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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 are currently engaged in 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 regarded the opening of these negotiations in December, 1972 as a major step toward fulfillment of their frequently 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 rather than by purchase or conquest. This memorandum has been prepared to inform interested parties regarding the ongoing status negotiations and to contribute to more general 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. The Trust Territory of the Pacific Islands was created by the United Nations following World War II and includes all of those islands formerly under a League of Nations' mandate administered by Japan. 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, and language ties with the people of Guam. Indeed, Guam was at one time administered by the Spanish as part of the Marianas, until it was granted to the United States in 1898 under the terms of the Treaty of Paris ending the Spanish-American War.

^{*/} 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 variations.

Whereas Guam became a territory of the United States, the people of the Mariana 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 to the people of the Marianas from the progress made by neighboring Guam toward local self-government and economic self-sufficiency. Accordingly, over the years the Marianas people 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 important first to recognize that 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 peoples concerned."

In fulfillment of this obligation, the United States during the past several years has explored future political status alternatives for the Trust Territory as a whole and it is in this context that the Marianas negotiations must be viewed.

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 status alternatives for the entire Trust Territory. Early in the negotiations, the Micronesian delegation, now called the Joint Committee on Future Status, insisted on exploring a compact of free association between the United States and Micronesia. As contemplated by the parties, a relationship of free association (unprecedented in American history) would essentially leave

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Micronesia as an independent and sovereign nation which would delegate to the United States certain important powers, specifically in the areas of national defense and foreign affairs. In April 1972 it became clear that the Joint Committee insisted that the right of unilateral termination of its relationship with the United States was an indispensable aspect of the free association relationship which it desired. This position, however, was contrary to the wishes of the overwhelming majority of the people of the Marianas.

In light of the developments in the talks with the Joint Committee, the Marianas representatives to the Joint Committee renewed their request for separate discussions with the United States. The United States agreed to the Marianas request. In May 1972, the Marianas District Legislature created the Marianas Political Status Commission, a group broadly representative of various ethnic, political, economic, and social interest in the islands. The Marianas Commission was directed to study political status alternatives for the Marianas and to conduct negotiations looking toward a close and enduring political relationship with the United States following termination of the Trusteeship.

In December 1972, an opening session of the U.S.-Marianas status talks was convened in Saipan. Following this largely ceremonial session, the Marianas Commission initiated thorough studies of the legal, economic and other consequences

of various political status alternatives. At the same time, the Commission conducted extensive consultations with the Marianas people on the various possible subjects of negotiation with the United States. In May and June of this year, the Commission and the U.S. delegation engaged in more than three weeks of intensive substantive negotiations.

Despite occasional criticism from some members of the Joint Committee and the Congress of Micronesia, it is clear that the separate negotiations are essential to preserve the right of the people of the Marianas freely to choose their own political destiny. Recent events confirm that the Joint Committee alone cannot speak effectively for the people of the Marianas. In August 1972, the Congress of Micronesia supplemented its instructions to the Joint Committee by directing it to negotiate with the United States on possible independence for Micronesia as well as on the earlier option of free association. Pursuit by the Joint Committee of these dual negotiating goals is inconsistent with the overwhelming sentiment of the people 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. Representatives from the Marianas have expressed their views along these lines to the United Nations Trusteeship Council on June 12, 1973. (Attachment B.) Based on subsequent statements, it appears that many member nations on the Trusteeship Council have recognized the legitimacy of and the necessity for the

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separate U.S.-Marianas negotiations.

For its part, the Marianas Commission has no desire to undercut or hamper the negotiations of the Joint Committee. The Marianas Commission regrets that more than a year has elapsed since the last session of formal negotiations between the United States and the Joint Committee, especially since the United States has tentatively concluded that certain important issues, such as the return of public lands to the people, must be resolved on a Territory-wide basis. Moreover, 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.

