

DRAFT

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Background Memorandum on the Mariana Islands
District of the Trust Territory
of the Pacific Islands

Representatives of the Mariana Islands in the Trust Territory of the Pacific Islands have recently opened talks with the Executive Branch of the U.S. Government to explore the creation of a new political relationship between the Marianas and the United States. The people of the Marianas regard the opening of these negotiations as a major step toward fulfillment of their deeply-felt and often-expressed desire for a closer political affiliation with the United States. The most recent session of the talks culminated in a Joint Communique, dated June 4, 1973 (Attachment A), which reflects substantial progress toward bringing the Marianas within the American political family. Such a political union would be an event of great significance, marking the first time in recent U.S. history that a society would have come under the American flag as a result of its freely-expressed will.

This memorandum has been prepared to provide information as to the progress of the ongoing status negotiations. Hopefully, it will further the understanding of the goals and aspirations of the Marianas people.

1. Description of the Mariana Islands.

The Mariana Islands District of the Trust Territory of the Pacific Islands consists of an island chain located in the Western Pacific; it lies a few hundred miles due north of the U.S. territory of Guam. Following World War II, the United Nations constituted all of those Pacific islands formerly under a League of Nations' mandate administered by Japan into a single Trust Territory of the Pacific Islands. The United States assumed the role of Administering Authority for this territory pursuant to a trusteeship agreement.

The Trust Territory, also called Micronesia, ranges across thousands of miles of ocean and includes people of markedly different cultural and ethnic heritage.^{*/} The Marianas are located in the far western corner of Micronesia. Its population of roughly 14,000 persons is largely settled on the three main islands of Saipan, Tinian and Rota. About three-fourths of the Marianas people are Chamorros, descendants of the original population. Because of their common ancestry, the people of the Marianas share cultural, religious,

^{*/} The Trust Territory covers about three million square miles of ocean and includes more than 2,000 islands. The total population is about 110,000 and encompasses over nine major language groups with many dialectical variations.

and language ties with the people of Guam. Indeed, Guam was at one time administered by the Spanish as part of the Marianas, and the separation of the Marianas from Guam was occasioned by the Treaty of Paris in 1898 ending the Spanish-American War.

Whereas Guam became a territory of the United States and its people began to enjoy the freedom and prosperity of American democracy, the people of the islands to the north continued in their role as a subjugated race. In quick succession, the islands passed from the Spanish to the Germans and finally to the Japanese under the League of Nations' mandate. Although Japanese rule brought relative prosperity to the islands, the prosperity was not shared with the indigenous inhabitants. In the end, the Japanese presence brought death and destruction to the people of the Marianas as the islands were the scene of some of the bloodiest battles in the Pacific.

Under U.S. administration, the people of the Marianas have begun to enjoy freedom from political subjugation and from economic exploitation for the first time in 400 years. The benefits of an even closer relationship with the United States were clearly evident from the progress made by neighboring Guam toward local self-government and economic self-sufficiency. Accordingly, over the years, the

people of the Marianas have persistently expressed their desire for closer and more secure ties with the United States. Such expressions have come in the form of resolutions passed in town meetings, municipal councils and the District Legislature and through referenda of the people.

2. Origin of the U.S.-Marianas Status Negotiations.

To understand the current U.S.-Marianas status negotiations, it is necessary first to review briefly the history of efforts to explore future political status alternatives for the Trust Territory as a whole.

The Trusteeship Agreement requires the United States to

"promote the development of the inhabitants of the Trust Territory toward self-government or independence as may be appropriate to the particular circumstances of the Trust Territory and its peoples and the freely expressed wishes of the people concerned."

On August 21, 1967, President Johnson sent a message to Congress proposing to create a Presidential Commission on the Status of the Trust Territory as a "step toward self-determination" for the people of Micronesia. In September 1969, the United States opened talks with a delegation from the Congress of Micronesia, including representatives from the Marianas, to explore future political

of the Marianas. Thus, without the separate U.S.-Marianas status negotiations, the Marianas would otherwise be denied an opportunity freely to choose their preferred alternative of close association with the United States.

For its part, the Marianas Commission has no desire to undercut or hamper the negotiations of the Joint Committee. Given the current U.S. view that termination of the Trusteeship could only occur simultaneously for all districts of Micronesia, the Marianas has every incentive to encourage the United States and the Joint Committee to accelerate their negotiations, so that the political aspirations of the people of the Marianas and of all Micronesians can be realized at the earliest possible date.

