Micronesia, officially the Trust Territory of the Pacific Islands, is a group of over 2,000 islands, about 95 of which are inhabited. Three archipelagos form Micronesia: the Marshalls, the Carolines, and the Mariana Islands, exclusive of Guam which is geographically but not politically a part of the Marianas. Located in the western Pacific Ocean just north of the equator, and stretching 2600 miles east to west and about 500 miles north to south, the islands together with their surrounding waters cover a total area of 3,000,000 square miles, or an area larger than the continental United States. Micronesia's immediate neighbors include the Philippines, located within several hundred miles of Palau, and Japan, located within 1,000 miles north of the Mariana Islands.

Many of the islands of Micronesia are little more than knobs penetrating the ocean surface. Their total land mass is just over 700 square miles, about two-thirds the size of the state of Rhode Island. Only two islands, Ponape and Babelthuap, are larger than 100 square miles.

For administrative purposes, Micronesia is divided into six districts: Palau (with a land area of 190 square miles), Yap (46 square miles), Truk (49 square miles), Ponape (176 square miles), Mariana Islands (190 square miles), and the Marshall Islands (70 square miles).

According to 1972 statistics, the total population of Micronesia was 114,645, roughly the size of the city of Allentown, Pennsylvania, distributed as follows: Truk district--32,732; Marshall Islands district--24,248; Ponape district--23,723; Palau district--13,025; Mariana Islands district--13,381; and Yap district--7,536.

For over 200 years, Micronesia has been subject to foreign rule. Spain annexed the Marianas in 1565 but did not claim other areas until she took over the Carolines in 1885. One year earlier Germany had acquired the Marshalls. In 1899, one year after the U.S. acquisition of Guam from Spain,

Germany purchased Spain's remaining possessions in Micronesia. German rule was in turn replaced by Japanese occupation in 1914. After Germany renounced her overseas possessions in accord with Article 119 of the Treaty of Versailles, Micronesia was formally placed in Japan's possession in the new system of international supervision established by the League of Nations for dependent peoples. A formal agreement between Japan and the Council of the League of Nations was confirmed by the League Council on December 17, 1920. Under the agreement Micronesia was a "C" mandate. That is, Micronesia was one of those territories which "owing to the sparseness of their population, or their small size, or their remoteness from the centres of civilisation, or their geographical contiguity to the territory of the Mandatory, and other circumstances, can be best administered under the laws of the Mandatory as integral portions of its territory, subject to the safeguards...in the interests of the indigenous population."[2]

The first indication of official U.S. Government interest in Micronesia occurred during the period of early Japanese administration. According to official records, the United States maintained that at President Wilson's request at the Paris Peace Conference an "understanding" had been reached that the Island of Yap was not included in the portion of the mandate given Japan. Wilson's hope was that an international cable station could be operated on Yap. But Wilson's "understanding" was not shared by other governments and the United States subsequently made arrangements with Japan for communication facilities on Yap. The agreement is recorded in the treaty with Japan regarding U.S. rights in the former German islands, signed February 11, 1922, and brought into force July 13, 1922.[3]

Japan submitted reports on its "sacred trust" to the League of Nations and even continued to do so three years after Japan's 1935 withdrawal from the League. Technically, Japan remained the mandatory power in Micronesia even after its capture by American forces in World War II.

For its part, the United States established military rule over Micronesia after capturing the islands. The United States became the "Administering Authority" of Micronesia with the establishment of the United Nations trusteeship system after the war.

Following American occupation of the islands and before the final defeat of Japan, a debate took place within the United States Government as to what the U.S. relationship with Micronesia should be after the war. It was clear from the Cairo Declaration of 1943 that Japan would lose the islands, but it was unclear who would inherit them. American military officials were convinced that American control of the area was essential to U.S. national security and to peace in the Pacific. Some argued that as a result of the substantial losses in terms of American lives and material in the war, the U.S. was entitled to exercise territorial rights over Micronesia. On the other hand, cognizant of U.S. statements in the Atlantic Charter that the United States would "seek no aggrandizement, territorial or otherwise" and in the Cairo Declaration that the Allies "covet no gain for themselves and have no thought of territorial expansion," the Department of State was opposed to annexation of Micronesia. In addition, the United States had made a major effort in support of decolonization, even to the point of friction with France and Great Britain. State Department officials were also concerned over the precedent annexation of Micronesia might play in support of the Soviet Union's allegations concerning its national security "needs." The Department of State favored putting the islands under a trusteeship form of international supervision.[4]

The Trusteeship System: Strategic and Non-strategic Trusts

International trusteeship arrangements, however, were unacceptable to the military, even after provisions were added to an early draft limiting U.N. supervision to non-security interests.[5]

The resulting compromise was a proposal to set up two categories of trusteeships in the U.N. Charter, one category to incorporate what had been the original plan for trusteeship or "non-strategic trusts." A second category of trusteeship, the "strategic trust", was to meet the demands of the U.S. military.

The Trusteeship Agreement

Under Article 77 of the Charter, the trusteeship system included territories in the following categories:

a) territories held under mandate;

b) territories which might be detached from enemy states as a result of the Second World War; and

c) territories voluntarily placed under the system by states responsible for their administration.

However, Article 82 provided that within any trusteeship agreement there could be designated "a strategic area or areas which may include part or all of the trust territory to which the agreement applies." All functions regarding strategic trusts including the terms of agreement, alteration or amendment are exercised by the Security Council (Article 83(1)) while the General Assembly through the Trusteeship Council is responsible for areas not designated strategic (Article 85(1)).[/] Despite the general language of Art. 85, only Micronesia was designated a strategic trust.

The primacy of the Security Council meant that a permanent member who was the administering authority responsible for the administration of a strategic trust or of a trust territory with any area designated strategic in the trusteeship agreement could veto any matter of which the administering authority disapproved.

Over Soviet objections, the Security Council in 1949 decided to delegate responsibility for U.N. supervision, except for security matters, to the Trusteeship Council. The Security Council itself has considered Micronesia only once since approval of the Trusteeship Agreement--regarding use of the islands by the United States for nuclear testing--and reports of the Trusteeship Council to the Security Council have been perfunctory.

