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D. PRESSURE FOR PLEBISCITE NOT DUE TO QUALITY OF US ADMINISTRATION IN TTPI

10/19/87

Q. Aren't Micronesian pressures for a plebiscite due mainly to poor US administration in the TTPI?

A. Not really. While we must frankly concede that there have been some lean years of US administration in the TTPI, the primary reason for many Micronesian leaders' desire for a change in status has been the improvement in education and communications. As Micronesians return to the TTPI from higher educations on the mainland and Hawaii and Guam, they bring with them the ideas and principles of a changing world. These educated leaders, I believe, would not have been satisfied with Micronesia's transitory status regardless of the quality of our administration.

DEPARTMENT OF STATE A/CDC/MR

REVIEWED BY B.H. BAAS DATE 3/25/87

RDS  or XDS  EXT. DATE \_\_\_\_\_

TS AUTH. \_\_\_\_\_ REASON(S) \_\_\_\_\_

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TTPI-8

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J. DIFFERENCE BETWEEN TTPI AND GUAM AND OTHER U.S. TERRITORIES

Q. (a) Why must we offer either independence of self-government to the TTPI when we have not done so for the American territories of Guam, American Samoa and the Virgin Islands?

(b) Why are we so concerned about satisfying UN opinion regarding the procedure for self-determination?

A. In the case of Guam, American Samoa and the Virgin Islands U.S. sovereignty has already been established whereas in the case of the TTPI the U.S. enjoys its rights as an administering authority under the 1947 Trusteeship Agreement with the Security Council.

Article 6 of this Agreement states that the Administering Authority shall "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 towards 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 peoples concerned;..."

This Agreement, which was approved by a concurrent resolution of the Congress, has the force of an international treaty. Therefore the State Department believes that the Trusteeship Agreement could not legally be terminated without an act of self-determination by the people of Micronesia involving an offer of self-government or independence. This clear international legal requirement is reinforced by the political fact that the U.S., as a prominent anti-colonial power has consistently supported the principle and practice of self-determination.

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OS 422069

DEPARTMENT OF STATE A/CDC/MR

REVIEWED BY B. H. BAMS DATE 3/25/87

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Strict observance of the Trusteeship Agreement would not, of course, satisfy our irreconcilable critics in the UN and elsewhere, but by complying with the Trusteeship Agreement we would ensure the support of our allies and others so that we could carry through with our program. Failure to fulfill our obligations would jeopardize our objective by alienating our normal sources of international support.

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OS 422070

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Q. If Micronesia became a self-governing territory of the United States, how could Micronesian rights be guaranteed from arbitrary Congressional action? In other words what protection would replace our present recourse to the UN?

A. This is another of those questions I believe the status commission would have to examine. I can't give you a definitive answer to that question because the answer would rely on the nature of the arrangements between Micronesia and the United States. I would think that the rights of Micronesians under an association with the United States would be one of the questions which a status commission would be expected to answer.

DEPARTMENT OF STATE A/CDC/MR

REVIEWED BY B. H. BAAS DATE 3/21/87

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Q. Why a U.S. Status Commission; why couldn't the Micronesians select the alternatives for a plebiscite themselves?

A. A Status Commission would not be essential either in terms of our legal obligations or UN practices. Our reasons for urging a Status Commission are based entirely on practical considerations. For one thing, you Micronesians yourselves have proposed it. It would provide an effective means by which the U.S. Executive Branch, the US Congress, Micronesians and the American public could engage in a systematic examination of all aspects of the question.

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OS 422072

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Q. Isn't it a fact that given Micronesia's financial and economic dependence upon the United States, independence is not a real alternative at this time or at any time in the foreseeable future?

A. There is no denying that Micronesia's heavy dependence upon the United States poses special problems in this regard -- problems that both you Micronesians and the proposed status commission I should hope would examine in detail. Our awareness of this complication has prompted us to urge further acceleration of the economic advancement of the territory during the period preceding the plebiscite.

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OS 422073

Q. Isn't it true that the United States wants to hold on to the Trust Territory for military reasons because of its strategic location?

A. The strategic importance of the Trust Territory needs no explanation in light of your own experience in World War II. However, no matter how important the strategic factor may be, the United States has assumed obligations under the UN Charter and the Trusteeship Agreement and we intend to fulfill these obligations. There also remains the traditional attachment of the American people for the principle of self-determination, and the continuing policy of the U.S. Government in support of that principle. Accordingly, I have no doubt that independence would be one of the alternatives offered to the people of Micronesia.

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OS 422074

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Q. Would it be possible to fragment the Trust Territory, with perhaps some of the islands joining with Guam or Hawaii and letting the others choose their own future whether it be independence, association with the United States or perhaps with Japan? Could parts of it remain as a Trust Territory?

A. For both legal and political reasons the Trust Territory must be treated as a whole at least until the people of the Territory exercise their right of self-determination. The Trusteeship Agreement is premised on the Territory's remaining an entity. Moreover, given the strong opposition among newly independent African and Asian countries to fragmentation of dependent areas, any parcelling of the Territory prior to self-determination would provoke serious opposition in the UN. The UN visiting missions to the TTPI noted in their 1961 and 1964 reports that secession of one part of the Trust Territory is not possible under the Trusteeship Agreement. Specifically, proposals for the attachment of the Marianas to Guam have been sharply criticized.

On the other hand, in a UN supervised plebiscite, the northern half of the Trust Territory of the British Cameroons voted to join Nigeria, and the southern half voted to join the Republic of Cameroons. So, as you can see, there is precedent for the division of a trust territory following an act of self-determination.