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

As contemplated by the Marianas Commission, the current negotiations should produce a formal status agreement providing that the Marianas would become a member of the American political family. Under the terms of this agreement it would be clear that the United States possesses sovereignty over the Marianas as that term is generally used in the international community. The people of the Marianas would retain the right of self-government in local matters, with the opportunity to have their own Constitution, raise their own taxes, and control their own economic development. Otherwise, the authority of the U.S. Government would extend to all matters of national concern such as defense and foreign affairs, and interstate commerce. 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 for the Marianas 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 the 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. Foremost among these interests is the strongly felt desire of the Marianas people to share fully in the promise of American democracy by shaping their own political institutions and having meaningful self-government. 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 own political destiny.

^{*/} It is interesting to note that, concurrently with the Marianas negotiations, efforts are underway to improve the status relationship presently in force in Guam, the Virgin Islands, and Puerto Rico.

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 statesmanship. 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 statesmanship 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 "a special responsibility to leave the Micronesians in a situation of promise and dignity."^{*/}

*/ Washington Post, editorial, July 23, 1973.

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 \$1,000 -- far below the United States figure of about \$4,000. 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.^{*/}

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 expenditure

^{*/} 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.

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 are understandably

concerned 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

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

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 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 has also urged that the United States be satisfied with a long-term lease (rather than purchase) of land on Tinian.

The Commission is prepared to listen respectfully to any responses that the United States cares to make on this subject. It is important, however, for these items to be fully discussed between the negotiating parties 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. In light of

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the significant U.S. security interests at stake and the fact that the Marianas people are fully prepared to have a substantial military base on Tinian, the Commission is hopeful that good faith negotiations on this subject will eventually produce a resolution satisfactory to all concerned.

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. With continued good will on both sides and with respect for the broad areas of mutual interest, the Marianas Commission is optimistic that the long-term goals of both the Marianas people and the United States can be fulfilled.

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JOINT COMMUNIQUE

From May 15 to June 4, 1973, the Marianas Political Status Commission and the President's Personal Representative met in Saipan for negotiations aimed at achieving political union between the Mariana Islands and the United States of America.

The meeting consisted of public plenary opening and closing sessions, several working sessions, and meetings of subpanels of advisers on technical matters. The two sides recognize that any final agreement emerging from these and future sessions of negotiations will have to be approved by the Marianas District Legislature, the people of the Marianas in a plebiscite, and the United States Congress. The delegations attempted during these discussions to arrive at preliminary agreements where possible and to identify technical questions requiring further study by smaller panels of experts. There was no attempt to agree on precise language for formal agreement. However, both delegations believe their working sessions have resulted in substantial progress in that preliminary agreements were reached in broad areas.

The discussions dealt with the nature of the future political relationship, United States economic and financial assistance, and land matters including United States land requirements. The tentative agreements are set forth below:

The Nature of the Political Relationship

1. The future political relationship between the Marianas and the United States would take the form of a commonwealth arrangement, as defined by a formal political status agreement. Under this arrangement, the future

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Marianas Government would exercise a maximum amount of self-government consistent with relevant portions of the United States Constitution and federal law. Sovereignty over the Marianas would be vested in the United States.

2. Fundamental provisions of the formal agreement establishing the commonwealth relationship would be subject to modification only by mutual consent. The parties have agreed to explore alternative methods to implement this mutual consent requirement.

3. Article IV, section 3, clause 2 of the United States Constitution would apply to the future political relationship between the Marianas and the United States, subject to the two delegations arriving at an acceptable arrangement under which modification of fundamental provisions of the formal agreement establishing the commonwealth relationship is made only by mutual consent and subject further to the reservation of the Marianas Political Status Commission that it will explore means to reconcile the plenary powers of Congress under Article IV, section 3, clause 2 with the exercise by the commonwealth of the Marianas of maximum self-government with respect to internal affairs.