The Trusteeship Agreement for the Former Japanese Mandated Islands was approved by the Security Council on April 2, 1947 and by the United States Government on July 18, 1947. The Trusteeship Agreement was approved by each house of the U.S. Congress without significant debate after military officials had testified on the strategic importance of the islands and had expressed their satisfaction that the agreement had sufficient safeguards to maintain U.S. control.[6]

The Trusteeship Agreement contains the following major provisions:

1. Micronesia as a whole is a strategic area (Article 1);

2. The United States is given "full powers of administration, legislation, and jurisdiction" and can apply the laws of the United States to the Territory (Article 3). A provision that the Territory could be administered "as an integral part of the United States" was deleted at Soviet suggestion but the deletion did not lessen U.S. authority.[7]

3. In pursuit of the obligation of all administering authorities to ensure that trust territories play their part in maintaining international peace, the United States could:

   a) establish naval, military and air bases and erect fortifications in the territory;

   b) station and employ armed forces in the territory;

   c) make use of volunteer forces, facilities and assistance from the trust territory in carrying out obligations to the Security Council, and for local defense and internal order (Article 5).

4. The objectives of the international trusteeship system as set

forth in Article 76 of the U.N. Charter were applicable to Micronesia. (Article 4) In pursuing its obligations, the U.S. agreed to:

a) "foster the development of such political institutions as are suited to the trust territory and shall 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..."

b) "promote the social advancement of the inhabitants..."; and

c) "promote the educational advancement of the inhabitants..." (Article 6)

5. A "most favored nations" clause stated that the U.S. would accord to nationals of each Member of the United Nations and to their companies and associations, treatment in the Territory "no less favorable" than that given nationals and companies of any other U.N. member except the United States. (Article 8(1)) It is this provision which thus far has meant that only U.S. investment has been made in Micronesia, although there is ample evidence that considerable Japanese commercial activities take place in Micronesia through Micronesian "fronts."

6. The United States could join Micronesia into a customs, fiscal, or administrative union or federation, with one or more U.S.-owned territories (e.g. Guam) or establish common services between such territories "where such measures are not inconsistent with the basic objectives of the International Trusteeship System and with the terms of this agreement." (Article 9)

7. The United States was obligated to provide information to the United Nations on political, economic, social, and educational developments in the Territory and to receive periodic visiting missions, but the United States could determine when these obligations could not be met because part or all of the territory had been closed for security reasons. (Article 13) Thus, for example, the United States closed much of the Territory for security reasons prior to 1960 and even today the American military maintains control

over movements into and out of Kwajalein where the United States has test facilities for its Pacific Missile Range.

8. The U.S. agreed to apply to the territory any international conventions and recommendations which were appropriate to the particular circumstances of the trust territory and which would be conducive to the achievement of the basic developmental objectives of the agreement. (Article 14)

9. The terms of the agreement could not be altered, amended or terminated without the consent of the administering authority. (Article 15)

Despite the establishment of the Trusteeship Council as one of the permanent organs of the United Nations, it is clear that trusteeship was not meant to be a permanent status. A basic objective of the trusteeship system as set out in the U.N. Charter and in the Trusteeship Agreement is to promote progressive development toward "self-government or independence." This is in contrast with the mandate system where Micronesia, for example, fell into the "C" mandate category and it was not envisioned that the people would be able to attain either self-government or independence.

In practice, of the eleven territories placed under the trusteeship system, eight have become independent and a ninth, the British Cameroon, became part of an independent country. A tenth trust territory, New Guinea, presently under Australian administration, will attain self-government in late 1973 and independence, in union with the Australian non-self-governing territory of Papua, in the spring of 1974. New Guinea's independence will leave the United States as the only administrator under the trusteeship system. In response to this situation, to continuing anti-colonial pressures in the United Nations, and to Micronesian demands for a new status, the United States began preparations for a new status for Micronesia in 1963. Under National Security Action Memorandum 145, still classified "secret", President

Kennedy called for moving Micronesia into a "new and lasting relationship with the United States."[8] The available evidence indicates an additional factor was the desire of the American military to develop a new and more politically acceptable basis for continued and increased use of Micronesia, free of political restraints which the military has to observe in areas where the U.S. is not sovereign.

Thus, the conflict which existed at the close of World War II when the United States captured Micronesia and placed it under the U.N. Trusteeship System continues in 1973: how to reconcile traditional American commitments to "self-determination" and American opposition to "territorial aggrandizement" with military calculations that Micronesia is strategically important to the United States. The seeming dilemma raises a number of complex domestic and international legal and political questions as well as those humanitarian questions involved in implementation of the concept of self-determination. Perhaps basic to any analysis is a re-examination of the strategic importance of Micronesia under present and foreseeable future conditions rather than automatic acceptance of the determinations made immediately after World War II. The current paper seeks to examine some of the primary international legal questions involved in terminating Micronesia's trusteeship status. Specifically,

1) What is "self-determination" as it applies to Micronesia? In particular, what is the proper interpretation to be given the phrase in Article 6, paragraph 1, of the Trusteeship Agreement, "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?"

2) What other provisions of the United Nations Charter and of United Nations practice are applicable to Micronesia's exercise of self-determination?

3) Who or what in Micronesia has a legitimate claim to exercise the right to self-determination?

4) What procedures and processes must the United States follow in terminating the Trusteeship Agreement and insuring that a proper act of self-determination has taken place? In this process, what are the rights and obligations of the United States, the United Nations, the elected representatives of Micronesia and the peoples of Micronesia?

Micronesia, Self-determination, and Alternative Choices

At the outset it should be noted that this paper accepts the proposition that there is an international legal right to self-determination and rejects the contention that it is to be regarded as a mere principle. Proceeding from this proposition, we shall consider the scope of the right to self-determination in the Micronesian context. That is, does a valid exercise of the right to self-determination require that independence be chosen, or are other choices--such as, for example, integration into the United States or some other state, or free association or commonwealth status with the United States or some other state--equally available?

To answer this question, it is necessary to turn first to the terms of the principal documents concerned: the United Nations Charter and the Trusteeship Agreement. In the Charter, self-determination is referred to explicitly in Articles 1 and 55. A principal purpose of the United Nations is "to develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples,"[9] and the United Nations shall promote international economic and social cooperation "based on respect for the principle of equal rights and self-determination of peoples."[10] Self-determination is referred to implicitly in Article 76,[11] which speaks in terms of promoting political development towards "self-government or independence." As to the Trusteeship Agreement, Article 6, paragraph 1, provides that, in accordance with its obligations under Article 76 (b) of the Charter, the administering authority "shall 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."

