitions

VII.	Mrs. A. Emamelei on behalf of the Women of Palau	9	22
VIII.	Petitions concerning the entry of Japanese nationals into the Trust Territory		
	Petition from Madam Ana	11	26
	Petition from Mr. M. Iriarte	12	26

CONTENTS (continued)

Part II - Other petitions (continued)

<u>Section:</u>	<u>Petition from:</u>	<u>T/PET.10/..</u>	<u>Page:</u>
IX.	Petitions concerning the "Remainder of the Districts"	16	29
	Mr. Carl Kohler, Chairman, People's House, Ponape Congress	16	29
	Mr. M. Iriarte	17	29
X.	Mr. Emerico Mallarmé	18	33
XI.	Mr. J. Iriarte	19	35
XII.	Mr. Lianter Elias	20	38
XIII.	Representatives of the Storekeepers, Magistrates and People of the Marshall Islands	21	40
XIV.	Mr. Gordon Maddison and Others	22	45
XV.	Mr. Takeshi Hadley	24	46
XVI.	The Chiefs and People of Kiti	25	49

1. At its 80th, 83rd and 86th meetings on 26 June, 1 and 8 July 1953, the Standing Committee on petitions, composed of the representatives of Belgium, the Dominican Republic, El Salvador, New Zealand, the Union of Soviet Socialist Republics, and the United States of America, examined the eighteen petitions concerning the Trust Territory of the Pacific Islands which are listed in the preceding Table of Contents.
2. Mr. James A. McConnell participated in the examination as the special representative of the Administering Authority concerned.
3. The Standing Committee submits herewith to the Council its report on these petitions and recommends, in accordance with rule 90, paragraph 6, of the Council's rules of procedure, that the Council decide that no special information is required concerning the action taken on the draft resolutions in sections I-VI, IX-XI, XIII, XV-XVI inclusive.

4. The observations of the Administering Authority on the subject of claims for war damage are contained in T/OBS.10/1, section 1, and are written in relation to the petition from Representatives of the People of Saipan - T/PET.10/8. In so far as the observations are of general application to all claims for war damage, they will be summarized here.
5. The Administration states that it is highly conscious of the problem of restoring war-damaged lands to their former productive capacity, but that the removal of debris, coral, etc., is a long-range undertaking, dependent upon the availability of labour and equipment. In order to provide some relief from the distressed conditions on Saipan, the Administration has provided free of charge 454 homes and building materials to construct an estimated 370 additional homes.
6. The question of compensation for the use of private or public lands in the Trust Territory by the Armed Forces of the United States, is under consideration by the Administering Authority. Information needed for the payment of compensation and settlement of land claims is being compiled. The compilation proceeds slowly, however, since many land records and survey markers were destroyed during the war years, and the records that remain have to be translated from Japanese.
7. Responsibility for examining claims to public lands of the Trust Territory lies with the Land and Claims Administrator, whose determination in any case may be appealed to the High Court of the Trust Territory. If no appeal is entered within one year, his findings become final. Until 1 January 1953, the activities of the Land and Claims Administrator were confined for the greatest part to Saipan. On that date his headquarters were transferred to Truk where operations are being reorganized to facilitate consideration of claims in the Caroline and Marshall Islands. Of the 1080 claims for the return of land entered at Saipan, 433 have been settled.
8. Reference is made in T/PET.10/8 to claims arising from the actions of Japan prior to and during the war. On this, the Administering Authority observes that Article 4 (a) of the Treaty of Peace with Japan provides, in part, that claims of the residents and administering authorities of certain areas, including the Trust Territory of the Pacific Islands, against Japan and its nationals shall be the

subject of special arrangements between Japan and such authorities. The Administering Authority is currently giving consideration to the type of claims which may be appropriately included in any special arrangements to be negotiated with Japan on behalf of the residents of the Trust Territory pursuant to the provisions of Article 4 (a) of the Treaty. The problems raised by these claims are numerous and complex, but the Administering Authority is acutely conscious of the importance of them to the people and plans are under study for disposing of the claims.