4. The future Marianas government would be established under a constitution of the Marianas. This constitution would be drafted by a local constitutional convention and would be subject to the approval of the people of the Marianas. The Marianas constitution would include a bill of rights and provide for the separation of powers and a popularly elected chief executive. The Marianas constitution, as initially drafted and approved

by the people of the Marianas, would be subject to approval by the United States Congress for consistency with the relevant provisions of the United States Constitution, legislation establishing the commonwealth arrangement, and any other relevant federal legislation. Constitutional amendments would not require approval by the United States Government, although federal courts would be competent to pass on the consistency of such amendments with relevant provisions of the United States Constitution and of federal law.

5. The United States would have responsibility for and complete authority in the fields of defense and foreign affairs. In this regard, the advice of the future commonwealth government on international matters directly affecting the islands would be considered by the United States Government and the United States would support the membership of the Marianas in regional or other international organizations concerned with economic, cultural, or comparable matters of concern to the Marianas to the extent such organizations permit such representation. The Marianas would also be able to establish offices abroad to promote local tourism or other economic or cultural interests.

6. With respect to judicial matters, the new Marianas commonwealth would have the right to establish local courts to handle cases arising under local law. The operation of these courts, if established, would be compatible with the federal court system and consistent with applicable federal law. The jurisdiction of the United States District Court in the Marianas would be at least the same in the Marianas as it would in a state.

7. Recognizing that the question of Marianas representation in the United States Congress is ultimately a matter for decision by that body, the United States delegation has agreed to support a request by the Marianas for its own non-voting delegate in Congress. The parties have agreed to explore a common approach to the United States Congress on this subject.

8. Article IV, section 2, clause 1 of the United States Constitution relating to "privileges and immunities" would apply in the Marianas, subject to appropriate limitation in the formal status agreement to assure that the ability of the future Marianas Government to preserve control of the land of the Marianas in the hands of Marianas citizens will not be compromised. Citizens of the Marianas would be entitled to all privileges and immunities of citizens in the several states. Article IV, section 1 of the United States Constitution relating to "full faith and credit" would apply with respect to the Marianas as if it were a state. The requirements in the United States Constitution of indictment by grand jury and of a jury trial in civil cases need not be made applicable in the Marianas. The Marianas Political Status Commission will study further which additional provisions of the United States Constitution should be made expressly applicable in the Marianas.

9. Marianas residents would have the opportunity of becoming United States citizens. The parties have agreed to study further, through a joint working group of lawyers, the status to be accorded those residents of the Marianas who might not wish to become American citizens.

10. There would be continuing dialogue after establishment of the commonwealth, on the needs and interests of the Marianas. The parties have agreed to discuss, at a later stage in the negotiations, whether to provide for formal periodic review of all aspects of the relationship between the Marianas and the United States.

11. The question of whether certain major areas of federal legislation will apply in the Marianas may be dealt with explicitly in the formal agreement establishing the future political status of the Marianas. These areas include taxes, immigration, customs, banking, social security, maritime laws, labor standards, and the postal service. The parties have agreed that the joint working group of lawyers will study federal laws in these and other areas to determine whether and how their application in the Marianas should be circumscribed by the formal status agreement and whether that agreement might provide generally for resolving questions as to the applicability of future federal laws in the Marianas.

12. At some future date a joint commission would be established to study and make recommendations on the applicability in the Marianas of the large body of federal legislation and regulations which will not be specifically addressed in the formal status agreement.

Economics and Finance

1. The objectives of a long term economic development program for the Marianas should be:

- a. To facilitate an orderly transition to the new political status;

- b. to build toward an adequate social and economic infrastructure;
- c. to provide necessary public services and programs; and
- d. to encourage and to promote the future economic development of the Marianas.

The United States is agreed in principle to assist the Marianas in the attainment of these objectives in order to achieve the ultimate goals of raising significantly the per capita income of the people of the Marianas and moving the Marianas progressively toward economic self-sufficiency.

