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90TH CONGRESS } HOUSE OF REPRESENTATIVES { DOCUMENT
1st Session } { No. 159

TRUST TERRITORY OF THE PACIFIC ISLANDS

COMMUNICATION

FROM

THE PRESIDENT OF THE UNITED STATES

TRANSMITTING

A JOINT RESOLUTION REGARDING THE STATUS OF THE TRUST TERRITORY OF THE PACIFIC ISLANDS

AUGUST 21, 1967.—Referred to the Committee on Interior and Insular Affairs, and ordered to be printed

THE WHITE HOUSE,
Washington, August 21, 1967.

HON. JOHN W. McCORMACK,
Speaker of the House of Representatives,
Washington, D.C.

DEAR MR. SPEAKER: The principle of government by consent of the governed is the foundation of democracy.

Today, I urge the Congress to join me in taking a further step toward self-determination for the 93,000 Micronesian people who live in the Mariana, Caroline and Marshall Islands that comprise the Trust Territory of the Pacific Islands.

The United States administers this trust territory through a 1947 agreement with the United Nations. Under that responsibility we have encouraged the Micronesians to participate fully in determining their own future and shaping their own free institutions.

I am sure the Congress shares my deep interest in the status and well-being of Micronesia. Congress approved the original trusteeship agreement. It has supported an intensive program to promote the political, economic, social and educational advancement of the islands.

In 1966, the people of the territory, acting through their popularly elected legislature, called upon the President of the United States to create a Commission to consider their future status.

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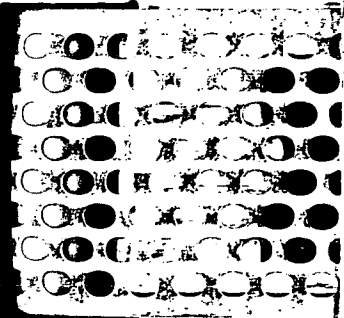
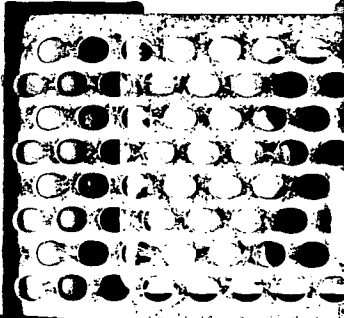
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I am happy to honor their request. The Joint Resolution I am submitting would provide for such a Commission.

The Commission will study and assess all of the factors bearing on the future of the trust territory. It will consult with the people of Micronesia. And it will make its recommendations to the President and to the Congress within eight months after its work begins.

I ask the Congress to join with the Executive Branch in this vital undertaking by authorizing the appointment of eight members of the Congress to serve on the Commission, along with eight members and a chairman selected by the President.

Through this Commission, we once again have an opportunity to reaffirm our national commitment to the ideals of democracy and self-determination.

I am attaching a detailed statement of the Secretary of the Interior who, together with the Secretaries of State and Defense, join with me in urging prompt approval of this important resolution.

Sincerely,

LYNDON B. JOHNSON.

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., August 2, 1967.

The President,
The White House,
Washington, D.C.

Dear Mr. President: The question of the political future of the Trust Territory of the Pacific Islands is a matter of great concern to the people of the Trust Territory (Micronesia), the Departments of the Interior, Defense, and State, the Congress of the United States, and the United Nations. We are all aware, as I know you are, that an early resolution of that question is highly desirable.

In 1966 the popularly elected legislature of the trust territory, the Congress of Micronesia, by House Joint Resolution No. 47 petitioned you to establish a commission to consult the people of Micronesia to ascertain their wishes and views, and to study and critically assess the political alternatives open to Micronesia. The Secretary of Defense, the Secretary of State, and I believe that this request should be honored, and we believe also that a commission along the lines requested by the people of Micronesia through their representatives is the proper way in which to approach this matter.

