

want to opt for any special rela-
 or any nation.
 the kinds of viable opportunities
 the Micronesians in any kind of
 would be possible to do that. What
 we have a district by district plebi-
 that plebiscite as to that particular
 that, but it could also be that
 as I said, the under secretaries, the
 on that I am operating in believes
 be determined—that is to say that
 and as I said, legally must, be ter-
 only thereafter could different ar-
 ed at for the separate districts.
 it, Mr. Secretary, if you would
 and for the committee, if the
 legal rationale for the State De-
 which you have just set forth.
 thing, if you would, so it won't
 on that request.

with a memorandum in the files
 I am sure we can get it.
 addressed, so that I am certain
 and other pertinent documents

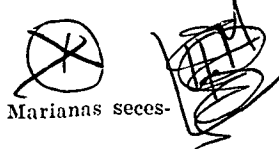
DEPARTMENT OF THE INTERIOR,
 OFFICE OF THE SECRETARY,
 Washington, D.C., June 9, 1971.

and Insular Affairs,
 further response to questions raised during
 recent matters before the Subcommittee. Mr.
 under the Trusteeship Agreement of the
 and; specifically, Mr. Meeds referred to the
 Mariana Islands district.
 of May 26, 1971, from the Department of
 of the Marianas' ability to secede.
 please let us know.

HARRISON LOESCH,
 Assistant Secretary for Public Land Management.

DEPARTMENT OF STATE,
 Washington, D.C., May 26, 1971.

MEMORANDUM
 Staff Assistant, Office of the Assistant Secre-
 Department of State.



Attached is a statement on the Trusteeship Agreement and Marianas seces-
 sion for submission to the House Interior Committee.
 Enclosure: As stated above.

DEPARTMENT OF STATE,
 Washington, D.C., May 26, 1971.

MARIANAS SECESSION FROM TTPI

The Department of State considers that without modification of the present
 Trusteeship Agreement neither the Marianas nor any other district of the
 Trust Territory has the legal right to secede from the Trust Territory since
 secession would be an act having the effect of terminating the authority of the
 Trusteeship Agreement over that district or districts. Without modification of
 the Agreement, the United States itself does not have the legal authority to
 terminate the Agreement over part but not all of the Territory.

Marianas representatives have argued that they did not sign the Agreement
 and hence are not bound by its terms. This reasoning is legally unpersuasive.
 The rule of international law that a state is generally not bound by treaties to
 which it is not a party has no application in this case. Neither Micronesia as
 a whole nor the Marianas as a district thereof is now or was at the time the
 Agreement was made a sovereign state. Neither, therefore, had or has the ca-
 pacity to become a party to an international agreement.

The United States and the Security Council, as the parties to the Trustee-
 ship Agreement, have sole power to modify or terminate that Agreement.

Although the United States has administrative flexibility within the scope of
 the Agreement, the United States cannot unilaterally terminate part of that
 Agreement by exempting the Marianas or any other district from its applica-
 tion. The agreement related to a specifically defined geographic entity—namely
 all of the more than 2,000 islands of Micronesia. Collectively they make up one
 trust territory—that of "The Pacific Islands." The act of terminating the trust
 over some part of this entity would therefore require modification of the
 Agreement itself to reflect the new geographic entity that would remain in
 trust territory status. Although such modification is legally possible, the politi-
 cal difficulties likely to be involved in renegotiating the Trusteeship Agreement
 with the Security Council make such modification a most remote possibility.

At the time of self-determination there is no legal barrier to the Marianas
 or any other district having the option to elect a status separate from that of
 the rest of the Micronesian people. Until that Agreement is terminated over
 the entire Trust Territory, however, it will remain in effect over each of the
 districts therein.

3RD MARIANA ISLANDS DISTRICT LEGISLATURE, FOURTH REGULAR SESSION

RESOLUTION NO. 12-1970, INTRODUCED BY: COMMITTEE OF THE WHOLE

(A resolution relative to endorsing the proposal to establish a Common-
 wealth of Micronesia and urging that such proposal be submitted directly to
 the people of the Mariana Islands District for their endorsement and proceed
 with its implementation in the Marianas until the other districts are ready to
 decide.)

