

7502035

88

EXCISE



DEPARTMENT OF STATE
Washington, D.C. 20520

Copy to ...
1-159408
10/2/69

01
76

October 2, 1969

SECRET

Mr. Harry H. Almond, Jr.
Office of Assistant General Counsel
for International Affairs
Department of Defense
Room 3D928, Pentagon
Washington, D.C. 20301

DEPARTMENT OF STATE A/GDC/MR	
REVIEWED BY <u>J. FELDMAN</u>	DATE <u>1/6/68</u>
CLASSIFICATION <u>EXTENDED</u>	
RDS <input type="checkbox"/> or XDS <input type="checkbox"/> EXT. DATE	<u>OADR</u>
TS AUTH. <u>Full</u>	REASON(S) <u>CDC HAN</u>
ENDORSE EXISTING MARKINGS <input type="checkbox"/>	<u>5/13/68</u>
DECLASSIFIED <input type="checkbox"/> RELEASABLE <input type="checkbox"/>	
RELEASE DENIED <input checked="" type="checkbox"/> IN PART	
PA or FOI EXEMPTIONS	<u>BLAS BS</u>

Dear Harry:

In response to your memorandum to Steve Boyd of September 24 requesting certain materials on the trust territory we are enclosing the following:

1. An undated Department paper entitled "Termination of the Trusteeship Status" (Secret).
2. A Department paper dated September 30, 1969 entitled "Ending of Trusteeships Through Plebiscites" (Unclassified).
3. A Department paper dated September 30, 1969 entitled "Termination of Trusteeships Without a Plebiscite" (Unclassified).
4. An internal Department memorandum dated March 22, 1967 entitled "Termination of the Trusteeship Agreement for the Trust Territory of the Pacific Islands" (Secret).

Were the 1967 memorandum to be revised, we would be less optimistic about prospects for avoiding major opposition in the Security Council. Any judgment regarding potential opposition or support in the Security Council or the United Nations, generally, would of course depend on the final arrangements on which termination would be based.

SECRET

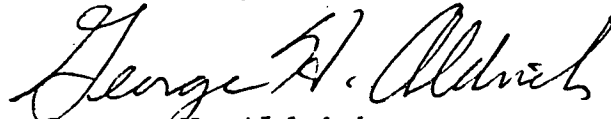
1384 423288
12

SECRET

- 2 -

We have not made a review of the preparatory work of Articles 73 and 85 of the U.N. Charter but you might wish to consult Whiteman's Digest, Volume 1 at page 731 et seq and Volume 13 at page 690 et seq.

Sincerely yours,



George H. Aldrich
Deputy Legal Adviser

Enclosures:
As listed above.

SECRET

05 423289

15
6 #1

SECRET

TERMINATION OF THE TRUSTEESHIP STATUS

The procedure for terminating the trusteeship status would involve three basic steps: the US Congress would signify its willingness to extend the new status to Micronesia; the people of Micronesia would express themselves in an act of self-determination; and the US would inform the UN Security Council that these steps met the terms of the Trusteeship Agreement and that the Territory had voluntarily chosen permanent association with the United States.

*donee
interest.*

Efforts might be made in the Security Council to block our action, but we would hope to see to it that such efforts failed to achieve the necessary votes and, in any event, would be in a position to frustrate them by veto if necessary. This would be our first use of the veto and it should be avoided if at all possible. Under the best of circumstances we would expect substantial criticism of our methods in the General Assembly and the possible adoption of a resolution challenging the validity of US actions.

*advisory
opinion.*

1. Procedures in the US and Micronesia

③ (b)(1) (5) (a) (5)

The possibility of adverse political consequences would depend heavily on the nature of an Organic Act and its acceptability to the Micronesian people. There could be considerable flexibility in the procedures to decide Micronesia's future relationship with the United States and obtain approval for this status. Two basic conditions must be met: a) the US Congress must give formal legislative approval to the arrangements; and b) the people of the Territory must approve the arrangements through an act of self-determination involving a referendum or plebiscite. Within these limits, however, some variation would be possible, particularly in regard to the sequence of events.

Whether the US Congress or the Micronesians acted first, the crucial point is that they should reach the same conclusion. The process could, but need not, involve a series of progressive steps first by the US and then by the Micronesians leading to final approval by both parties.

SECRET

OS 423290

SECRET

2

(u)
(b)(1)(5)(a)(5)

B
A
B

2. Procedures at the United Nations

Neither the UN Charter nor the Trusteeship Agreement specifies the method by which the agreement is to be terminated. The negotiating history of the Agreement makes clear, however, that the United States expected at the time the Agreement was concluded that both the United States and the Security Council would agree on termination.

B
A
B

SECRET

SECRET

3

⑤

(b)(7)(5) (a) (5)

*is email
majority note
in favor.*

*what about
now?*

B
A
B:

SECRET

OS 423292

SECRET

4

(b)

(b) (1) (5)
(a) (5)

B
A
B

SECRET

05 423293