Representatives from the Marianas have expressed their views along these lines to the United Nations Trusteeship Council on June __, 1973. (Attachment B.) Based on subsequent statements, it appears that many member nations on the Trusteeship Council have recognized the legitimacy of and necessity for the separate U.S.-Marianas negotiations.

3. Marianas Goals in the Current Status Negotiations.

Pursuant to the mandate of the District Legislature, the Marianas Political Status Commission is committed to explore the means by which the people of the Marianas,

through the exercise of their right of self-determination, can enter into a close and enduring political relationship with the United States. The specific goals of the Marianas Commission can be usefully discussed under the three main headings of the attached Joint Communique: political status, economics and finance, and land.

A. Political Status.

The Marianas would become a member of the American political family through a formal status agreement which vested sovereignty over the Marianas in the United States. The people of the Marianas would retain the right of self-government in local matters. Otherwise, the authority of the U.S. Government would extend to all matters of national concern such as defense and foreign affairs, interstate commerce, etc. In general, the power of the Federal Government in the Marianas would be coextensive with its power in the States.

The political relationship which is envisioned draws upon, but does not copy, the relationship which the U.S. Government now has with its existing territories or the Commonwealth of Puerto Rico. Although the territorial frameworks as now exist in Guam and the Virgin Islands have been evolving and improving over the years, they fall short of assuring the level of local self-government required by

the Marianas. And, although the Joint Communique describes the future status of the Marianas as that of a "commonwealth," there is no intention or desire to imitate the Puerto Rican experience. Rather, the term "commonwealth" is merely a general framework which will derive its substance and meaning from the terms of a formal status agreement itself.

The agreement will not neglect any legitimate U.S. interest, but it must be recognized that the future status of the Marianas in the American system will be the first such relationship which is the product of free and open negotiations between the parties concerned. The special needs of the Marianas, therefore, will inevitably shape certain terms of the status agreement to protect the interests of the people of the Marianas. Moreover, because the provisions under which the Marianas move from their current status of a trust territory will be subject to U.N. approval, it will be important for both the Marianas and the United States to satisfy the United Nations that the new political relationship provides adequate assurances of self-government for the people of the Marianas and otherwise reflects a free decision of the people concerned to choose their political destiny.

Over the years, it has been recognized that the U.S. Constitution provides ample flexibility in shaping the

relationship between the central government and a dependent territory. While serving in the Department of War in 1914 in connection with territorial affairs, Felix Frankfurter observed:

"The form of the relationship between the United States and an unincorporated territory is solely a problem of statemanship. History suggests a great diversity of relationships between a central government and dependent territory. The present day shows a great variety in actual operation. One of the great demands upon inventive statemanship is to help evolve new kinds of relationships so as to combine the advantages of local self-government with those of a confederated union. Luckily, our Constitution has left this field of invention open." Quoted in Mora v. Torres, 113 F. Supp. 309 (D.P.R. 1953).

The Marianas Commission has expressed the view that the U.S. delegation to the status talks should not feel constrained by frameworks for territorial governance established unilaterally by the United States over the last half-century. And, the people of the Marianas are hopeful that there will be no constitutional or political impediment to creating a new political status relationship for the Marianas that recognizes the unique circumstances under which the Marianas propose to become a member of the American political family. It is hoped that the unnecessary shortcomings of earlier status relationships can be avoided and that the United States will recognize that it has, in

the words of a recent Washington Post editorial,^{*/} "a special responsibility to leave the Micronesians in a situation of promise and dignity."

B. Economics and Finance.

The people of the Marianas are mindful of the fact that economic self-sufficiency is essential to any measure of genuine self-government. The United States has already expressed its commitment to the goals of raising significantly the per capita income of the people of the Marianas and moving progressively toward economic self-sufficiency. The legacy of the past renders these goals all the more urgent to the people of the Marianas.

Per capita income for the Marianas has been estimated to be around \$1000 -- far below that of the United States with its per capita income of about \$4000. Economic development has been slow -- due largely to restrictions imposed by the Trust Territory government. The present physical infrastructure in the Marianas of roads and the like was largely constructed either before or just after World War II. The life expectancy of such major systems as roads, sewer, water, and power has long since expired.^{**/}

^{*/} Washington Post, July 23, 1973.