Whereas, in accordance with its obligation under provisions of the Trustee-
 ship Agreement between the United Nations and the United States of America,
 it was agreed, among other things, that the development of the inhabitants
 shall be promoted towards self-government or independence as may be appro-
 priate to the particular circumstances; and

Whereas, in fulfillment of this obligation, the United States of America has
 offered a new status of internal self-government—the Commonwealth of
 Micronesia; and

Whereas, this offer gives to the inhabitants of the Trust Territory those
 rights to life, liberty and the pursuit of happiness, with internal control of the
 executive, legislative and judiciary branches of the government; and

Whereas, under this arrangement, the Trust Territory would become a part
 of the United States of America, with the inhabitants thereof being entitled to
 all the rights, privileges, benefits and obligations to the same extent as any
 other Americans; and

01-02307

Whereas, the Future Political Status Delegation of the Congress of Micronesia has, in effect, rejected this proposal without any authority from the people concerned; and

Whereas, the records will clearly show that the people of Marianas have actively sought a partnership with the United States for the past 15 years, and a clear majority of the people in the Mariana Islands District have voted to become a part of the United States of America; and

Whereas, as representatives of the people of this district, it should be made clear that the Mariana Islands District Legislature will not be bound by the decision of the Future Political Status Commission of the Congress of Micronesia; and

Whereas, the other five (5) districts of the Trust Territory are free to become independent if they so desire, but the people in the Marianas will insist upon a government connected only with the United States of America; and

Whereas, if bloodshed is to be avoided, the officials of the United States Government are urged to submit the Commonwealth proposal directly to the people of the Marianas and if favorably voted upon, proceed to establish the Commonwealth and let the other districts remain as they are until they are developed to the point where they desire to join the Commonwealth; now, therefore, be it

Resolved, By the 3rd. Mariana Islands District Legislature that the proposal to establish a Commonwealth of Micronesia be and hereby is endorsed and the Administering Authority is urged that such proposal be submitted directly to the people of the Mariana Islands District for their endorsement, and proceed with its implementation in the Marianas until the other districts are ready to decide; be it further,

Resolved, That the President certify to and the Legislative Secretary attest the adoption hereof and thereafter transmit copies of the same to the General Assembly of the United Nations, the Trusteeship Council of the United Nations, the Security Council of the United Nations, members of the Senate Committee on Interior and Insular Affairs, members of the House Committee on Interior and Insular Affairs, the President of the United States, the Secretary of the Department of State, the Secretary of the Department of the Interior, the High Commissioner, the President of the Senate of the Congress of Micronesia, the Speaker of the House, Congress of Micronesia, and the District Administrator for the Mariana Islands District.

Passed by the 3rd. Mariana Islands District Legislature August 21, 1970.

FELIPE A. SULOS,
Acting President.
DANIEL T. MUNA,
Legislative Secretary.

3RD. MARIANA ISLANDS DISTRICT LEGISLATURE, FIFTH REGULAR SESSION

RESOLUTION NO. 30-1971, INTRODUCED BY: COMMITTEE OF THE WHOLE

(A resolution relative to advising the Security Council and Trusteeship Council of the United Nations that the Mariana Islands District of the Trust Territory of the Pacific Islands will secede from the Trust Territory of the Pacific Islands by force of arms if necessary, and with or without the approval of the United Nations.)

Whereas, after the close of the hostilities resulting from World War I the Marianas, Eastern and Western Caroline Islands were given to the Japanese Empire for administration by the League of Nations; and

Whereas, contrary to the provisions of the covenants of the League of Nations, the Japanese Empire placed military fortifications throughout the islands, and after the cessation of hostilities resulting from World War II, the Marianas, Eastern and Western Caroline Islands were given to the United States of America for administration by the United Nations; and

Whereas, in neither instance did either the League of Nations or the United Nations consult the people concerned as to what their desires were regarding these arrangements, rather a unilateral decision was made to control the lives of people whose history goes back at least 15,000 years; and

Whereas, in each instance, however, the people of the Mariana Islands District, Rota, Tinian, Saipan and the islands north of Saipan, accepted and sought to make the best of their fate; and

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Whereas, in accordance with appropriate provisions of the Charter of the United Nations, provisions of the International Trusteeship System, and provisions of the Trusteeship Agreement for the Former Japanese Mandated Islands, the people have over the years directed grievances to the Security Council and the Trusteeship Council without any favorable action; and