2. The accomplishment of the above objectives will require systematic long-range planning to identify specific economic priorities and evaluate financial needs and potential local sources of revenue (particularly as they may be substantially affected by proposed military activities in the Marianas) in order to develop estimates of the quantum of financial support from the United States which might be necessary for the new commonwealth to achieve self-sufficiency.

3. The two delegations discussed such a preliminary planning effort including such matters as a land cadastral program for the Marianas, preparation of a physical plan, a government reorganization plan, an economic and social development plan, and legal planning in such areas as political education, preparation for a Constitutional Convention, and development of initial legislative programs. The United States will agree in principle to finance this planning effort, subject to the outcome of a

review of such questions as timing, the range of activities contemplated and funding procedures, to be undertaken by a joint working group on economics and finance.

4. The parties have agreed that special attention will be paid to finding means to implement a land cadastral survey program in the Marianas as soon as possible.

5. The parties are agreed in principle on the need for United States financial assistance for capital improvement programs, for start-up costs associated with the new commonwealth, and for government operations and programs until the people and the government of the Marianas can meet the financial responsibilities of self-government from their own resources. Although the United States believes that long-term support for the Marianas can best be assured by the extension of appropriate federal programs and services to the Marianas and by direct grants approved annually through the normal federal budgetary process, the United States is prepared to agree, subject to the approval of the United States Congress, to provide financial support over an initial period of years at guaranteed fixed levels, in addition to the normal range of federal programs for which the new Marianas government might become eligible. The parties have agreed to explore the exact framework through which such a commitment can be implemented.

6. Reliable estimates of the levels of required United States financial assistance cannot be determined until after further study of the needs of the Marianas and their anticipated revenues. Although the extensive preliminary planning efforts discussed above will address these

subjects in greater detail, the parties have agreed that the joint working group on economics and finance referred to above, will study specific questions relating to the long-term financial requirements of the Marianas, including the following:

- a. the likely nature and extent of internal revenues in the Marianas;
- b. the impact on anticipated revenues of current United States plans for construction and operation of military facilities in the Marianas;
- c. the impact on anticipated revenues of foreseeable growth in the economy of the Marianas;
- d. the capital improvement needs and economic development goals of the Marianas;
- e. the costs of government operations and programs in the Marianas; and
- f. the amount of federal funds that could be made available to the Marianas through certain current federal programs available to the states and territories.

Future Uses of Land in the Marianas

1. The two delegations devoted several meetings to discussion of the question of land and concluded that a firm basis for further progress in this important substantive area had been established. Both sides agreed that it has been possible to develop meaningful understanding as to the significant principles involved although a number of important questions still remain to be resolved in future discussions.

2. With regard to public land, the United States reiterated its prior commitment to return to the people of the Marianas the land now held in public trust just as soon as questions of a legal, technical, administrative and timing nature can be resolved. These are now being examined as part of a larger study of the early return of public land in all the districts of Micronesia. If that study is delayed, priority attention will be given to the Marianas.

3. The United States agreed to work with the Marianas Political Status Commission to establish an effective means for preventing land in the Marianas from being alienated to persons not of Marianas ancestry.

4. With regard to United States military land requirements, the Marianas Political Status Commission again acknowledged the oft-stated United States need for land in the Marianas for defense purposes and agreed to negotiate with the United States in good faith on meeting that need. The United States agreed to approach the matter in the same spirit. The Marianas Political Status Commission agreed in principle to make land available to the United States, with the question of the extent of such land and the terms under which it is to be made available still to be negotiated.

5. The Marianas Political Status Commission agreed in principle that a small, uninhabited and inaccessible island could be made available as a United States target area, as Farallon de Medinilla is now being used. The United States would continue its joint use of Isley Field on Saipan. Other needs are still under discussion.

6. It was the understanding of both delegations that the Marianas Political Status Commission would be prepared to negotiate with respect to that portion of Tinian required by the United States for military purposes. In this connection, means would have to be found to assure that social and economic conditions evolve in a manner compatible with the mutual interests of both the civilian and military communities.