Nowhere in the United Nations Charter or in the Trusteeship Agreement does one find a definition of "self-determination," "self-government" or "independence." However, interpretations of these terms and standards by

which the negotiations can be measured can be found in such secondary materials as preliminary drafts of the United Nations Charter and the Trusteeship Agreement, debates at the San Francisco Conference and in the Security Council, and General Assembly resolutions.

In early drafts, the trusteeship system was envisioned as considerably broader in scope than the present system set forth in Chapter 12 of the Charter. American planners had intended that all dependent areas be placed within the framework of a trusteeship system with "the status of full independence" as the goal. This plan was scrapped because of Great Britain's strong objections, both to putting all its empire under international supervision and to the goal of independence for all its territories.[12]

Two separate systems were set up within the Charter to deal with dependent peoples, one for non-self-governing territories and the other, with more detailed requirements, for trust territories. In the final working paper, independence was not explicitly included in the list of objectives for non-self-governing territories, despite efforts on the part of China and the Soviet Union to have it included. By the terms of Article 73 (b), the objective with respect to non-self-governing territories is simply to "develop self-government." That the United States did not see the term "self-government" as restrictive is seen in the United States argument during the Conference that the concept of self-government included independence as one of its forms.[13]

The list of objectives for trust territories, however, did include "independence." This was the compromise reached within the committee working on the drafts at the San Francisco Conference: independence could be left out of the draft on non-self-governing territories, but must be included as a goal for trust territories. Thus the inclusion of independence as a stated goal for trust territories but not for non-self-governing territories arguably

permits an inference that in the view of the international community the obligations of administrators of trust territories did not necessarily cease with the attainment of "self-government" but continue until independence if appropriate to the circumstances of the particular territory and if the people so desired. On the other hand, the administrator of a non-self-governing territory had fulfilled his obligations under Chapter XI of the U.N. Charter once self-government had been attained.[14] The latter, of course, was consistent with the French view of political prospects for French colonies and of Churchill's view that he did not become His Majesty's prime minister to preside over the liquidation of the British Empire.

Whatever may have been the view in 1945 about the ultimate political status of dependent peoples, subsequent practice has shown a very definite trend toward independence not only for trust territories but for non-self-governing territories as well. With the exception of southern Africa where race has been a deterrent factor, no dependent territory of significant size remains dependent. This reflects in large part strong pressure for independence from a majority of U.N. members, most of whom were not U.N. members when the United States, France, Britain and others were delineating fine differences between trust and non-self-governing territories.

In fact, it soon became clear that the U.N. must develop criteria for deciding when a territory was no longer non-self-governing or when and how to terminate trusteeship status. Three resolutions of the General Assembly contain recommendations regarding the ultimate status of dependent peoples. These are:

General Assembly Resolution 742 passed at the 8th General Assembly on November 27, 1953. Addressed to non-self-governing territories, the resolution reasserts the need to make decisions on the basis of particular circumstances and the wishes of the people concerned. However, Resolution 742 was passed, it should be noted, prior to the surge of African independence

and the admission of African states to the United Nations. The resolution considered that the manner in which a territory could become fully self-governing was "primarily" through the attainment of independence, although it is recognized that self-government could also be achieved by association with another state or group of states if done freely and on the basis of absolute equality.

Attached to Resolution 742 was a list of factors which were indicative of whether a territory was independent, in free association, or an integral part of another country. (See Annex __--Resolution 742)

General Assembly Resolution 1541 passed at the 15th General Assembly on December 21, 1960. Also addressed to non-self-governing territories, Resolution 1541 is a more precise restatement of Resolution 742 and specifically states principles which should be used in determining when states should cease submitting information on non-self-governing territories. A non-self-governing territory is described as having reached "a full measure of self-government" by:

a) Emergence as a sovereign independent State (Principle VI)

b) Free Association with an independent State. Here free association is defined as "the result of a free and voluntary choice...through informed and democratic processes." The association should respect the individuality and the cultural characteristics of the territory and its peoples and retains for the people of the associated state "the freedom to modify the status of that territory through the expression of their will by democratic means and through constitutional processes." Finally, the people have the right to determine their internal constitution without outside interference. (Principle VII)

c) Integration with an independent State is to take place on the basis of "complete equality between the peoples of erstwhile Non-Self-Governing Territory and those of the independent country with which it is integrated.

The peoples of both territories should have equal status and rights of citizenship and equal guarantees of fundamental rights and freedoms without any distinction or discrimination; both should have equal rights and opportunities for representation and effective participation at all levels in the executive, legislative and judicial organs of government." (Principle VIII)

In addition, the integrating territory should have attained "an advanced stage of self-government with free political institutions, so that its peoples would have the capacity to make a responsible choice through informed and democratic processes." It is significant to note that with regard to a plebiscite on integration the resolution states that the United Nations could, "when it deems necessary," supervise a plebiscite on integration. The addition of this provision and the provision that people have the right to change their minds if free association were selected would seem to indicate considerable effort on the part of the United Nations to insure that a decision to opt for a status short of independence must be most carefully scrutinized by the international community.

The three categories of Resolution 742 and 1541 are frequently put in terms of U.S. experience with territories now or once under U.S. control. The Philippine status is an example of an American territory which had attained independence. Hawaii and Alaska are examples of American non-self-governing territories which attained integration. Puerto Rico is frequently cited as an example of free association. In fact, the U.N. General Assembly specifically exempted the U.S. from further reporting on Puerto Rico on the grounds of the new "free association." This was, however, prior to any of the resolutions discussed above and at a time of American dominance in the U.N. It is unclear what position the U.N. would take today if it decided to reconsider Puerto Rico's status. It could be argued that the absence of the right of Puerto Rico to unilaterally alter its status, i.e. to "opt out" and the right of the U.S. Congress to extend laws

to Puerto Rico make the island fall short of free association as defined in Resolution 742 and Resolution 1541. As a practical political matter, it is doubtful that the General Assembly would vote to reconsider Puerto Rico, Cuban and Puerto Rican nationalist efforts not withstanding, so long as Puerto Rico's present status is the clear and overwhelming choice of the majority of the people of Puerto Rico.