Whereas, the original signatories in San Francisco in 1945 unilaterally and willingly accepted responsibility for the proper administration of the inhabitants of the Trust Territory, and pledged to give the people concerned self-government or independence according to the freely expressed wishes of the people concerned; and

Whereas, the people of the Mariana Islands District have, over the last twenty (20) years, advised both the administering authority and the Trusteeship Council of its political aspiration, but both have proceeded to ignore these aspirations for reasons of their own; and

Whereas, every effort has been made to live and work with the Congress of Micronesia, but it has now become clear that all hope for the people of the Marianas of working harmoniously with the people of the Eastern and Western Caroline Islands is lost; and

Whereas, we, the elected representatives of the people of the Mariana Islands District of the Trust Territory of the Pacific Islands, do not agree that the United Nations has any legal rights over the lives of the people of the Marianas, and wish that all concerned be advised that we will secede from the Trust Territory of the Pacific Islands, by force of arms if necessary, with or without the approval of the United Nations; now, therefore, be it

Resolved, By the 3rd. Mariana Islands District Legislature that the Security Council and the Trusteeship Council of the United Nations be and they hereby are advised that the Mariana Islands District of the Trust Territory of the Pacific Islands will secede from the Trust Territory of the Pacific Islands by force of arms if necessary, and with or without the approval of the United Nations; and be it further

Resolved, That the President certify to and the Legislative Secretary attest the adoption hereof and thereafter transmit copies of the same to the Security Council of the United Nations, the Trusteeship Council of the United Nations, the President of the United States, the Secretary of the U.S. Department of the Interior, the Secretary of the U.S. Department of State, the Secretary of the U.S. Department of Defense, and to the High Commissioner of the Trust Territory of the Pacific Islands.

Passed by the 3rd. Mariana Islands District Legislature February 19, 1971.

VICENTE N. SANTOS,
President.
DANIEL T. MUNA,
Legislative Secretary.

ELEVENTH GUAM LEGISLATURE, 1971 (FIRST) REGULAR SESSION

(Resolution No. 134, Introduced by G. M. Bamba)

Relative to the creation of a select committee to study and explore the possibility of reintegrating the Northern Mariana Islands within the governmental framework of the territory of Guam and for the purpose of determining the best methods available for bringing about such reintegration.

Be it resolved by the Legislature of the Territory of Guam:

Whereas, the indigenous inhabitants of the Mariana Islands are all of one race, known as Chamorros, having a common language, religion, social customs and traditions; and

Whereas, from time immemorial until the signing of the Treaty of Paris ending the Spanish-American War, said islands had a common history; and

Whereas, the separation of Guam from the rest of the Mariana Islands by said treaty, possession of Guam being given by Spain to the United States of America, has always been considered by the people of the Mariana Islands to have been the result of an oversight by the United States which did not realize at that time the existence of the common ties among the people of these islands and the importance of the other islands to the future stability and economy of said other islands; and

02309

Delegation of the Congress of Micronesia without any authority from the people

know that the people of Marianas have acceded to the United States for the past 15 years, and the Mariana Islands District have voted to secede from the United States of America; and

the people of this district, it should be made known that the people of this district will not be bound by the District Legislature until the Commission of Micronesia

of the Trust Territory are free to be heard by the people of the Marianas will insist on the United States of America; and

the officials of the United States have refused the proposal directly to the people of the Trust Territory to proceed to establish the Commonwealth as they are until they are given the opportunity to join the Commonwealth; now,

the people of the Trust Territory are free to be heard by the people of the Marianas will insist on the United States of America; and

the officials of the United States have refused the proposal directly to the people of the Trust Territory to proceed to establish the Commonwealth as they are until they are given the opportunity to join the Commonwealth; now,

the people of the Trust Territory are free to be heard by the people of the Marianas will insist on the United States of America; and

the officials of the United States have refused the proposal directly to the people of the Trust Territory to proceed to establish the Commonwealth as they are until they are given the opportunity to join the Commonwealth; now,

the people of the Trust Territory are free to be heard by the people of the Marianas will insist on the United States of America; and

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the officials of the United States have refused the proposal directly to the people of the Trust Territory to proceed to establish the Commonwealth as they are until they are given the opportunity to join the Commonwealth; now,