7. During the forthcoming recess in formal talks between the two delegations, further discussions will be held at a technical level to clarify and refine the United States proposals in detail. In this connection, the United States has agreed to further examine its proposals for military land requirements in the light of the comments of the Marianas Political Status Commission. Similarly the Marianas Political Status Commission has agreed to give further consideration to the United States military land proposals.

8. The United States will send a small group of engineers to the Marianas to make necessary preliminary on-the-spot surveys. These actions are necessary in order to facilitate the planning process. In this regard, the United States offered assurances that it has no intention of taking further action to implement its military land proposals so long as this matter is still under negotiation with the Marianas Political Status Commission.

9. The parties agreed to establish a consultative group to discuss the detailed plans for military and related land use in the Marianas as they are developed and to consult with the people directly affected by those plans. The people of Tinian will be represented in such a group.

Future Meetings

The Chairman of the Marianas Political Status Commission and the President's Personal Representative agreed that the two delegations would meet again to pursue all of these matters further as soon as possible probably in the late summer or early fall. Meanwhile, talks will continue at the technical level on the subjects indicated above.

Edward DLG. Pangelinan
Chairman, Marianas Political
Status Commission

Franklin Hayden Williams
The President's Personal Representative
for Micronesian Status Negotiations

June 12, 1973

STATEMENT OF JOAQUIN I. PANGELINAN AND BENJAMIN T.
MANGLONA BEFORE THE UNITED NATIONS TRUSTEESHIP COUNCIL
JUNE 1973

Mr. Pangelinan:

Mr. President, I am Joaquin I. Pangelinan, a member of the Marianas Political Status Commission. With me is Benjamin T. Manglona, also a member of the Marianas Political Status Commission. On behalf of our Commission and the people of the Mariana Islands, I wish to extend to you and the members of the Trusteeship Council our appreciation for the opportunity to appear before the Council as petitioners.

As representatives of all the people of the Mariana Islands District of the Trust Territory of the Pacific Islands, we are here to speak to the Council on the subject of our future political status.

Last year, representatives from the Marianas spoke to the Council about the deeply-felt desires of our people for a close political relationship with the United States of America. Since then, the people of the Marianas, freely and through their elected representatives in the Mariana Islands District Legislature, have created the Mariana Political Status Commission. The Commission has studied and is continuing to study important issues

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relating to our future status. At the request of the people of the Marianas, the United States Government has opened separate negotiations with our Commission aimed at achieving a close political relationship between the Marianas and the United States of America. During the past year, we have concluded two rounds of negotiations. We appear before the Trusteeship Council to report on the progress of those negotiations and to solicit understanding and support from this body for the position of the people of the Mariana Islands District.

My remarks will address the position of the Marianas with regard to our future political status. Mr. Manglona's statement will report on the progress to date of the negotiations between the Marianas Political Status Commission and the United States.

It is the desire of the people of the Mariana Islands District for a close political relationship with the United States. This sentiment has been acknowledged by your most recent Visiting Mission and by other United Nations observers over the past several years. Our desire for close association with the United States is not a recent development however. These feelings have been consistently expressed over an extended period. They have been expressed directly by the people in village town-hall type

meetings and informal plebiscites. They have also been expressed through their elected representatives in Municipal Councils and the District Legislature.

The movement for close association with the United States originated in the form of requests for reintegration with Guam, a United States territory. As you may know, the Marianas District has historical, economic, cultural, religious and common language ties with Guam. The basis for this movement, however, runs deeper than (and is no longer linked to) a desire for reintegration with Guam. The people of the Marianas wish to become a self-governing political entity in the American political family because we desire the rights, freedoms and benefits which flow from such an association with the United States.

There are several reasons for our belief that a close political relationship with the United States will assure the realization of these goals. First, the people of the Marianas have too long a history of rule by autocratic powers not to appreciate the degree of personal and political freedom which United States administration of the Trust Territory has brought us. We need only look to our close neighbor Guam or to any other members of the American political family to observe that the United States has promoted and preserved these values which we cherish so highly.