General Assembly Resolution 1514, passed by the General Assembly on December 14, 1960. Clearly reflecting the influence of newly independent, particularly African states, Resolution 1514 is specifically made applicable to all dependent territories, i.e. trust as well as non-self-governing territories. The emphasis is on "the right to complete independence" as the ultimate political status. There is no mention of either integration or free association. In its most quoted paragraph the resolution declares:

> Immediate steps shall be taken, in Trust and Non-Self-Governing Territories or all other territories which have not yet attained independence, to transfer all powers to the peoples of those territories, without any conditions or reservations, in accordance with their freely expressed will and desire, without any distinctions as to race, creed or colour, in order to enable them to enjoy complete independence and freedom.

While the equation of self-determination and independence was implicit in Resolution 1514, later U.N. resolutions seem to make the equation explicit, frequently speaking of the right to "self-determination and independence."

None of the resolutions discussed above is mandatory since the General Assembly can only recommend. And as noted, two of the resolutions did not address trust territories. However, the United States (which for various reasons abstained on Resolutions 1541 and 1514) has recognized the essential

applicability of the resolutions to Micronesia. In fact, American representatives in the Trusteeship Council have repeatedly insisted on keeping open a full range of options on Micronesia's future. Thus, in Trusteeship Council recommendations, the United States has always insisted on reference to Resolution 1541 as offering a full range of choice. Similarly, the

United States has consistently opposed reference to Resolution 1514 on the grounds that it would appear to restrict Micronesian choice to independence.

Actually, the U.S. reluctance to think of Micronesia in terms of independence or under the control of a country other than the United States has continued to be an important element of U.S. policy.

When the United States submitted the first draft of the Trusteeship Agreement for Micronesia to the Security Council on February 26, 1947, the objectives listed included only the obligation to promote development "toward self-government"; they did not include "independence."[16] However, the exclusion of "independence" was a glaring omission, especially in light of the decision to include independence among the objectives of trust territories enumerated in the Charter. Therefore, the United States Representative accepted a Soviet amendment that the Agreement include the phrase, "self-government or independence as may be appropriate to the particular circumstances of the trust territory and its people and the fully expressed wishes of the peoples concerned," language patterned on Article 76 of the Charter. In a statement remarkably similar to the League philosophy that inhabitants of some territories could not expect independence, the U.S. representative stated:

> the United States feels that it must record its opposition, not to the principle of independence, to which no people could be more consecrated than the people of the United States, but to the thought that it could possibly be achieved within any foreseeable future in this case.[17]

More recently, the theme of the Congress of Micronesia-U.S. negotiations from the beginning had been that termination of the Trusteeship Agreement would result in Micronesia's free association with the United States.[18] The Micronesians decided to seek free association as a practical alternative since their desired alternative, independence, was not feasible given Micronesia's sparse economic resources. However, in late 1972, the Congress of Micronesia passed a resolution which Senator Lazarus Salii, the principal

Micronesian negotiator, interpreted as a mandate to negotiate independence from the United States. American negotiators refused to discuss independence with the Micronesians ostensibly on the ground that the United States did not know what the Micronesians meant by independence. Subsequently, the U.S. has sought to discount its refusal to discuss independence by stating that the request to negotiate independence was frivilous and the result primarily of political pressure on the Micronesian negotiator, who, in the U.S. view, did not himself support independence.

There is little doubt that American negotiators know the meaning of the term independence but were uninstructed on a U.S. position and therefore did not wish to discuss independence. The American position on independence may have been more clearly indicated by the implied threat that independence could not take place because of the strategic nature of Micronesia. The U.S. Representative stated:

> I should say again, however, that the circumstances which led to the Trust Territory's designation as a strategic trust will continue to exist whatever your future status might be. I cannot imagine, for instance, that my Government would agree to termination of the trusteeship on terms which would in any way threaten the stability in the area and which in the opinion of the United States endanger international peace and security.[19]

The 1973 Visiting Mission reacted sharply to the refusal of the United States to discuss independence except under prior conditions and to the implication that whatever Micronesia's status the U.S. had a legitimate security interest by virtue of the original designation of Micronesia as a strategic trust. The following exerpts from the 1973 Visiting Mission Report are relevant:

> In our opinion, it is implicit in the Charter and in the Trusteeship System that the goal is eventual independence unless agreement is reached on some other status acceptable to the people of the Territories concerned through an act of self-determination. Micronesia is no exception to this rule. That being so, if one of the parties concerned wishes to discuss the question of independence as one possible option, the other should be prepared to join in such a discussion. What either party sees as the conditions which should or might apply in an independence situation would

naturally emerge from these discussions. There should be no insistence by one on getting an explanation of how the other party sees those conditions, before agreeing in principle to discuss the option.

* * * * * * *

Whatever solution is finally adopted, it is important that the basic issues, including the question of which lands, if any, will be retained by the United States as military retention lands, should be settled before the Trusteeship Agreement comes to an end. It may be legitimate to say, as the United States representatives did at Barbers Point, that "the circumstances which led to the Trust Territory's designation as a strategic trust will continue to exist whatever its future status might be." But this is so only in the sense that, because of its geographical location, Micronesia may continue to be of substantial interest to the United States and other Powers. Naturally, when the Trusteeship Agreement comes to an end, the idea of a strategic zone in the sense used in the Charter vanishes at the same time. The fact that Micronesia was designated a strategic zone under the Trusteeship Agreement does not, in our view, in any sense derogate from the basic objectives of the Trusteeship System. In this context, the Mission regrets that it was not given any information on plans for the use of land on Palau for military purposes. It strongly recommends that no land should be ceded, either provisionally or definitively, without the agreement of the people concerned. Nevertheless, it considers that the people should remember that public land belongs to the Territory, that is to say, to the people of Micronesia, and not to the Administering Authority.[20]

Our interviews indicate that the Department of the Interior and, more strongly, the Department of Defense have not only been opposed to independence for Micronesia. They are opposed to inclusion of independence as an option in a plebiscite even if the overwhelming evidence indicated that independence would be rejected. "What right," asked a Pentagon official,

We would agree to "independence" on the table? How can there be an intelligent choice unless we negotiate the terms of the "independence" ↓ next page

"does a small number of people have to determine the destiny of the world?" In legal terms those opposed to independence as an option argue that the United States is under no obligation to offer both "self-government" and "independence," only to offer one or the other. A still classified Interior Department paper suggested that the emphasis on or was especially relevant since even the phrase "self-government or independence" is further qualified by "as may be appropriate to the particular circumstances of the trust territory and the freely expressed wishes of the peoples concerned." This dispute, which first arose in 1963 when the Solomon Report recommended that a credible plebiscite must include the independence option, was not resolved until the eve of the November 1973 negotiations between the U.S. and the Joint Status Committee of the Congress of Micronesia. President Nixon approved inclusion of the independence option in any plebiscite. In doing so, the President came down on the side of the Department of State and some lower level Pentagon and Interior officials who have consistently argued that whether the inclusion of an independence option is legally required is irrelevant; the independence option is a practical political necessity.