After many months of joint consideration and close cooperation, the Departments of State, Defense, and Interior have agreed upon a legislative proposal which responds to the request of the Congress of Micronesia, and which invites congressional participation in a Presidential commission to make appropriate studies and recommendations to the President and to the Congress. There is enclosed a copy of that proposal in the form of a draft joint resolution regarding the status of the Trust Territory of the Pacific Islands.

The balance of this letter states the relevant background, the need for the Commission, and a detailed explanation of the proposed joint resolution. I recommend, and respectfully urge, that you command this proposed legislation to the Congress of the United States for prompt and favorable action.

On July 18, 1947, by joint resolution, the Congress authorized the President to approve the trusteeship agreement between the United States and the Security Council of the United Nations, pursuant to which the United States has since administered the area known as the Trust Territory of the Pacific Islands. The trust territory comprising the Mariana, Caroline, and Marshall Islands, involves over 2,000 islands in the western Pacific, and has a population of over 400,000. Since 1951, the Secretary of the Interior, by designation of the President has been responsible for the administration of the trust territory.

The trust territory occupies a unique relationship to the United States. Because we possess no sovereignty over the trust territory, U.S. authority in the area is derived from the 1947 trusteeship agreement. Under the 1947 trusteeship agreement (copy enclosed) which we signed with the United Nations Security Council, the United States does have "full powers of administration, legislation, and jurisdiction" over the territory (art. 3). The people of the trust territory are aliens as to the United States; yet the United States affords to these diplomatic protection when they travel abroad (art. 11). The trust territory is a foreign area for purposes of U.S. customs and tax laws, but the United States could, if it chose, cause these and other U.S. laws to apply there as fully as in the States (arts. 3 and 9).

The trusteeship agreement makes no provision concerning the procedure for its termination other than that its terms "shall not be altered, amended, or terminated without the consent" of the United States (art. 15). However, article 6 requires that the United States "foster the development of such political institutions as are suited to the trust territory and shall promote the development of the inhabitants of the trust territory toward self-government, and independence as may be appropriate to the particular circumstances of the trust territory and its peoples and the freely expressed wishes of the peoples concerned; and to this end shall give to the inhabitants of the trust territory a progressively increasing share in the administrative services in the territory; shall develop their participation in government; and give due recognition to the customs of the inhabitants it providing a system of law for the territory; and shall take other appropriate measures toward these ends."

In view of United Nations practice with respect to the termination of trusteeship status for other areas, we believe that an expression of opinion from the residents of the trust territory, in the form of a plebiscite with appropriate United Nations involvement, would be essential.

The United States is, in our judgment, endeavoring to meet the objectives of political development as stated in article 6 of the trusteeship agreement. We have been and are fostering the development of political institutions and promoting self-government by: among other things, the creation and utilization of legislative bodies at all levels of the territorial government--municipal, district, and territory-wide. The people of the trust territory have shared and are sharing increasingly in the administration of the area through employment in the executive branch. For example, a Micronesian has recently been appointed as a district administrator; several others serve as assistant district administrators and, at the headquarters, a Micronesian was recently designated as deputy assistant commissioner for resources development. We have given due recognition to the customs of the inhabitants in providing a system of law, as evidenced by provisions

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of the trust territory code which recognize customs as having the status of law, in the absence of written statutes.

The United States has, through the Secretary of the Interior, created a government of the trust territory which is similar in many respects to American territorial governments in Guam, American Samoa, and the Virgin Islands. Its chief executive, the High Commissioner by virtue of Public Law 90-16, is a presidential appointee subject to Senate confirmation; its popularly elected territorial legislature has extensive legislative powers; its independent judiciary is headed by appointees of the area. As in the case of American Samoa, there is no appeal from final decisions of the highest court in the trust territory to the Federal judicial system. The government of the trust territory is financed very largely by means of Federal grants which for the last 3 years have approximated \$17,500,000 annually. The Congress has increased the authorization for such grants to \$35 million a year for fiscal years 1968 and 1969 through enactment of Public Law 90-16. The actual appropriation for fiscal year 1967 was \$19.2 million, and for fiscal year 1968, \$24 million.