Second, the people of the Marianas believe that human rights and political freedom can best be assured when there is economic development that is designed to raise the standard of living and to promote economic self-sufficiency. A study of the possessions, territories and other members of the American political family makes it very clear that a close political relationship with the United States will assure the level of economic development which our people desire.

Finally, our people believe, and the work of the Marianas Political Status Commission confirms, that a close political association with the United States can take the form of a relationship that would fulfill the desires of our people for internal self-government. Such a relationship would be consistent with the United Nations principles of self-determination for all peoples.

These worthy goals of the people of the Marianas are the basis of our desire for a close political relationship with the United States. As this Council is aware, the Joint Committee on the Future Political Status of Micronesia has rejected close relationship with the United States and appears determined to pursue free association and independence as the alternatives for the future political status of all of Micronesia. We respect the right of the Joint Committee, the Congress of Micronesia and the

people of the other Districts of Micronesia to freely choose their own political future. We cannot accept, however, their right to deny the freely-expressed wishes of the people of the Marianas in this regard. It is for this reason that our people formed their own Commission on Future Political Status and requested the United States to open separate negotiations with that Commission.

The people of the Marianas recognize that the course we are pursuing may lead to our ultimate separation from the rest of Micronesia. In part, this course was thrust upon us by the Joint Committee's rejection of close association with the United States for Micronesia as a whole. It is fair to say, however, that sentiment in the Marianas for separation from the rest of the Trust Territory has deeper roots. The unity of Micronesia has been the product of our domination by outside powers -- not of the freely-expressed wishes of the peoples concerned. We share no cultural or language ties with any other District of Micronesia. As stated earlier, our traditional ties are with Guam, which is a part of the United States and from whom we were separated by the historical accident of the Treaty of Paris ending the Spanish-American War. It has been said that the word "Micronesia" is only a geographical term. One can fairly question even this description when that term is

used to describe distinct island groups separated by thousands of miles of ocean.

We do not believe that, when the United Nations created the Trust Territory of the Pacific Islands in 1947, it intended to determine forever the political unity of the inhabitants of these diverse islands -- regardless of the freely-expressed wishes of the peoples concerned. And yet, the recent report of the Visiting Mission implies that separation of the Marianas from the rest of the Trust Territory would be contrary to the United Nations policy favoring national unity and territorial integrity.

With all due respect, we cannot accept any such restrictive view of United Nations policy. Division of Trust Territories to reflect the freely-expressed wishes of the peoples concerned is fully consistent with the principles of self-determination. In addition, such division has already occurred in the British Cameroons with United Nations approval.

The United Nations policy of opposition to disruption of national unity and territorial integrity (set forth in General Assembly Resolution 1514 (XV)) applies explicitly to existing countries. This policy has not, so far as we are aware, been applied to decisions freely made by the peoples concerned on the future political status of dependent territories. We believe that it should not be applied to those territories whose boundaries were

originally drawn for administrative convenience and not with regard to the differing conditions or wishes of the inhabitants.

We recognize the legitimate concern of the United Nations for the well-being of all of the peoples of Micronesia. We are sensitive to the concern that separation of the Marianas from the rest of the Trust Territory could temporarily disrupt the administration of the remaining districts. Whatever our choice of future political status, we recognize our obligation to accommodate these concerns. However, abstract notions regarding the unity of Micronesia must not be allowed to frustrate the ability of the people of the Marianas to freely choose their own future political status.

In closing this portion of our statement, I convey the hopes of my people that the United Nations will understand our political aspirations and will support our right to choose our own political destiny. We ask no more nor no less than the rights which are assured all peoples by the United Nations Charter.

Thank you, Mr. President. Mr. Manglona will now report to the Council on the work of the Marianas Political Status Commission and the progress of its negotiations with the United States.