Micronesia, Self-Determination, and the Problem of Fragmentation

In addition to determining the substantive content of the right to self-determination as it applies to Micronesia, it is important to consider what "people" in Micronesia may have a legitimate claim to exercise the right to self-determination. This issue arises in the Micronesian context because the United States is now engaged in two separate sets of negotiations: one set of negotiations with representatives of the Mariana Islands, and the other with representatives of the Congress of Micronesia who, however, still include representatives of the Mariana Islands. (The latter group is referred to as the Joint Committee on Future Status.) More specifically, since the fourth round of negotiations in April, 1972, on Koror in the Palau District, the Mariana Islands have gone their separate way in the talks, opening in the fall of 1972 their own negotiations with the United States on termination of the Trusteeship Agreement. The Mariana Islands seek not only a separate status, but a different status with the U.S. from that being sought by the Congress of Micronesia: the Marianas prefer to come "permanently" under American sovereignty [as a U.S. territory,] as opposed to free association with the critical right to "opt out."

The justification given by the Mariana Islands and American negotiators for the separate negotiations is that the Mariana Islands are different historically, culturally, socially, politically, and economically from the other five districts, that it would be impossible to keep the Marianas within a union with the rest of Micronesia. Micronesia is not a country, they argue, but an artificial creation of the League of Nations and the United Nations. There is some objective evidence of support of these contentions. Ethnically, the people of the Marianas, who are Chamorros, like the people of Guam, are of different ancestry than the peoples of the rest of Micronesia. The Chamorros have been characterized as a proud,

aggressive, and arrogant people, who look down on other Micronesians. Also, historically, the people of the Mariana Islands developed separately from the people of the rest of the Trust Territory because of the large expanses of water separating the island groups and the slowness of transportation. Today the Mariana Islands are more developed, at least economically, than the rest of Micronesia, largely because the presence of the headquarters for the administration of the Trust Territory on Saipan in the Marianas has resulted in substantial American influence and economic benefits. The Mariana Islands' representatives complain that they contribute more revenue to the treasury of the Congress of Micronesia than any other district, but get very little of it back, since most of the money goes to projects in the less developed islands. They are unwilling to delay development in their area while the rest of Micronesia catches up. Further, along with the economic development has come a substantial degree of westernization of the Marianas culture, and the Marianas believe a close relationship with the U.S. will bring more of the advantages of western living.

Critics of the separate negotiations, especially some of the other island districts, see a close relationship between the U.S. and the Marianas as ethnocide and a further introduction of the disadvantages of western living into the native cultures. They contend that the Marianas are in fact not that different from the rest of Micronesia, pointing out that all six districts of the Trust Territory vary historically and ethnically, even within districts, again on account of the great expanses of time and space between the islands. In addition, it is asserted that the status the Marianas are seeking is not too different from that sought by the Joint Committee of the Congress of Micronesia. The main difference between the two seems to turn on the issue whether the relationship with the U.S. will be permanent, as desired by the Marianas or include an option out, pursuant to the wishes of the Congress of Micronesia.

Critics of the separate negotiations further maintain that the United States has helped to promote the Mariana's desire for a separate status, or at least has done little to discourage it. For instance, the U.S. was criticized by the 1961 U.N. Visiting Mission Report for encouraging separatism[22] and the 1973 U.N. Visiting Mission Report was critical of the American role in the separate negotiations.[23] At least one U.S. official admits that, although the U.S. has made some efforts towards encouraging unity, through such moves as the creation of the Congress of Micronesia and of a Micronesian flag, as well as the unification of administrative districts, there are more things the U.S. could do, but has not yet done in order to promote Micronesian unity.[24]

Some have contended that the United States has an interest in promoting Marianas separatism. The land in which the U.S. has its greatest military interest for base use is located in the Mariana Islands. According to this view, U.S. military officials believe that independence or free association for Micronesia, as sought by the Joint Committee on Future Status of the Congress of Micronesia, would not provide a sufficiently stable climate for American strategic interests. A separate Mariana Islands under U.S. sovereignty would provide stability and accommodate completely American military interests. In this connection, it is clear that one of the negotiating options given serious consideration by the United States is being followed, albeit perhaps not by intent: The United States had a contingency plan for separate negotiations with the Marianas in case of a move by the rest of Micronesia for independence or an association under which the Micronesians could terminate the relationship unilaterally.

Critics of the separate negotiations further argue that separate negotiations are contrary to the accepted world community definition of the "peoples" entitled to exercise the right to self-determination and violate United Nations principles against fragmentation. The goal of the

07591

This is unfair They ignored as for 11 years

we could counter this with the "Domino theory" but it could work-five in other quarters- But consider Willens "over-worked calendar theory"

No see article by Emerson

I think I saw Ford's → basically shows that it is terribly important to recognize homogenious groups as separate before a Territory exercises its right of self-determination. (S-D is a one-shot deal)

U.N. has been to preserve whenever possible the boundaries of states or territories, even when they have been arbitrarily drawn by colonial powers to cut across tribes of people. The reactions to separatist movements in Namibia, Kenya, Ethiopia, and Nigeria are evidence that the majority of U.N. member States defines "peoples" in a strict sense--limiting it to the inhabitants of an already existing state or territory. In fact, much to the discomfort of the United States, the 1973 U.N. Visiting Mission specifically referred to Namibia:

> The United States has consistently opposed in principle the fragmentation of dependent Territories on tribal or regional lines. This is exemplified by the case of Namibia. On all other Trust Territories it has recommended that the Administering Authority should emphasize the unity of the country to overcome racial or regional cleavages. In the two instances when Trust Territories were divided, this was done only after a territorial referendum had taken place.[25]

In other words, "self-determination refers to the right of the majority within [a generally accepted political unit] to the exercise of power,"[26] and "since there are no rational and objective criteria by which a 'people' in the large and abstract can be identified, it (fragmentation) introduces an incalculably explosive and disruptive element which is incompatible with the maintenance of a stable and organized society."[27] Thus the principle against fragmentation, as evidenced by the narrow definition of "peoples," provides "a fixed principle for the orderly succession from colonialism to a system of independent states."[28]