We have not yet sought to elicit "the freely expressed wishes of the people" as to the political status they would prefer. But in light of the evidence that the people of the trust territory are increasingly anxious to express themselves on this issue, we believe that the Government should promptly take action on this subject. In August of 1966, the Congress of Micronesia expressly requested that the Congress adopt a resolution in each house of that Congress, a resolution was adopted which stated in part: "this generation of Micronesians should have an early opportunity to determine the future constitutional and political status of Micronesia." The resolution called for the creation of a Presidential commission to assess the political alternatives open to Micronesia and to ascertain the wishes and views of the Micronesians. The full text of the pertinent resolution, House Joint Resolution No. 47, is enclosed.

The proposed joint resolution, if enacted, will respond to the request of the Congress of Micronesia. It will respond in what we believe will be a most comprehensive and effective manner. We think it is important, if necessary to accept the responsibilities inherent in the undertaking requested by the representatives of the people of Micronesia, and as proposed by the joint resolution, that from the very beginning we devote our best efforts and our combined resources to the task. It is our hope that the Congress will by enactment of the joint resolution, join in this effort. Our suggestion respecting the size of the membership of the Commission and that there be eight congressional members is premised in part upon the recognition of the interests of several interested groups in each house.

Until an effort has been made to identify the political alternatives which are realistically available to the Micronesians, it seems to us premature for representatives of the United States to discuss officially alternatives with them. We anticipate that among the options available to the Micronesians, when they are asked to participate in a plebiscite, would be sovereign independence. Additionally, there is evidence that certain Micronesians believe that some form of lasting association with the United States is the most attractive status alternative. The Commission, as we envision its activities, would meet in Micronesia and conduct extensive hearings and discussions, thus

permitting maximum Micronesian involvement and participation. This we see as leading both to the formulation of the Commission's recommendations and to a greater and useful understanding of the issues by the Micronesians.

If the people of the trust territory incline toward lasting political association with the United States, the form of that association is a matter ultimately for the Congress of the United States to act upon. It is because of this basic congressional responsibility that we have proposed the enclosed draft legislation authorizing the participation in a status commission of Representatives of the U.S. Congress. Without such participation, it would be difficult for the proposed commission to arrive at, in the words of the Congress of Micronesia resolution, "meaningful proposals of the political and constitutional alternatives open to the people of Micronesia."

Specifically, the joint resolution begins with a series of seven recitals, the first four of which reflect the basic relationship of the trust territory to the United States and our obligations to the trust territory. The fifth acknowledges the request of the Congress of Micronesia that a commission be created; the sixth announces the desire of the President to create such a commission and to invite congressional participation; and the seventh recognizes the recent congressional support of an intensive program to promote the political, economic, social, and educational advancement of the trust territory.

Section 1 states that "it is the sense of Congress that whatever steps may be necessary shall be taken to provide for such a degree of self-government" as will permit the Micronesians to participate meaningfully in the foreseen plebiscite. Apart from insuring consistency with the trusteeship agreement, this language means that, on the day they go to the polls to vote on their political future, the Micronesians must know what the consequences of their vote will be. If they vote to associate with the United States, they must know with reasonable certainty the terms of that association.

Section 1 also provides that this plebiscite, this occasion on which the people of the trust territory will "express their wishes * * * on the future status of the Trust Territory," will be held "as soon as possible, and not later than June 30, 1972."

Section 2 provides that in addition to eight members of the commission to be appointed by the President, there shall be eight congressional members, four to be designated by the President of the Senate and four to be designated by the Speaker of the House of Representatives. The section also provides that the President shall appoint an additional member who shall be the chairman.

Section 3 requires the commission to study and assess all factors bearing upon the future of the trust territory, and to submit recommendations to the President and to the Congress of the United States concerning the best means to obtain the objective set forth in section 1. Section 3 requires that the submission must be made within 8 months after funds are appropriated and made available to the commission.