Mr. Manglona:

Mr. President, I would like to join Mr. Pangelinan in expressing my gratitude for this opportunity to appear before the Council and speak on a subject of vital concern to the people of the Marianas.

As Mr. Pangelinan has told you, the people of the Marianas, freely and through their elected representatives, have created the Marianas Political Status Commission in order to pursue their goal of a close political affiliation between the Marianas and the United States of America. The Commission is broadly representative of the people of the Marianas, including representatives from the Congress of Micronesia, from the District Legislature, from the Municipal Councils, from both political parties, from the local business community, and from the major ethnic and cultural groups in the islands.

Pursuant to its mandate, the Marianas Political Status Commission has been guided by the expressed wishes of the people regarding their choice of future political status. The Commission is continuing its dialogue with the people of the Marianas so that it will be better able to represent their views in future negotiations with the United States. We have employed qualified consultants to survey technical and legal questions in the areas of political status alternatives, economic development and land policy.

With the benefit of these consultations and studies, we have opened negotiations with representatives of the United States Government. These negotiations were opened

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at the request of the people of the Marianas and not, as some have suggested in the past, at the instigation of the United States. After a ceremonial opening session last December, the two delegations met in Saipan during May to begin working sessions which lasted until June 4. It is my privilege to report to the Council on the progress of these negotiations.

In seeking a future political status that is consistent with the desire of our people for a close political association with the United States, the Commission has adopted the goals of maximum internal self-government for the Marianas and economic development that is designed to increase the standard of living of our people and to move the Marianas progressively toward economic self-sufficiency. We believe these goals are consistent with United Nations principles of self-determination. Also consistent with United Nations principles, the mandate of our District Legislature requires that any agreements reached between the Commission and the United States must be approved by the people of the Mariana Islands District through a plebiscite or referendum.

In moving toward agreement on the issues relating to our future political status, the Commission is proceeding

cautiously and deliberately. We are determined to consult with our people at every stage to determine their wishes. Our consultants are advising us on the complex technical and legal issues involved. This Council can be assured that our negotiations with the United States are not one-sided or unequal. Although we have made much progress, we are far from formal agreement. Many outstanding issues remain to be studied and worked out. Nevertheless, in the recent working sessions, a number of important preliminary understandings were reached.

In the area of future political status, the parties reached tentative agreement that the future political relationship between the Marianas and the United States would take the form of a commonwealth arrangement, as defined by a formal political status agreement. The Marianas government would exercise maximum self-government with respect to internal affairs, while the United States would have sovereignty over the Marianas and exercise authority in the fields of defense and foreign affairs. The new government of the Marianas would be established under a locally drafted and locally approved constitution which would provide for the institutions of local government. The fundamental terms of this relationship, as spelled out in the political status agreement, would be subject to modification only by mutual consent.

In the area of economics and finance, the United States would provide assistance to move the Marianas progressively toward economic self-sufficiency, which we believe is fully consistent not only with political stability and freedom but with true self-government. The people of the Marianas are concerned that the future of the Marianas should belong to our children. We intend to strive toward control of our own economy, as well as of our institutions of government. In this connection, land is our most precious resource both because of its relative scarcity and because of its cultural significance to our people. The United States has agreed in principle that, under our future relationship, land would remain in the hands of persons of Marianas ancestry.

We are also negotiating for the return of public lands, now held in trust by the Administering Authority, to the future government of the Marianas and ultimately to the people of the Marianas. The United States has committed itself to an early return of land now held in public trust.

We recognize that under international agreements the United States has responsibilities for the maintenance of peace and security in the western Pacific. We recognize further that, as a member of the American political family, the Marianas will have certain obligations to assist the United

States in meeting its defense requirements. We are, therefore, negotiating with the United States with respect to specific military land requirements in the Marianas.