On the other hand, this definition of "peoples" is not universally accepted, and some would define the term in a sociological sense as applicable to a tribe or group of people ethnically bound together.[29] They note that the term "peoples" is nowhere defined in the Charter and contend that the sociological definition is more compatible with basic human rights concepts. Not surprisingly, this latter definition is favored by the negotiators from the Mariana Islands who argue that, if the United Nations were

to reject separate negotiations between the United States and the Mariana Islands, it would violate the right of the Marianas people to self-determination.[30]

It should be noted that the Marianas do have a precedent of sorts to support their contention in the case of the termination of the Trusteeship Agreement for the British Cameroons. The British Cameroons, though one trust territory, was divided into two parts for purposes of administration. The Northern Cameroon was administered as an integral part of Nigeria, then a non-self-governing territory. The Southern Cameroon, although also administered as a part of Nigeria, enjoyed greater autonomy as a region with its own political organs. Upon termination of the trust, the two parts were permanently separated based on a finding of a 1961 U.N. Visiting Mission that there was "a profound difference between them both in the administrative systems and political loyalties which were partly due to a distinct ethnical and historical development."[31] The northern sector became part of Nigeria, and the South achieved independence and became the Republic of Cameroon.

However, the precedent of the Cameroons is not entirely apposite for the Marianas. First, the division of the Cameroons was effected pursuant to the recommendations of a U.N. Visiting Mission Report. No such recommendations exist in the case of the Marianas and Micronesia. In fact, U.N. Visiting Missions to Micronesia have spoken strongly against separation. The 1973 Visiting Mission took note of the fact that separate negotiations were in an advanced stage and perhaps the clock could not be turned back. But there is no doubt that the 1973 Visiting Mission did not accept separate negotiations with enthusiasm.[32] Second, in the case of the Cameroons, the part which split off, the Northern Cameroon, united with an adjoining territory to form a newly independent country, and indeed had been administered as an integral part of that territory prior to unification. This is not the

case with the Mariana Islands. The Marianas have not been administered as an integral part of Guam, for example; nor are they presently seeking unification with Guam upon termination of the Trusteeship Agreement. Third, the two sections of the British Cameroons were never administered as one entity, while with the exception of a brief period, the Marianas have always been administered as an integral part of Micronesia.

Moreover, separate negotiations between the Marianas and the United States may have ramifications which transcend the borders of Micronesia. Specifically, they could serve as precedent for other attempts at fragmentation. For instance, Australia's sharp criticism of the separate negotiations in the last sessions of the Trusteeship Council's consideration of Micronesia has been attributed by American officials to Australian concern that the Marianas might serve as precedent for an attempt by Bougainville to seek a separate status from the rest of New Guinea. At least one motivating factor is similar: Bougainville, like the Mariana Islands, is the more economically developed and has the greatest forseeable economic potential. Australia ceased its open opposition to separate negotiations only after the United States made representations to the Australian government in Canberra.

South Africa has for some time now used arguments similar to those used on the Marianas to support its policies of fragmentation in Namibia. Ironically, South Africa's primary interest in Namibia may also be for defense purposes. Namibia serves as an important buffer against hostile black countries to the North. The American rejoinder is that South Africa is forcing this arrangement upon the Namibians, while the people of the Marianas have voluntarily expressed their desire for separate negotiations. But here too the American response is not unlike the South African position. Few accept South Africa's case but that country also argues that the separate "nations" being established in Namibia are at the freely expressed request

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they were administered separately for a period as integration with U.S. = integration with Guam

No! there is a single general govt, it is true.

what does this mean?

Jesus! what crap.

we should take strong exception and invite these pointy-headed idiots to visit the Marianas.

likely to be careful to put any response in terms of Marianas position, and not attempt to defend U.S.

of tribal groups.

The truth is that the American justification for fragmentation in Micronesia is no different from that offered on other fragmentation questions. A case can always be made by some group for separation and the issue becomes whether fragmentation is politically and sometimes militarily feasible. The State Department, concerned with the effect of the separate negotiations and ultimately the separate statuses as precedent for South Africa, reportedly has the issue under study.

Within Micronesia, ramifications of the separate negotiations are also being felt. There is the obvious question of the effect on the remainder of the Territory if the area most developed and with the greatest economical potential were allowed to separate. As in Katanga or Biafra or Bougainville, can the interests of one group be allowed to jeopardize the interests of the whole?

In addition, two other districts, Palau and the Marshalls, have indicated their desire for a separate status. Palau sought to set up a commission to explore its separate status. However, the effort was vetoed by the Palau District administrator, on directions from the Office of Micronesian Status Negotiations in Washington, obviously out of concern about the mushrooming effect of the decision to negotiate with the Marianas. The action on Palau followed a decision by the Marshall Islands District legislature to establish still another status commission. The Marshalls, site of important American missile testing facilities, argue as do the Marianas, that they put more money into the coffers of the Congress of Micronesia than they get back.

The U.S., while rejecting further requests for separate status commissions, has had substantial difficulty justifying separate negotiations with one district, but not with others. In addition, the principal Micronesian negotiator, Lazarus Salii, has predicted that, if the next round of negotiations is not successful, all the districts will seek to enter into

separate negotiations with the United States. Proliferation of fragmentation was also the concern of the 1973 Visiting Mission:

> No purely ethnic argument can be seriously advanced in support of separation. Of course, the Chamorros are not identical with the inhabitants of the Marshall Islands; nor are the latter the same as the residents of Yap or Ponape. Acceptance of the Mariana Islands argument would mean acceptance of the fragmentation of the territory.[34]

Obviously six individual districts would not be as viable a political or economic unit as would all six districts in union. The administrative headache of dealing with each district separately after termination is also obvious and should be avoided. The U.S., however, having already opened a Pandora's Box in accepting the Marianas request for separate negotiations, will have a hard task shutting it again in the face of similar requests from other districts. As one U.S. official expressed it, "the line has to be drawn somewhere." The evidence is that the line has been drawn at the Mariana Islands and, perhaps the Marshalls. And if American intervention to stop Australian criticism is an example, it has been made clear to other countries where the line runs.