Section 4 provides for the detail of employees to the commission, the hiring of technical or expert personnel, and for the payment of travel expenses of the commission members, and per diem in lieu of subsistence.



Section 5 authorizes the appropriation of not to exceed \$200,000 to be available until expended, for the purposes of the commission. This amount should permit necessary travel to, from, and through the trust territory by members of the commission, travel to and from Washington by public members, assuming that there will be such, and by Micronesian members of the commission, if any; a small staff for approximately 12 months; and all other necessary expenses of the commission such as communications, printing, and supplies. The Departments of State and Defense have concurred in the foregoing. Respectfully yours,

STEWART L. UDALL,
Secretary of the Interior.

JOINT RESOLUTION Regarding the status of the Trust Territory of the Pacific Islands

Whereas the United States is the administering authority of the Trust Territory of the Pacific Islands, pursuant to the Trusteeship Agreement between the United States of America and the Security Council of the United Nations; and Whereas the United States, in the Trusteeship Agreement, undertook a solemn obligation to foster the development of self-government and to promote the development of self-government or independence as are suited to the trust territory; and to promote the development of the inhabitants of the trust territory toward self-government or independence as may be appropriate to the particular circumstances of the trust territory and its peoples and the freely expressed wishes of the people concerned; and

Whereas the United States, in the Trusteeship Agreement, further undertook a solemn obligation to promote the economic, social, and educational advancement of the inhabitants of the Trust Territory; and

Whereas the United States is dedicated to the principle of government by consent of the governed; and

Whereas the Congress of Micronesia has petitioned the President to "establish a commission to consult the people of Micronesia to ascertain their wishes and needs; and

Whereas the President has proposed to establish a commission in response to such petition and has invited congressional participation; and

Whereas the Congress by enacting Public Law 90-16 has evidenced its support for an intensive program to promote the political, economic, social and educational advancement of the Trust Territory; Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That it is the sense of Congress that whenever steps may be necessary to be taken to provide for such a degree of self-government as will permit the people of the Trust Territory freely to express their wishes as soon as possible, and not later than June 30, 1972, on the future status of the Trust Territory:

Sec. 2. In addition to eight members of the commission to be appointed by the President, the appointment of eight members of Congress to serve on the President's commission on the status of the Trust Territory is hereby authorized. Four of such members shall be appointed by the President of the Senate, and four shall be appointed by the Speaker of the House of Representatives. An additional member shall be appointed by the President, and shall serve as Chairman.

Sec. 3. The commission shall study and assess all factors bearing upon the future of the trust territory and shall consult as appropriate with representatives of the people of Micronesia. The commission shall, not later than eight months after its appointment, submit a report to the President and to the Congress of the United States concerning the best means to obtain the objective set forth in section 1.

Sec. 4. The commission is authorized to appoint and fix the compensation of such personnel as may be necessary to enable it to carry out the functions. Employment, with or without reimbursement, of any member of the commission who may be appointed by the President from among the public shall be compensated \$100 per diem for his services when engaged on commission business, and all members shall be entitled to reimbursement for actual travel and per diem in lieu of subsistence when engaged on commission business, as authorized by law for persons

employed intermittently. The commission is authorized to procure services as authorized by 5 U.S.C. 3109. Sec. 5. There is authorized to be appropriated out of moneys in the Treasury not otherwise appropriated such funds as may be necessary for the purpose of carrying out the provisions of this joint resolution, but not to exceed \$200,000, to be available until expended.