9. Following the cessation of hostilities, yen holdings of the inhabitants of the Trust Territory were collected and receipts were given for all sums in excess of ¥1000 held by individuals. Each yen holder received dollars, at the rate of ¥20 to \$1, in exchange for ¥1000 or less. The Administering Authority is aware of the difficult situation resulting from the partial redemption of yen currency and hopes that a satisfactory solution will be found for it.

I. Petition from Representatives of the People of Saipan - T/PET.10/8

1. The petitioners raise the following issues:

(a) They request compensation for war damages. Occupation by the Japanese armed forces and the American invasion of 1944 and subsequent occupation resulted in great loss of life and property for which the petitioners feel they should receive compensation. Damages have been paid by Japan for destruction in the Philippines, Guam and Ponape, and the petitioners believe that their claims fall into the same category. They also seek compensation for the use of the land occupied by the American army from 10 July 1944 to 30 June 1949.

(b) In addition, they ask that land damaged by wartime operations should be restored to a condition suitable for farming. The armed forces left behind them land covered with coral and other debris, or made uneven with holes and parapets. Such land cannot be used for farming and grazing until it is levelled and the debris removed.

(c) Boundary marks were destroyed during the war and the people do not know where the boundaries of their lands are.

(d) The petitioners were asked to turn in their Japanese money to be exchanged for American money; they hold receipts for it, but up to the present they have not received the American money.

(e) An organic Act for the Trust Territory would, the petitioners say, "do much to determine the political and economic status of the peoples of the Trust Territory." (The Visiting Mission was informed that a revised draft of an Organic Act had been submitted to Congress on 17 January 1953 - T/1055, paragraph 47).

2. Attention is drawn to the observations of the Administering Authority reproduced in paragraphs 5-9 of the introduction to this part of the report.

3. The reference in the petition to the compensation for war losses on Guam no doubt arises, says the Administering Authority (T/OBS.10/1, section 1), from the implementation of the Guam Meritorious Claims Act, 1945, providing relief

for the population of Guam following the war. Relief under the act was limited to claims arising in Guam and filed by 1 December 1946 by permanent residents of Guam. This legislation was, of course, enacted prior to the assumption of responsibility by the United States for the administration of the Trust Territory under the Trusteeship Agreement.

4. The Administering Authority adds that no person or group of persons on Ponape has received compensation from Japan for war damages.

5. The Administering Authority confirms (T/OBS.10/1, section 1) that proposed organic legislation for the Trust Territory has been reintroduced in the present Congress and states that hearings are planned on this legislation in the near future by the appropriate Committee of the House of Representatives.

6. The petition was examined and discussed at the 80th, 83rd and 86th meetings of the Standing Committee (documents T/C.2/SR.80, 83 and 86).

7. The special representative informed the Committee that the most important question covered by this petition was that of land now considered to be public domain. In Saipan, where the inhabitable area was 119 square miles, 98 square miles were considered to be public domain, 12 square miles were in private ownership and 6 square miles were in dispute. The Administration itself occupied only 1/2 square mile.

8. The special representative informed the Committee that the Japanese assets of the population of Saipan amounted to about 50,000 yen in unredeemed currency, 24,000 yen in postal savings and 34,000 yen in bonds. Similar figures for other areas are not available. The special representative stated that the Administration hoped to find funds to redeem the currency and to achieve progress in negotiations with Japan on the savings and bonds within the coming year.

9. At its 86th meeting, the Committee adopted, by 2 votes to none, with 2 abstentions, the following draft resolution, which it recommends that the Council adopt.