^{**/} The present water system on Saipan loses 50% of the gallons pumped per day. This problem of leakage suggests a high risk of contamination from sewage. The waste involved also threatens to deplete the fragile water supply on the island.

Government expenditures in the Marianas for 1973 are about \$7.0 million with about \$2 million devoted to capital improvements. This level of financial support is adequate to provide only the most rudimentary government operations and programs. Similarly, the support for capital improvements is a "drop in the bucket" when compared with the Trust Territory government's own estimate that a five-year capital improvement program for Rota and Saipan would cost nearly \$50 million dollars, or about five times the present rate of expenditures.

The critical need for capital improvements and economic development in the Marianas presents a unique opportunity for implementation of an overall plan for the islands. Through such planning and the orderly implementation of those plans, the Marianas could move quickly toward economic self-sufficiency while avoiding the perils of uncontrolled growth and development that have plagued Guam and the Virgin Islands.

Accordingly, the Marianas Commission has requested the United States to finance a master planning effort for the islands which would serve to identify and define the needs of the future Marianas government in the areas of capital improvement projects, economic development programs and ordinary government operations. Such a survey would

define the need for financial support from the United States by measuring the gap between the financial requirements of the Marianas and the available local resources. The survey would also serve to ascertain the best means to close this gap as rapidly as possible so that the Marianas could achieve self-sufficiency and thereby relieve the United States of further obligation to provide direct budgetary support.

The Marianas Commission has requested further that, after the required U.S. financial support is determined and agreed to by both sides, the United States should commit itself to provide such support over an initial period of years at guaranteed fixed levels. Without such a multi-year commitment, implementation of the master planning discussed above cannot be assured. Moreover, the Marianas people rightfully fear that dependence upon the annual budgetary review process in the U.S. Government will inevitably frustrate the achievement of their twin goals of economic self-sufficiency and local self-government. Recognizing these concerns, the U.S. delegation to the status talks has agreed in principle to support the master planning effort and thereafter to request Congressional approval of the multi-year commitment required to implement those plans.

C. Land.

Land in the Marianas, as in all of Micronesia, is the most scarce and precious resource of the people.^{*/} Most of the land in the Marianas is now held as public land or "military retention land" by the United States as trustee under the U.N. Trusteeship Agreement. The Marianas Commission has therefore requested that all such land as is held by the United States be returned to the people of the Marianas.

At the same time, recognizing that as part of the American political family the Marianas have a responsibility to contribute to the U.S. defense role in the Western Pacific, the people of the Marianas are prepared to make land available to meet U.S. military needs. In this connection, the United States has proposed a major military base that could occupy two-thirds of the island of Tinian and has also requested that additional land on Saipan be reserved for "contingency" purposes.

The people of the Marianas recognize the strategic importance of a significant U.S. military presence in their islands. At the same time, the scarcity of land in the Marianas requires that the U.S. military use only the

^{*/} The Marianas have a total of only about 180 square miles of land, and a part of this is not inhabitable.

minimum amount of land required. In this connection, the Marianas Commission has raised a number of specific questions with respect to the U.S. military proposals.

For example, the Commission has asked whether, in light of the extensive use of Tinian, the military actually needs to retain land on Saipan for "contingency purposes." The Commission is especially concerned that the retention of such land adjacent to the airport and harbor on Saipan could suppress or hamper commercial development in those areas. The Commission has also asked whether the Tinian base could be built so as to use less than two-thirds of the island.

The Commission is prepared to be convinced that its reservations are unwarranted. It is important, however, for these items to be fully discussed so that the people of the Marianas can be completely assured that all of the land made available is in fact required to meet genuine U.S. military needs.

CONCLUSION

The attached Joint Communique is eloquent testimony to the progress that has been made to date in the U.S.-Marianas status negotiations. Future rounds of negotiations will, of course, be required to refine the specific terms of the agreement that must be reached between the parties.

For the Marianas to realize their twin goals of local self-government and economic self-sufficiency, however, will require a degree of flexibility and innovation that has not typified the relationships of the United States with its other territories. Nevertheless, we believe the aims of the Marianas people in these areas are realistic and justified. Their position reflects nothing less than a desire to achieve the promise of American democracy. It is these goals which underly the strong desire of the Marianas people to become a part of the American system. With continued good will on both sides and with respect for the broad areas of mutual interests at stake, these goals can be fulfilled.

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