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June 7, 1973

MEMORANDUM FOR MESSRS. MANGLONA AND PANGELINAN

Subject: Appearance Before United Nations  
Trusteeship Council

Enclosed are drafts of statements for presentation at the United Nations Trusteeship Council. After you have reviewed them, please feel free to make any editorial or substantive changes. Also, if you have any questions, please call either of us in Washington. After we are all agreed on the final form of the statements, we should prepare extra copies in Washington for distribution to the members of the Council at the time of your presentation.

As promised, we have prepared a list of some questions you might receive at the Council meeting along with possible answers:

- (1) Q: What is the specific authority for the Marianas Political Status Commission?
- A: The Commission was created by Act of the Mariana Islands District Legislature on May 19, 1972 (Act No. 2-1972).
- Q: What is the authority of the District Legislature to create such a Commission?
- A: There is no specific authority in the Trust Territory Code. Neither is there any express limitation on the authority of the District Legislature to create such a Commission. (The Code states that the District Legislature is primarily responsible for certain specified local matters; it does not say that the legislative authority is limited to these specified areas.) We believe that the authority of the District Legislature to create the Commission is derived from the right of the people to freely choose their future political status and therefore, in a sense, this authority is based on the Trusteeship Agreement and the United Nations Charter itself.

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(2) Q: Have representatives of the Marianas attempted to persuade the Congress of Micronesia or the Joint Committee to consider the special position of the people of the Marianas?

A: Yes. For the past three years, the representatives of the Marianas to the Joint Committee and to the Congress have expressed the wishes of the people of the Marianas for close association with the United States. The Chairman of the Joint Committee has acknowledged the position of the Marianas both publicly and privately. Unfortunately, the Joint Committee is restricted by its mandate from Congress which requires that it negotiate only for the future political status of Micronesia as a whole. Accordingly, when the Joint Committee moved in the direction of free association and requested the United States to negotiate with respect to the option of independence, the people of the Marianas had no alternative but to create their own Status Commission. I should add, as your Visiting Mission has noted, that the Joint Committee has stated that it would not object to a close association between the Marianas and the United States if that reflected the freely-expressed wishes of the majority of the population. (See ¶ 505 of recent report.)

The problem is that the Joint Committee either cannot or will not pursue this status for the Marianas in its negotiations with the United States. In order for our people to have a meaningful alternative to free association or independence, therefore, it has been necessary to open separate negotiations between the United States and the Marianas Political Status Commission.

(3) Q: Would the Marianas consent to remain a part of Micronesia if a future political status could be worked out that protected the Marianas against unilateral termination of their relationship with the United States?

A: The concept of close association with the United States is broader than preventing unilateral termination. It runs to a range of political, legal and economic issues over which there appears to be broad disagreement between the Marianas and the rest of Micronesia. We believe it is extremely unlikely that the Joint Committee could agree to a future status that would comply with the wishes of the people of the Marianas. We do not exclude this possibility; we merely believe it is unlikely.

We believe the interests of all concerned would be served by allowing both the Joint Committee and the Marianas Commission to pursue their own political status alternatives. If, when the Marianas Commission reaches agreement with the United States, the Joint Committee has reached a separate agreement, we would have no objection to presenting the status alternatives involved in both agreements to the people of the Marianas. In other words, neither our Commission nor the Marianas District Legislature has any desire or intention of denying to the people of the Marianas the right to choose to remain a part of a united Micronesia. But our people have commissioned us to assure them that they will have a free choice -- with fully developed alternatives, including the alternative of separation of the Marianas from the rest of Micronesia and close association with the United States.

(4) Q: Is the Marianas Commission negotiating for separation of the Marianas from the rest of the Trust Territory prior to termination of the Trusteeship Agreement?

A: Our negotiations with the United States have not yet focussed on the question of transitional arrangements which might be made after agreement is reached on our new political status but before termination of the Trusteeship.

On this subject, the Council can be assured that the mandate of the Commission is clear: no agreements reached can be implemented without approval of the people in a referendum or plebiscite. We believe this covers matters occurring prior to termination of the Trusteeship as well as at the time of termination.

If agreement on a new political relationship is reached, however, and if termination of the Trusteeship for the Marianas is delayed because of continuing stalemate in the talks with the Joint Committee or for other reasons, the people of the Marianas would expect that transitional arrangements would provide for increasing self-government in anticipation of the realization of our future political status. These arrangements would certainly include increasing the authority of what is now the District Government and providing for greater participation of the people of the Marianas in that government. It may or may not involve administration of the Marianas by the United States separate from the rest of Micronesia. As I explained earlier, the Commission has not studied this question in depth and our negotiations have not yet reached this area. Let me add, however, that we would hope that the negotiations between the Joint Committee and the United States would proceed apace with our own talks and that any question of the need for separate administration of the Marianas prior to termination of the Trusteeship for all of Micronesia would never arise.

The foregoing are four questions and answers which could arise in your appearance before the Trusteeship Council.

We will be considering other questions before we meet you in New York, and we suggest you make a note of any questions you can think of so that we can be of help in drafting appropriate answers.

Howard P. Willens  
Jay F. Lapin