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to Hill Inquiry

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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 capacity to become a party to an international agreement.

The United States and the Security Council, as the parties to the Trusteeship 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 application. 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

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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 political 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.

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