Procedures for Termination of the Trusteeship Agreement

A significant aspect of the U.N. Trusteeship System is the paucity, one might even say the absence, of provisions regarding the timing of or procedures for termination of trusteeship. At the San Francisco Conference, none of the proposals submitted by the Five Powers contained provisions on termination,[35] although earlier American Charter drafts had specified that the general body of the international organization "shall in each case determine the terms and conditions under which the trusteeship shall be altered or terminated."[36] In discussion at the San Francisco Conference, the Egyptian delegate urged the addition to the working paper of an article on termination of trusteeships, which would have given the General Assembly the power to terminate a trusteeship and "declare the territory to be fit for independence."[37] This provision was not adopted, however, in the face of arguments that termination by decree of the Assembly, without the consent of the administering authorities, would be contrary to the voluntary basis of the trusteeship system.

In place of the Egyptian proposal, one finds only the vaguest of references to termination of trusteeships in the Charter. Article 78 provides that trusteeship cannot apply to territories which have become members of the United Nations, and Article 79 states that the terms of trusteeship, "including any alteration or amendment," shall be agreed upon by the states directly concerned and approved by either the General Assembly or the Security Council. Similarly, under Article 83, the Security Council exercises the functions of the United Nations with respect to strategic areas, "including the approval of the terms of the trusteeship agreements and of their alteration or amendment," and Article 85 provides that the General Assembly, with the assistance of the Trusteeship Council, shall have the same functions concerning non-strategic areas. Nowhere in the Charter, however, does one find a specific provision for termination of trusteeship over any territory.

A primary reason advanced at San Francisco for not including a specific provision in the Charter for termination of trusteeships was that such provision could be written into the individual trusteeship agreements. In practice only the Trusteeship Agreement for Somaliland and the Trusteeship Agreement for the Trust Territory of the Pacific Islands contained provisions with direct references to termination. And only Article 24 of the Trusteeship Agreement for Somaliland, which provided that the Agreement would cease to be in force ten years after its approval by the General Assembly, specified the process and the timing of termination. In contrast, Article 15 of the Trusteeship Agreement for the Trust Territory of the Pacific Islands provides simply that, "The terms of the present agreement shall not be altered, amended or terminated without the consent of the administering authority." The Trusteeship Agreement, for Micronesia, contains no provision pertaining to the processes or timing of termination.

At the same time, under Article 76 (b) of the Charter, and Article 6 of the Trusteeship Agreement, the United States is required, in the words of Article 6 of the Agreement, 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." Accordingly, perhaps the first question which should be considered is what procedures should be followed in order best to determine the "wishes of the people concerned"? Most of the trust territories achieved independence after the people expressed their wishes in a plebiscite conducted under U.N. auspices,[38] and a plebiscite is likely to be the most acceptable method politically of determining the wishes of the people. In Resolution 1541, the U.N. General Assembly suggested that in those cases where inhabitants of non-self-governing territories were selecting intergration with another state, "the United Nations could, when it deems necessary, supervise these processes." But Res. 1541 was not addressed to trust territories, is in any case recommendatory only, and the inclusion of the supervision clause was one

of the reasons given for the U.S. abstention on Resolution 1541.[39] There is no legal requirement for a plebscite or for the conduct of a plebiscite under U.N. auspices.

Both Micronesia and the Marianas Islands are presently planning to hold plebiscites to ascertain the wishes of the people. The question is whether the people will be given a meaningful choice. That is, will the plebiscite be valid as an expression of the wishes of the people if it contains only the alternatives of accepting or rejecting the package presented them by the negotiators? Must independence be included as an alternative choice in either or both plebiscites? Must Micronesia as a whole be given the opportunity of approving or disapproving the separate status of the Marianas?

A choice of simply refecting a negotiated package or retaining the status quo would seem to be against the interests of both the United States and the Micronesians. The United States is interested in obtaining a status in Micronesia in place of the now politically outmoded trusteeship status. U.S. officials have already seen that delays in settling Micronesia's status have only resulted in an increased political and economic price tag. That price can only be expectd to grow with increased Micronesian political sophistication. Moreover, to exclude a choice of options would be inconsistant with the explicit statement in Resolution 742 that a factor indicative of the attainment of self-government is the "freedom of choosing on the basis of the right of self-determination of peoples between several possibilities, including independence."

A more crucial issue, is whether the whole of Micronesia need approve a separate status for the Marianas. At the outset of the separate negotiations, the Marianas negotiators had the approval of the Congress of Micronesia, but this situation has changed. In the spring of 1973, the Congress of Micronesia announced that its Joint Committee on Future Status was the sole official negotiating body. The issue arises whether the U.S. is entitled to continue negotiations affecting part of the territory in the face of the express disapproval of

representatives of the majority of the people of the territory and as to whether an option for a wholly united Micronesia (including the Marianas Islands) must be included in either or both plebisicits, or even whether two separate plebiscites should be held.

The arguments of those who support separate Marianas negotiations against the claims of the Congress of Micronesia are along lines previously discussed,[40] i.e. that "peoples concerned" in Article 76 of the Charter and in Article 6 of the Trusteeship Agreement means people in the ethnic or sociological sense and that the case of the British Cameroons, where two separate plebiscites were held with U.N. approval, is precedent for this interpretation. On the other hand, those who support the position of the Congress of Micronesia argue that the definition of "peoples" means only the already-established political entity involved, and contend that separate negotiaitons cannot be held without the express approval of the original political entity, or at least that an option of a united Micronesia is an indispensible element of a valid act of self-determination. It can be argued that the British Cameroons case is the exception to the rule, rather than the rule itself. Both sides in the Cameroons favored separation. More importantly, the Cameroons had always been administered separately. With the exception of a brief period when the Marianas were administered by the U.S. Navy and the rest of Micronesia by the Department of the Interior, Micronesia was a single administrative and political entity in the mandate and the trusteeship system.

The issue is political rather than legal. In the light of international sentiment against fragmentation, however, it would seem that the position of the Congress of Micronesia has merit. Politically, moreover, a position which seems to favor fragment ation could prove embarassing to the United States. In the opinion of some U.S. officials, the purpose of the Congress of Micronesia's objections to the separate negotiations is to pressure the U.S. into granting

more concessions in the negotiations between the U.S. and Micronesia. According to one source, "the U.S. doesn't feel the slightest need to buy off the Congress of Micronesia,"[41] and if the Congress of Micronesia persists in raising the issue, the U.S. is prepared to take the drastic step of rewriting the Secretary's order creating the Congress and thus eliminate their legal basis.[42] Such an action, however, would undoubtedly result in a storm of protest, both from Micronesia and from the world community.