H. J. Res. No. 47, Congress of Micronesia, second regular session, 1968

A HOUSE JOINT RESOLUTION, requesting the High Commissioner, through the Secretary of the Department of the Interior, to advise the President of the United States of the results of his determination as to whether the people of Micronesia and to determine the course of political education and action, with such alternatives as may be applicable and appropriate, to lead to the attainment of such desires and determination of the political status of Micronesia

Whereas the Micronesian people should freely exercise their sovereign right of self-determination as set forth in the Trusteeship Agreement between the United Nations and the government of the United States of America; and

Whereas the Congress of Micronesia believes that this generation of Micronesians should have an early opportunity to determine the ultimate constitutional and political status of Micronesia; and

Whereas such determination should be made on the basis of meaningful proposals of the political and constitutional alternatives open to the people of Micronesia; now, therefore, be it

Resolved by the House of Representatives of the Congress of Micronesia, Second Regular Session, 1968 (the Senate concurring), That the High Commissioner, and through him the Secretary of the Department of the Interior, be and are hereby authorized to use his best efforts to petition the President of the United States of America to establish a commission to consult the people of Micronesia to ascertain their wishes and views, and to study and critically assess the political alternatives open to Micronesia; and be it further

Resolved, That said commission report its findings to the President of the United States of America no later than December 31, 1968.

TRUSTEESHIP AGREEMENT FOR THE UNITED STATES TRUST TERRITORY OF THE PACIFIC ISLANDS

PREAMBLE

Whereas Article 73 of the Charter of the United Nations provides for the establishment of an international trusteeship system for the administration and supervision of such territories as may be placed thereunder by subsequent agreement; and

Whereas under Article 77 of the said Charter the trusteeship system may be applied to territories now held under mandate; and

Whereas on 17 December 1920 the Council of the League of Nations confirmed a mandate for the former German islands north of the equator to Japan, to be administered in accordance with Article 22 of the Covenant of the League of Nations; and

Whereas Japan, as a result of the Second World War, has ceased to exercise any authority in these islands; Now, therefore, the Security Council of the United Nations, having satisfied itself that the relevant articles of the Charter have been complied with, hereby resolves to approve the following terms of trusteeship for the Pacific Islands formerly under mandate to Japan.

ARTICLE 1

The Territory of the Pacific Islands, consisting of the islands formerly held by Japan under mandate in accordance with Article 22 of the Covenant of the League of Nations, is hereby designated as a strategic area and placed under the trusteeship system established in the Charter of the United Nations. The Territory of the Pacific Islands is hereinafter referred to as the trust territory.

ARTICLE 2

The United States of America is designated as the administering authority of the trust territory.

The administering authority shall have full powers of administration, legislation, and jurisdiction over the territory subject to the provisions of this agreement, and may apply to the trust territory, subject to any modifications which the administering authority may consider desirable, such of the laws of the United States as it may deem appropriate to local conditions and requirements.

ARTICLE 4

The Administering authority, in discharging the obligations of trusteeship in the trust territory, shall act in accordance with the Charter of the United Nations, and the provisions of this agreement, and shall, as specified in Article 83(2) of the Charter, apply the objectives of the international trusteeship system, as set forth in Article 76 of the Charter, to the people of the trust territory.

ARTICLE 5

In discharging its obligations under Article 76(a) and Article 84 of the Charter, the administering authority shall ensure that the trust territory shall play its part, in accordance with the Charter of the United Nations, in the maintenance of international peace and security. To this end the administering authority shall:
1. To establish naval, military and air bases and to erect fortifications in the trust territory;
2. To station and employ armed forces in the territory; and
3. To make use of volunteer forces, facilities and assistance from the trust territory in carrying out the obligations of the Security Council undertaken in this regard by the administering authority, as well as for the local defense and the maintenance of law and order within the trust territory.