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OS 422075

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Q. Many Micronesians feel that they are not yet ready to make a choice regarding their future, and won't be ready even by 1972. Is there any reason why we can't continue in our Trusteeship status?

A. Technically there is no reason why trusteeship status may not continue indefinitely. At the same time trusteeship status was not intended and has never been regarded as permanent. The United States, as the administering authority, is under a specific Charter obligation to promote development towards self-government or independence. As a practical matter fulfillment of some development programs, particularly economic development, may be inhibited or at least slowed so long as the future status of the territory remains uncertain.

With regard to the 1972 date, that's several years off, and it is our hope that in the meantime a concerted effort will be made, particularly by the Congress of Micronesia, to ensure that Micronesians are fully aware of and understand the advantages and disadvantages of the various alternatives.

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OS 422076

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Q. Would U.S. aid continue if Micronesia chose independence?

A. I, of course, cannot speak on behalf of present or future Presidents or Congresses and their attitudes toward an independent Micronesia. No legal obligation would exist toward an independent Micronesia. On the other hand, it seems to me that an intimate relationship would exist if there were continuing association.

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OS 422077

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Q. Would the United States be willing to accept arrangements for association of Micronesia with the United States that include a continuing option for Micronesian independence, or association with some other independent states, such as the Cook Islands have with New Zealand and the various West Indies Associated States with the United Kingdom?

A. The relationship between any areas must be governed by the wishes of the peoples concerned and the constitutional system involved. Under the New Zealand constitutional system, the option for further changes in the association or for severing the association is possible. Although historically there have been changes in the relations between the US and a territory, I can't say how the provisions to which you refer would fit into the American constitutional system. That would be one of the questions which we believe a commission would have to study.

As a practical matter, however, any provision which resulted in continued uncertainty over the territory's future status might have an undesirable effect on such things as economic development.

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OS 422078

DECLASSIFIED

Q. What is necessary for termination of the Trusteeship Agreement in terms of legal and political obligations? Is a plebiscite required?

A. The Trusteeship Agreement does not specify how it is to be terminated. The principle legal requirement for termination is the achievement by the Territory of self-government or independence. In practice, the U. N. and the administering authorities have followed a number of procedures in the effort to satisfy themselves that the inhabitants of trust territories have had genuine opportunities to exercise self-determination prior to termination. Among these have been plebiscites either under U. N. supervision or in some way associated with the U. N.

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OS 422079

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- Q. Would the alternatives to be offered to Micronesia in a plebiscite have to be limited to independence or self-government?
- A. No, there is no reason why other alternatives, such as full integration into the United States, or some other state, could not also be offered. Independence and self-government are simply the range of choice indicated in the U.N. Charter and the Trusteeship Agreement.

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OS 422080

DECLASSIFIED

Q. How about association with Japan; would the United States be willing to offer that as an alternative in a plebiscite?

A. The United States does not rule out any alternatives. However, unless there were an appreciable desire in Micronesia for this choice, I doubt it would be included in a plebiscite.

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Q. What do you mean by self-government? Could it include a status such as that of Guam or the Virgin Islands?

A. The Trusteeship Agreement does not define the words

"self-government" and therefore there would be considerable latitude in establishing the necessary

institutions. In deciding what constitutes "self-government", I believe we would have to be guided by:

(a) what you feel is desirable and realistic,

(b) the U. S. Constitution, and U. S. practice, and,

(c) the standards generally used in the United Nations.

As you know, the United States classifies "Guam, American Samoa and the Virgin Islands as "non-self-governing

territories" in terms of Article 73 (e) of the U. N.

Charter. So, while I don't wish to complicate things,

or unnecessarily foreclose any alternatives, my personal

reaction is that a formal non-self-governing status such

as in the case of Guam today would not conform with a

reasonable definition of self-government.

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OS 422082

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Q. Would there have to be a substantial degree of self-government in the Territory before the plebiscite?

A. There would have to be enough self-government so that it could properly be stated that the people of the Territory had made a meaningful choice during the plebiscite and that they had reached a degree of political development and experience which indicated that they were capable of self-government. This does not mean that the final rung on the ladder of self-government would have to be reached prior to the act of self-determination.

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OS 422083

DECLASSIFIED

Q. What is the relationship between the United States and Puerto Rico and the non-self-governing territories of Guam, American Samoa and the Virgin Islands, in matters of citizenship, voting, draft laws, defense, and foreign affairs? Would similar arrangements be adopted for Micronesia if it chose some form of association with the United States?

A. Interior will have the answer to most of your questions in this area. I believe the United States would have to be responsible for defense and foreign affairs. Most of the other areas would have to be fully worked out by the proposed status commission and agreed prior to a plebiscite. Some details will obviously be overlooked and would have to be resolved later, Still others will not be subject to any specific solution and will be subject to an evolutionary process.

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OS 422084

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Q. Following an act self-determination, how would the Trusteeship Agreement be terminated in the United Nations?

A. As I said, the agreement has no specific provisions for termination, but only states that it may not be terminated without U. S. consent. Since there have been no other strategic trusts, no real precedent exists for the termination of a strategic trust agreement between an administering authority and the U. N. Security Council. Other trusteeship agreements, which had provisions for alteration or amendment through agreement between the administering authorities and the General Assembly, have been terminated by General Assembly action at the request of the administering authority.

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OS 422085

Q. Why do you feel we should hold a plebiscite by 1972 at the latest?

A. 1972 is not a magic date. It was chosen having in mind the need for adequate time for appropriate preparations.

What are your feelings about the timing of a plebiscite?

At the same time we wish to avoid undue delay.

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