The subject of United States military land requirements is a matter for negotiation because we believe that no land should be made available for this purpose without the agreement of the people concerned. The Marianas Political Status Commission is aware of reservations by the residents of Tinian to the use of certain areas of Tinian by the United States military. We would like to assure this Council that any decision reached on these matters will be made only after full consultation with the people of Tinian. In addition, any agreement reached by the Commission in this area will be submitted for approval to the people of the Marianas along with the agreements reached in the areas of political status and economics and finance.

We have agreed in principle to negotiate in good faith on meeting the acknowledged United States need for land in the Marianas for defense purposes. However, the Marianas Political Status Commission has reached no agreement with respect to meeting specific land requirements. The Marianas Political Status Commission is consulting closely with the people who might be directly affected by a decision to make land available to the United States for military purposes. In light of the scarcity of land in the Marianas, we believe that the land requirements of the United States must be reconciled with the best interests of the people of the Marianas.

These are the areas of preliminary understanding that have been reached in our negotiations with the United States. It is apparent that much work remains to be done

before we could be ready to submit a formal agreement to the people. We believe our efforts to date have been fully consistent with the wishes of our people that we explore a close political relationship with the United States. Despite the clear mandate from our people in this regard, however, we have been criticized in the Congress of Micronesia and by certain segments of opinion within the United Nations. I would like to say a few words about this criticism.

The people of the Marianas and its Political Status Commission fully respect the right of the people of Micronesia collectively to pursue their own future political status. We recognize the right of the Joint Committee to explore political status alternatives for Micronesia as a whole. The two members of the Joint Committee, who are also members of the Marianas Political Status Commission, continue to participate in the work of the Joint Committee.

While respecting the rights of the Joint Committee, the people of the Marianas cannot allow that Committee or the Congress of Micronesia to dictate the terms of a future political status for the Marianas which is contrary to the freely-expressed wishes of its people. Therefore, we cannot accept the nonbinding resolution of the Congress of Micronesia (S.J.R. No. 38) which holds that our Commission has no authority to seek a separate political status for the Marianas. We agree that the Joint Committee is presently the only organization with authority to negotiate with the

United States on the future political status of Micronesia as a whole, but we respectfully do not agree that the Joint Committee has the right to deny the freely-expressed wishes of any of the Districts of Micronesia for a separate political status.

When the Joint Committee rejected close association with the United States as a future political status alternative for Micronesia, it threatened to deny the right of our people to choose that alternative upon termination of the Trusteeship. We agree in principle with the sentiment of the recent Visiting Mission Report that the people of Micronesia must be given the option of choosing among different alternatives in deciding their future political status. The mandate of the Marianas Political Status Commission is to give the people of the Marianas the option of close association with the United States -- an option which the Joint Committee apparently has foreclosed.

Despite our differences with the Joint Committee, we hope that its negotiations with the United States will proceed rapidly toward a tentative agreement. We believe all the citizens of Micronesia look forward to termination of the Trusteeship and the right to freely choose their future political status, consistent with the principles of self-determination. Our separate negotiations with the United States are not inconsistent with the work of the Joint

Committee. Both of us look forward to termination of the Trusteeship. The results of our efforts will enable the people to freely choose their political future.

In its recent report, the Visiting Mission stated that the people of Micronesia should have the right to explore the option of independence at the same time they are exploring the option of free association. We do not understand how the Visiting Mission can argue that the people of the Marianas should be denied the right to explore the option of close political association with the United States. With all respect to this body and its Visiting Mission, we believe that the Visiting Mission's recommendation to suspend the talks between the Marianas Political Status Commission and the United States is contrary to the principles of self-determination. Unless the people of the Marianas are presented with a fully developed alternative reflecting close association with the United States, they will be denied the right to freely choose their political destiny.

The people of the Marianas have expressed their desire for close association with the United States for many years. In order to determine the wishes of the people, a district-wide plebiscite was held in 1969. The Marianas Political Status Commission is the vehicle to implement the expressed wishes of the peoples concerned. We ask this body to support the right of our people to pursue

their choice through the negotiations now under way between the Commission and the United States. We pray that you will not deny us that right.

Thank you.