ARTICLE 6

In discharging its obligations under Article 76 (b) of the Charter, the administering authority shall:

- 1. Foster the development of such political institutions as are suited to the trust territory and shall promote the development of the inhabitants of the trust territory toward self-government or independence as may be appropriate to the particular circumstances of the trust territory and to the peoples and the freely expressed wishes of the peoples concerned; and to this end shall give to the inhabitants of the trust territory a progressively increasing share in the administration of the trust territory; shall develop their participation in government; shall give due recognition to the customs of the inhabitants in providing a system of law for the territory; and shall take other appropriate measures toward these ends;
- 2. Promote the economic advancement and self-sufficiency of the inhabitants, and to this end shall regulate the use of natural resources; encourage the development of fisheries, agriculture, and industries; protect the inhabitants against the loss of their lands and resources; and improve the means of land transportation and communication;
- 3. Promote the social advancement of the inhabitants, and to this end shall protect the rights and fundamental freedoms of all elements of the population without discrimination; protect the health of the inhabitants; control the traffic in arms and ammunition, opium and other dangerous drugs, and alcohol and other spirituous beverages; and institute such other regulations as may be necessary to protect the inhabitants against social abuses; and
- 4. Promote the educational advancement of the inhabitants, and to this end shall take steps toward the establishment of a general system of elementary education; facilitate the vocational and cultural advancement of the population; and shall encourage qualified students to pursue higher education, including training on the professional level.

ARTICLE 7

In discharging its obligations under Article 76(c), of the Charter, the administering authority 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.

ARTICLE 8

1. In discharging its obligations under Article 76(d) of the Charter, as defined by Article 83(2) of the Charter, the administering authority, subject to the requirements of security, and the obligation to protect the interests of the inhabitants of the trust territory, shall accord to nationals of the United Nations and to corporations, firms and associations organized in conformity with the law of any Member, treatment in the trust territory no less favorable than that accorded to nationals, companies and associations of any other United Nations Member by the administering authority.

2. The administering authority shall ensure equal treatment to the Members of the United Nations and their nationals in the administration of justice.

3. Nothing in this Article shall be so construed as to accord greater rights to aliens living into and out of the trust territory. Such rights shall be subject to agreement between the administering authority and the State whose nationality such aliens possess.

4. The administering authority may negotiate and conclude commercial and other treaties and agreements with Members of the United Nations and other States, designed to obtain for the inhabitants of the trust territory treatment by the Members of the United Nations and other States no less favorable than that granted by them to the nationals of other States. The Security Council may recommend, or invite other organs of the United Nations to consider and recommend, what rights the inhabitants of the trust territory should acquire in consideration of the rights obtained by Members of the United Nations in the trust territory.

ARTICLE 9

The administering authority shall be entitled to constitute the trust territory into a customs, fiscal, or administrative union or federation with other territories under United States jurisdiction and to establish common services between such territories and the trust territory where such measures are not inconsistent with the basic objectives of the International Trusteeship System and with the terms of this agreement.

ARTICLE 10

The administering authority, acting under the provisions of Article 3 of this agreement, may accept membership in any regional advisory commission, regional authority, or technical organization, or other voluntary association of States, may co-operate with specialized international bodies, public or private, and may engage in other forms of international co-operation.

ARTICLE 11

1. The administering authority shall take the necessary steps to provide the status of citizenship of the trust territory for the inhabitants of the trust territory.

2. The administering authority shall afford diplomatic and consular protection to inhabitants of the trust territory when outside the territorial limits of the trust territory or of the territory of the administering authority.

ARTICLE 12

The administering authority shall enact such legislation as may be necessary to place the provisions of this agreement in effect in the trust territory.

ARTICLE 13

The provisions of Articles 87 and 88 of the Charter shall be applicable to the trust territory, provided that the administering authority may determine the extent of their applicability to any areas which may from time to time be specified by it as closed for security reasons.

ARTICLE 14

The administering authority undertakes to apply in the trust territory the provisions of any international conventions and recommendations which may be appropriate to the particular circumstances of the trust territory and which would be conducive to the achievement of the basic objectives of Article 6 of this agreement.

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ARTICLE 13

The terms of the present agreement shall not be altered, amended or terminated without the consent of the administering authority.

ARTICLE 14

The present agreement shall come into force when approved by the Security Council of the United Nations and by the Government of the United States after due constitutional process.

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