

DEPARTMENT OF STATE A/CDC/MR

REVIEWED BY [Signature] DATE FEB. 25 1987

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MAR 31 1971

Mr. Luis S. Camacho
Executive Secretary
Third Marianas District Legislature
Trust Territory of the Pacific Islands
P. O. Box 212
Saipan, Mariana Islands 96950

Dear Mr. Camacho:

On behalf of the Secretary, I wish to acknowledge receipt of your letter dated March 4, 1971 transmitting Resolution No. 30-1971. We have noted the assertions therein that the people of the Territory were not consulted as to the original Trusteeship Agreement, that the United States and the United Nations have ignored the political aspirations of the Marianas, and that the United Nations has no legal rights over the Marianas. We have also noted the conclusion of the resolution advising the Security Council and the Trusteeship Council that the Marianas Islands will secede from the rest of the Trust Territory of the Pacific Islands, by force of arms if necessary, and with or without the approval of the United Nations.

Many of the basic issues raised in this resolution are similar to those expressed in earlier actions of the Mariana Islands Legislature on which we have had occasion to comment before the Trusteeship Council. It is acknowledged that the people of Micronesia in general, and the Marianas in particular, were not consulted as to the terms of the original Trusteeship Agreement. However, as the United States stated in its observations on previous similar resolutions addressed to the United Nations, this fact is in the nature of the trusteeship system and was true of all eleven Trust Territories.

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to/UNP: DJ Sutter

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The United States has also acknowledged that the people of the Marianas have a right to expect that their views and aspirations will be taken into consideration in the termination of the Trusteeship Agreement. We cannot agree that the United States and the United Nations have ignored the political aspirations of the people of the Marianas. On the contrary, the United States and the United Nations have specifically noted and commented on these aspirations. The United States has responded to every petition on this subject and has stated that it does not rule out any particular choice which might be offered to the people of the Territory at the time of self-determination. We have noted that the desires of the Micronesian people will weigh on and be reflected in proposals placed before them. As for the United Nations, we would note that each of the last three visiting missions of the Trusteeship Council has devoted particular attention to the sentiments in the Marianas. While the Missions have pointed out that there is no alternative to maintaining the Trusteeship in all the districts until such time as it is terminated for all, they have also stated that the Marianas viewpoint would have to be considered when the time comes for the Territory to determine its future status.

The legal authority of the United Nations over Micronesia, including the Marianas, arises from Chapters XII and XIII of the U.N. Charter. Pursuant to Chapter XII, the Security Council approved the "Trusteeship Agreement for the Former Japanese Mandated Islands" with the United States as administering authority. That the Marianas or other inhabitants of the Territory did not sign the Agreement does not detract from its validity, however, for neither the whole nor any part of Micronesia is or was a sovereign state at the time the Agreement was concluded. The Marianas accordingly lacked the legal capacity to become a party to an international agreement and the absence of that express consent does not affect the validity of the trusteeship. Termination

of the Trusteeship Agreement over the Marianas alone would require modification of the Agreement, which can be effected only by the Security Council and the United States.

We continue to believe that the question of future status can best be resolved by seeking a mutually acceptable relationship between Micronesia and the U.S. rather than by attempting to modify the Trusteeship Agreement. We are striving to accommodate the sentiments of all the peoples of Micronesia, including the people of the Marianas. As you know the President has recently appointed Ambassador Franklin Haydn Williams as his Personal Representative to conduct negotiations toward this end. We remain confident that a satisfactory agreement can be reached.

We trust that all the representatives of the people of Micronesia will also persevere in striving toward this end and will avoid any precipitous action which might make more difficult the *attainment* conclusion of a satisfactory agreement. Intemperate conclusions could lead to courses of action which might be illegal and are, in any case, unnecessary to ensure self-determination for the people of the Marianas.

Sincerely,

Samuel De Palma
Assistant Secretary for
International Organisation Affairs.

ICW:UNP:DJSutter:SRPeale/L/UNA:Stowe 3/30/71

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