Resolution #848 (XII)

Petition from Representatives of the People of Saipan (T/PET.10/8)
concerning the Trust Territory of the Pacific Islands

The Trusteeship Council

Acting under Article 87 b of the Charter and in accordance with its rules of procedure,

Having accepted and examined at its twelfth session the petition from representatives of the people of Saipan (T/PET.10/8) in consultation with the United States of America as the Administering Authority concerned, which designated Mr. James A. McConnell as special representative,

Having taken note of the written observations of the Administering Authority (T/OBS.10/1) as well as of the oral statement of the special representative (T/C.2/SR.80,83), in particular that:

- (a) The Administration is highly conscious of the need for restoring war-damaged lands to their former productive capacity, but that this is a long-range undertaking;
- (b) Information needed for the settlement of land claims is being compiled, but that the compilation is impeded by the destruction of many land records and the need to translate the remaining records from Japanese;
- (c) Until 1 January 1953 the activities of the Land and Claims Administrator were confined for the greatest part to Saipan, where out of the 1000 claims entered 433 have been settled;
- (d) The Administration intends to utilize public lands under a programme of planned homesteading and pending the initiation of that programme, certain parcels of land have been leased on a revocable, rent-free basis;
- (e) The Administering Authority is currently giving consideration to the type of claims which may be included in the special arrangements to be negotiated with Japan on behalf of the residents of the Trust Territory pursuant to the provisions of Article 4 (a) of the Treaty of Peace with Japan, and hopes that progress towards settling the question of the redemption of Japanese postal savings and bonds may be reported during the coming year;

II. Petition from Mr. Alfonso - T/PET.10/10

1. The petitioner and the others on whose behalf he writes - for he writes as "we" - first enquire why no action has been taken on claims which were submitted in respect of food seized by the Japanese army. They then request the following compensation for war damages: \$25,556.75 for each death; \$2,876.80 for each bomb dropped on a man's land or trees; and \$5,578.65 for each house destroyed.
2. The petitioners raise also several economic questions. They wish to establish their own prices for their local produce; they complain of the high passenger rates between the Truk Islands and Ponape; and they question the Island Trading Company's practice of determining the weight of copra in a bag by deducting one and a half pounds for the weight of the bag itself - when, in their view, a bag weighs a pound at the most.
3. As regards the requests in paragraph 1, attention is drawn to the observations of the Administering Authority reproduced in paragraphs 5-8 of the introduction to this part of the report.
4. The Administering Authority states (T/OBS.10/2, section 1) that no local products, except copra, are subject to price controls, and a seller is free to ask whatever price he wishes. It is not, of course, possible to guarantee that purchasers can always be found who will pay the price that is asked. This fact has been explained to Mr. Alfonso since the petition was received.
5. Surface transportation in the Trust Territory is provided by Government-owned vessels operated under contract by Pacific Micronesian Lines, Inc., a private operator. The tariff schedules of the company are subject to the approval of the High Commissioner. Effort has been made to provide low-cost transportation and yet to maintain tariff rates which would be comparable to those charged if it were possible to run the operation on a purely commercial basis. At the present time, the Trust Territory Government is bearing a large portion of the cost of the operation, the remainder being accounted for by passenger and cargo revenues, including those tariffs paid by the Island Trading Company for the shipment of its cargo. Deck passage from Truk to Ponape via Pacific Micronesian Lines vessels costs \$11.55 (385 miles at \$.03 per tariff mile), and cabin passage \$15.40

(385 miles at \$.04 per tariff mile). Freight rates in the Territory, as elsewhere, vary according to the types of commodities transported. There is no transportation tax in the Trust Territory.

6. The average weight of copra bags used in the Trust Territory has been determined to be 1.5 pounds. The Island Trading Company established this as the average weight by weighing representative samples of bags to be used to contain copra. Since it is an average, it is possible that some bags used weigh 1 pound, but these are offset by the use of heavier bags which sometimes exceed 2 pounds in weight.
7. The petition was examined and discussed at the 80th, 83rd and 86th meetings of the Standing Committee (documents T/C.2/SR.80, 83 and 86).
8. At its 86th meeting, the Committee adopted, by 2 votes to 1 with 1 abstention, the following draft resolution, which it recommends that the Council adopt.