Another vital procedural issue is the role, if any, of the U.N. in terminating the Trusteeship Agreement. Specifically, should the United Nations be involved in the negotiations? Should the plebiscite(s) be supervised by the United Nations? And most important, must the United States get the approval of the Security Council in terminating the Trusteeship Agreement?

There are no requirements in the Charter, the Trusteeship Agreement or general customary international law that the United Nations participate in negotiations on termination of trusteeship. In practice, however, the U.N. has participated in the process, directly or indirectly, through visiting missions, consultations and supervision of plebiscites. It has been suggested by other U.N. members that the United States has not given sufficient attention to U.N. suggestions with respect to Micronesia, thus downgrading U.N. participation.

Although not legally required, politically, U.N. supervision of plebiscites in trust territories seems highly advisable where, as here, the results of the plebiscite are likely to be unpopular with many members of the United Nations. Present U.S. plans do call for U.N. observation of both plebiscites in Micronesia.

Agree

Perhaps the most important procedural question facing the U.S. is whether approval of the Security Council is necessary in order to terminate the Trusteeship Agreement. There is ample evidence to indicate that Security Council approval is desirable or even indispensable for political purposes. The Counsel for the Joint Committee on Tuture Status of the Congress of Micronesia has suggested that the

United States is not legally required to seek Security Council approval of termination.[43] A measure of support for this view may be found in the terms of the Charter and of the Trusteeship Agreement and in the negotiating history of the Agreement. Article 83(1) of the Charter, in referring to the functions of the Security Council concerning strategic areas, specifies only that Security Council approval is required for the alteration or amendment of the Trusteeship Agreement. No reference is made to the necessity of Council approval for termination of the Agreement. Article 15 of the Trusteeship Agreement requires the consent of the United States, as administering authority, to any alteration, amendment or termination of the Agreement, but makes no reference to the Security Council. Moreover, in the Security Council debates on this provision the Unites States absolutely refused to consider a proposed Soviet amendment making the alteration, amendment, or discontinuation of the Agreement's terms subject to the decsion of the Security Council, instead of the administering authority, and even threatened to withdraw the proposed Agreement if such an amendment were adopted.[44]

However, a closer reading of the drafting history of Article 15 leads one to question the correctness of the view that Security Council approval is not required for termination. Although it rejected the Soviet amendment, the United States in response submitted a text which would have provided that the terms of the agreement "shall not be altered, amended, or terminated except by agreement of the administering authority and the Security Council."[45] This was unacceptable to the Soviet Union, and it was accordingly withdrawn. Nonetheless, it reflects an understanding on the part of the United States that the approval of the Security Council would be required for termination of Trusteeship Agreement. Moreover, at the same meeting of the Council, the United States representative said that: "The United States wishes to record its view that the draft trusteeshipagreement is in the nature of a bilateral contract between the United States on the one hand and the Security Council on the other."[46] As a bilateral contract, he added, the Trusteeship Agreement could not be amended or terminated

without the approval of the Security Council.[47]

A further argument which may be advanced in support of a United States obligation to obtain Security Council approval for termination is that the terms "alteration and amendment", found in both Article 83 and Article 85 of the Charter, are expansive enough to encompass termination of a trusteeship agreement as well. In the case of Article 85 this interpretation finds support in U.N. practice, since all nine administering authorities of territories formerly under trusteeship sought and received U.N. approval before the final act of termination. Australia, the last administering authority of a non-strategic trust, has indicated its intention to seek U.N. approval this winter of termination of the Trusteeship Agreement for New Guinea. While Article 85 relates only to non-strategic trusts, its language on alteration or amendment of Trusteeship Agreements is identical to that found in Article 83 with respect to strategic trusts, and practice of the guideline for procedures under Article 83.

On balance then, the language of the Charter, procedures followed with respect to termination of other trusteeships, and explicit recognition on the part of the United States of a U.N. role in the termination process supports a conclusion that the United States has a legal duty to obtain Security Council approval for termination of the Trusteeship Agreement. The position of American officials on the matter, however, seems to be that the extent of the U.S. obligation is only to <u>submit</u> the question of termination to the Security Council and does <u>not</u> include any requirement to secure the approval of the Council as a condition precedent to termination of the Trusteeship.[48] That is, according to this view, even if the Security Council should fail to approve a U.S. proposal, the United States, having discharged its obligation by submission of the proposal to the Council, would be free to carry out termination despite the Council's lack of approval.

It has been suggested that, if it appears that the Security Council might reject the U.S. proposal for termination, the United States might attempt to

avoid a confrontation in the Security Council, either by gaining the approval of the Trusteeship Council (where there is no veto and the United States is assured of majority approval) and forwarding that result to the Security Council, or by merely informing the Security Council of the results of an act of self-determination and stating that accordingly the United States considers the Agreement terminated. The United States could then veto any resolution which affirmed continuation of the Trusteeship Agreement. This procedure would presumably avoid a situation where a veto would block any affirmative action by the Security Council approving termination. But is doubtful that the procedure is politically feasible or legally correct.

The need for Security Council approval for alteration or termination of the Trusteeship Agreement would also seem to indicate that whatever decisions are made on the holding of separate acts of self-determination the present Trusteeship Agreement will apply to the whole of Micronesia until the Agreement is terminated for all of Micronesia. Even if the Mariana Islands, for example, were to opt for some association with the United States, the Trusteeship Agreement would continue to apply to the Mariana Islands as well as those portions of Micronesia which had not reached a decision. The United States could administer the Mariana Islands separately, if it wished, but still under trusteeship. Any effort to exclude the Mariana Island from provisions under the Trusteeship Agreement would require an alteration of the Trusteeship Agreement and Security Council approval. In recognition of this and because to do otherwise would be of questionable political wisdom, the United States has decided not to seek Security Council approval of any action until all of Micronesia has made a decision on status.

At any rate, the United States expects to avoid such problems by gaining the approval of the Security Council of any plan it may submit for termination. To this end U.S. officials are relying on a continuing detente with the Soviet Union and on a continuation of the mild temperament so far displayed by the Peoples Republic of China in the U.N. to minimize objections to a continued

American presence in the Islands. Some officials calculate that the severe tensions between the Peoples Republic of China and the Soviet Union will lead those Powers to conclude that it is more in their interest to have the Americans in this strategic area than one of them, or, for that matter, the Japanese.